

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	24 th November 2010		
Application Number	10/03360/FUL		
Site Address	Hill Brook House, Quemerford, Calne		
Proposal	New dwelling – Amendment to 04/03639/FUL		
Applicant	Mr R Willis		
Town/Parish Council	Calne		
Electoral Division	Calne South & Cherhill	Unitary Member	Councillor Alan Hill
Grid Ref	401782 169724		
Type of application	FULL		
Case Officer	S T Smith	01249 706 633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Hill has requested that this application be considered by the Development Control Committee so that the potential effect of the massing of the dwelling upon the amenity of the neighbours may be fully assessed.

The application was reported to the meeting on 3 November 2010 when Members resolved to Defer the application for one cycle to allow the applicant to produce proposals that reduced the height of the middle section of the building by “one block height”.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

2. Main Issues

To consider the proposed dwelling in the context of the extant planning permission and adopted North Wiltshire Local Plan 2011 policies C3 and H3. Specifically, to consider the following:

- Principle of development
- Comparison with extant planning permission 04/03639/FUL
- Impact upon neighbour amenity
- Relevance of 04/02788/FUL refusal

3. Site Description

Previously part of the domestic garden to No.369 Quemerford, since the grant of planning permission in 2004, the application site has been regarded as a plot for a single dwelling. In this context, recently building works have commenced on site.

Access to the site continues to be via an established track serving several properties. Under the terms of the 2004 planning permission the access was necessarily widened to allow cars to pass.

The substantive part of the site is within the defined Settlement Framework Boundary (SFB) of Calne. A proportion of the site is outside of the SFB, and this was previously known as the

“paddock” area. The 2004 planning permission places the new dwelling on the part of the site which is within the SFB.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/00362/OUT	Detached dwelling and double garage	Refused 23/05/02 Appeal dismissed 08/04/03
04/02788/FUL	Erection of new dwelling	Refused 24/11/04
04/03639/FUL	Erection of new dwelling	Granted 16/02/05

5. Proposal

The proposal is for the erection of a single detached dwelling. This application follows the grant of planning permission in 2004 for similar (for which works have commenced on site). This proposal differs from that previous planning permission in several respect, most notably, an increase in eaves and ridge heights over several sections of the property.

6. Consultations

Calne Town Council

“During public participation members listened to the cases put forward by both applicant and neighbour. Members then went on to discuss this planning application in some depth. Members had concerns over the proposed amended height, which infringes planning policy H8 (as per the original application several years ago) and the potential detrimental impact upon neighbouring property which needs to be assessed by the planning officers of Wiltshire Council.”

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

1 (one) letter of objection received. Summary of key relevant points raised (letter received is paraphrased as far as is possible):

Application reference N/04/02788 – re-orientated the house to fall entirely within the framework boundary by placing it parallel, and immediately adjacent to, the boundary fence with 381 Quemerford. Members resolved to refuse the application because it was overbearing on 381 Quemerford, and therefore contrary to Policy RH8 of the North Wiltshire Local Plan 2001.

Application reference N/04/03639 – The design in this application had been amended to reduce the impact on 381 Quemerford. The re-design proposed a mix of one and two storey elements coupled with a significant height reduction created by sinking part of the single storey element into the ground which allowed a stepped ridge height together with a movement away from common boundary. Members decided that this revised proposal could be permitted.

Application history is one of successive revisions balancing ridge height, dwelling location, mass and scale in order to meet the tests of adopted LP policy. The appeal decision provides significant weight to the need to strike an appropriate planning balance between these factors.

Application N/04/02788 indicated heights of 7 metres from finished ground level on 1 ½ storey element and 4 metres from finished ground level on single storey element. Members found this too overbearing on 381 Quemerford and the application was refused on this basis.

Application N/04/03639 indicated proposed ridge heights of (6.7 metres from finished ground level on 1 ½ storey element and 3.8 metres from finished ground level on single storey element. (i.e. 2.9m below the 1 ½ storey element)). The approved plans directed that these levels were to be achieved by the conservatory element being sunken into the development site (with the finished floor level to be the same as the external ground level) coupled with a reduced level dig across the site to ensure that it matched that of the neighbouring garden and field/paddock.. The decrease in ridge height (from the unacceptable proposal within application N/04/02788) was a direct result of the sinking of the conservatory element into the ground, a lowered site level and the change in roof pitch from 35 degrees to 20 degrees.

Current application N/10/03360 demonstrates ridge heights of 7 metres from finished ground level on 1 ½ storey element; 4.5 metres from finished ground level on single storey element. (i.e. 2.9m below the 1 ½ storey element); and 3.7 metres from finished ground level for the stepped (i.e. not sunken) conservatory element. The latest application is more than a simple revision of proposals, it is an attempt to have the existing structures (as implemented on the site) validated by a planning consent given they currently depart from the approved drawings.

The new application shares only the barest of similarities, namely an application for a single dwelling. In all other respects including ridge height, massing, bulk, parking arrangements, roof finishes and other structural elements it is a quite different proposal.

Whilst the existing consent remains a material planning consideration in this determination the detailed planning history and appeal precedent cannot be ignored.

The scale of massing and ridge height changes between the consented and proposed scheme are clearly identified on submitted plans. From this it is apparent that the ridge heights have increased between the approved drawings N/04/03639 and the current proposal by some 0.3 metres for the two storey and 0.7 metres for the single storey element.

Finished ridge heights of the current application (assuming the applicant uses the existing structures on the site to implement any such proposal) will be as follows: 7 metres (an increase of .3M) for the 1 ½ storey element; 6.3 metres (an increase of 2.5M) for single storey element; 4.6 metres (an increase of .9M) for the conservatory element.

Application 04/02788 was refused at ridge heights of 7 metres for the 1 ½ storey element and 4 metres for the single storey element. At those levels the proposals were deemed overbearing and having an unacceptable impact upon the amenities of residents at 381 Quemerford. The ridge heights of the proposed dwelling has already been considered at length in respect of this site. It is evident that proposals which exceed the levels originally proposed.

The proposed addition of two windows in the south-east elevation would look directly into the bedroom window to the rear of 381 Quemerford and be consequently unacceptable in respect of privacy and amenity.

The significant increase in the ridge height of the proposals particularly in the 'middle element' of the dwelling would not be shielded from 381 Quemerford as the development runs along the entire length of our boundary and because of the angle of our property we are directly facing the whole development. The height of the finished building is considerably higher than that previously rejected by members and at inquiry.

The garage element of the consented scheme was never constructed as a garage (as this could never have been achieved because of the raised finished floor level) in direct contravention of the approved plans.

The current low pitched slate roof is not disproportionate to the scale of the two storey height of the external walls – this is just an opinion of the applicant. The pitch of a clay roof tile very much depends on the type and size of clay tile used and the pitch can be as small as 20 degrees. The changes to the roof pitch are simply a method of increasing the potential for habitable rooms in the roof-space

Revised Proposals (Comments reported as ‘Additional Information’ to meeting of 3rd November 2010.)

Six (6) letters of support received for the proposal. All specify that they have no objections or concerns over the proposal and all originate from near neighbours to the application site.

One (1) letter of objection received from neighbour. Stating that the submitted revised plans do not change their objections to the proposal because the building heights remain higher than the heights already refused under 04/02788 and that planning legislation has not changed since that time. Also comments that the letters of support have been prepared by the applicant with only the actual signature being from the neighbours. As the nearest neighbour only No.381 Quemerford is adversely affected by the proposal.

8. Planning Considerations

Principle of development

The 2004 planning permission for a single residential property on this site is a significant material planning consideration. The proposed dwelling is to be sited in approximately the same position of that dwelling approved under the 2004 permission, and accordingly, remains inside of the defined Settlement Framework Boundary (SFB).

The element of the site outside of the SFB, previously known as the “paddock” would remain undeveloped as a result of the proposal.

Comparison of originally submitted scheme with extant planning permission 04/03639/FUL

The earlier 2004 permission relates to a dwelling positioned similarly on the site. Equally the dwelling would continue to be formed through three interlinking sections with a progressively dropping eaves and ridge heights. There would, however, be distinct differences between the existing and proposed dwellings, with some being more significant than others:

- With only minor internal rearrangements, in plan and footprint the proposed dwelling remains similar – albeit with the previous garage becoming habitable accommodation (labelled as “family room”). First floor accommodation is to be introduced within the central section of the dwelling, where previously it remained single storey only.
- Stylistically the dwelling has altered with consequent differences to windows and fenestration on all elevations – introducing dormer windows, porch feature and rationalisation of external materials to brickwork, timber boarding and render.
- Entirely new window openings are proposed for south-west and north-east elevations together with three new rooflights on south-west and south-east roof slopes.
- Most significantly, the proposed dwelling increases both the eaves and ridge height over and above that approved at several key points. The dwelling retains the basic series of three stepped ridge/eaves heights (for each of the three block elements of the dwelling) but each of those elements in some way being raised by the proposal and roof profile altered.

Impact upon neighbour amenity

Internal rearrangement, changes in architectural style and the majority of changes to window and fenestration are considered to be inconsequential to the acceptability of the proposed dwelling.

However, in two fundamental respects the proposal is considered to have an unacceptable effect upon the amenities of the immediately neighbouring property to the south-east (No.381 Quemerford), with which it shares a common boundary. The consequential impact is considered to be over and above that associated with the 2004 permitted dwelling.

Firstly, due to the relative heights of the two neighbouring dwellings and their close relationship (8.0m at their closest), the two rooflights proposed to be inserted into the south-east elevation would result in adverse levels of overlooking into and out from No.381 Quemerford first floor windows. This relationship would not occur as a result of the 2004 permission and as such represents an intolerable impact upon the living conditions of both existing and future residents of both properties.

Secondly, and most significantly, the proposed dwelling will result in each of the three sections of the dwelling being raised in height in one form or another, over and above that already allowed under 04/03639/FUL. Comparison between that approved and now proposed are specifically thus:

- The largest (southernmost) section of the dwelling would have a small increase in ridge height, raising from 6.7m to 6.9m, but an eaves height that would decrease from 5.0m to 4.0m. The changes are largely as a result of a steepening roof pitch and introduction of broken eave dormer windows. Critically however, the profile of the roof and switch to gable treatment (as opposed to shallow hip) would unequivocally result in more built form and mass being perceived by occupiers within the neighbouring property and its garden area.
- The central section/element of the dwelling, previously single storey only, is now to provide accommodation over two floors resulting in a significantly increased eave and ridge height. This would raise from 3.8m to 6.2m and 2.3m and 3.8m respectively. Both the height of walling and pitch of roof would be increased, again resulting in a greater amount of built form and massing along the common boundary.
- The smallest (northernmost) section/element of the dwelling is to also increase in ridge and eave height over that already approved. They would increase from 3.9m to 4.5m on the ridge and from 2.4m to 2.8m at the eaves. These increases would again have the consequent effect as detailed above.

The consequential impact of the changes detailed above is an increased impact upon the living conditions of the adjoining occupiers at No.381 Quemerford. The resulting increase in built form and presence of the proposed dwelling, over and above that which would be associated with the permitted dwelling, would constitute an oppressive form of development that would be prejudicial to the living conditions of the neighbour, and therefore contrary to adopted Local Plan policy.

A comparison plan overlaying the approved dwelling over that now proposed has been submitted. Unfortunately, this does not necessarily accurate and may not provide a realistic comparison between what could lawfully be built and what is proposed.

It was reported at the 3rd November Committee that revised plans had been received from the applicants demonstrating the following:

- A reduction in the ridge eaves height of the dwelling in the following respects: large element 6.8m to ridge, 4.85m to eaves; middle element 4.3m to ridge and 2.3m to eaves; small element 4.15m to ridge and 2.3m to eaves.
- A removal of the first floor accommodation to the middle element of the dwelling to allow the specified reductions in scale

- A removal of one of the rooflights to the south-east elevation and an undertaking to fit the remaining rooflight with obscure glass
- An alteration to the roof pitch of the dwelling to 30 degrees (compared with 35 degrees of the 2004 permission) and consequent switch to secondhand double Roman tiles.

The revised plans showing a reduction in massing of the proposed dwelling are considered to constitute a significant improvement to the likely impact upon neighbour amenity. In particular the central (middle) element of the dwelling now returns to single storey accommodation only, as per the existing permission, and would result in an increase in ridge height of 500mm with eaves remaining the same when compared with the 2004 permission. This compares favourably when compared with the previously suggested 2.4m increase.

However, the revised plans still demonstrated an increase in ridge and eaves height at several points over and above that of the 2004 permission. An increase over and above the 2004 permission will continue to have an additional impact upon the living conditions of the nearest neighbours, albeit on a reduced scale to that previously suggested. In this context, the conclusions of the report before Members of the Committee remained unaltered.

Relevance of 04/02788/FUL refusal

Although the earlier 2004 refusal differs from that now proposed in several respects the decision did require an assessment of the likely impact the development would have upon the amenities of the neighbouring property.

Under that application it was concluded that a dwelling with a large unbroken ridge and eave height (approximately 7.0m and 5.2m respectively for the large two storey element and 4.0m and 2.4m respectively for the single store element) very close to the common boundary with No.381 Quemerford would have an unacceptable impact upon amenity and living conditions. Because of this refusal, the proposal was reduced in scale down to that subsequently approved under the later 04/03639/FUL permission.

Notwithstanding the differences in the earlier 2004 refusal and the current proposal, it is considered that it must form context to any future decisions on this site. Accordingly, it must be concluded that any proposal that actually increases the amount of built form close to the boundary over and above that already refused (which this new proposal does), must necessarily also be considered to cause harm to the living conditions of the neighbouring property.

Following the meeting of 3 November 2010 the applicants did submit revised plans reducing the height of the middle section of the dwelling by "one block" (between 225mm and 250mm).

9. Conclusion

The existence of a previous planning permission and the consequent fact that a dwelling can be lawfully constructed in a position largely similar to that now proposed, is a significant material planning consideration that must be acknowledged.

However, whilst sharing some similarities with the 2004 permission, this revised proposal does inexorably increase the amount of built form that would be placed alongside a substantial length of a common boundary with the nearest neighbour. That increase, along with the additional two rooflights in the south-east elevation, would indeed result in an oppressive and neighbourly form of development that would be contrary to adopted Local Plan policy.

The context of previous refusals (and final permission) on this site appear to suggest that the 04/03639/FUL permission represents the maximum extent of development that could occur on this site without unacceptably impacting upon residential amenity. The ability to physically see the partial works already carried out on the site only serves to reinforce this opinion.

Whilst the applicant has amended the plans to reflect the resolution of members, officers are still concerned with regard to the overall impact of the amendments and the Recommendation remains to refuse.

10. Recommendation

Planning Permission be REFUSED for the following reason:

1. The proposed development would have an overbearing, oppressive and therefore unacceptable effect upon the living conditions and general amenity of the adjoining residential property. As such the proposal is considered to be contrary to the provisions of Policies C3 and H8 of the adopted North Wiltshire Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 4.02; 4.04; 5.01; 5.03; 5.04

