

<b>Date of Meeting</b>	23 August 2017
<b>Application Number</b>	17/05137/FUL
<b>Site Address</b>	Coopers Chase, Church Street, Hilpertown, Trowbridge, Wiltshire, BA14 7RL
<b>Proposal</b>	Proposed double garage with studio
<b>Applicant</b>	Mr Stephen Cooper
<b>Town/Parish Council</b>	HILPERTON
<b>Electoral Division</b>	HILPERTON – Councillor Ernie Clark
<b>Grid Ref</b>	387400 159342
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Verity Giles

**Reason for the application being considered by Committee:** Cllr Clark has requested that this application be called-in for the elected members to determine should officers be minded to grant permission.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

**2. Report Summary**

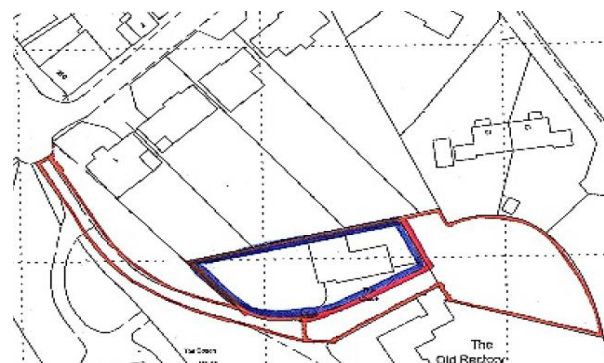
This report appraises the principle of the development, the visual impact on nearby heritage assets, as well as the impacts on neighbouring amenity and highway safety. Hilpertown Parish Council object to the application for the reasons cited in section 7 of this report; and following the public notification exercise, four third parties raised concerns/objections which are summarised in section 8.

**3. Site Description**

The application site which is illustrated in the insert plan (below right) relates to a timber framed dwelling known as ‘Coopers Chase’ which is located at the end of a private spur road accessed off Church Street within the Hilpertown Conservation Area but outside the village settlement limits. It should be duly noted that the host property and the neighbouring residential properties known as the Chase, the Old Rectory and No’s 17 & 19 Whaddon Lane – located to the east of the site are all located outside the village settlement limits. The site shares a boundary with the Grade II listed property ‘The Old Rectory’ located to the south. The proposed garage and studio associated with this application would be positioned to the north-west of the dwelling and to the east of the existing red-brick two storey dwelling known as the ‘The Chase’. The application site is located to the south of residential rear gardens of a number of properties associated with Whaddon Road as illustrated on the insert plan below:



**Coopers Chase**



**Site Location Plan**

#### 4. Planning History

The following planning history is of relevance to this address:

**W/01/00269/TCA** – Felling of an Oak Tree – Consented 09.05.2001

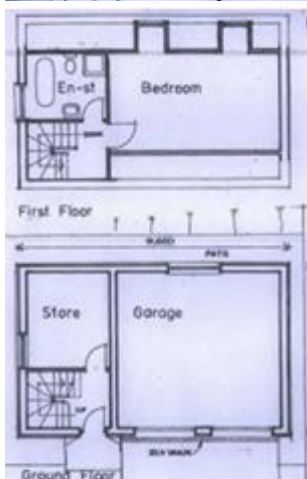
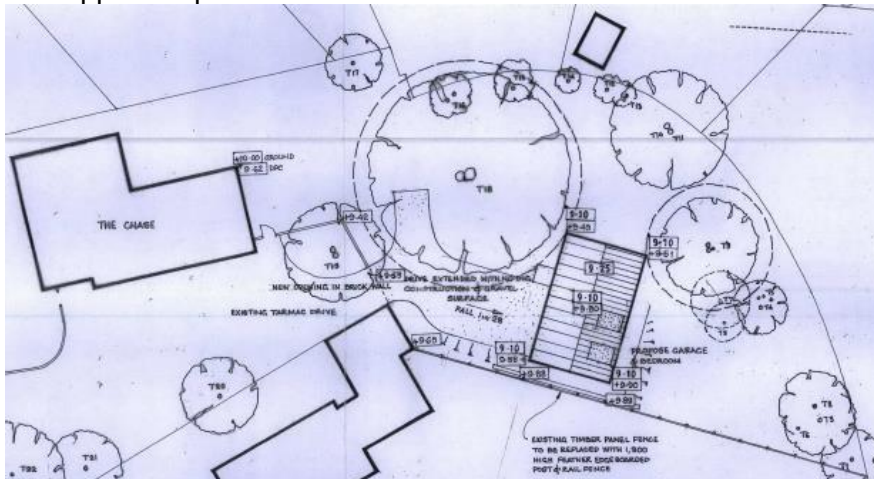
**W/12/00637/FUL** - Erection of double garage and guest accommodation – Withdrawn 24.05.2012

**W/12/01877/FUL** - Erection of double garage and guest accommodation – Approved 27.11.2012 subject to seven conditions including a restrictive condition no.7 which read as follows:

*“The garage and guest building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Chase, Hilperton.*

*REASON: The creation of an independent dwelling in such close proximity to The Chase would have an adverse impact on the amenity of The Chase and could have additional traffic implications”.*

The approved plans were as follows:



**W/13/00075/S73** - Application to vary condition 7 of W/12/01877/FUL to allow the double garage and guest accommodation to be used as a separate residential unit – Refused 07.06.2013.

**14/02453/VAR** - Variation of conditions 2 and 7 of planning permission W/12/01877/FUL in order to facilitate the use of the annexe as independent living accommodation – Refused 28.04.2014 for the following reasons:

1. *The proposal is tantamount to the creation of a new dwelling located outside of the defined village policy limits. Such locations are by definition unsustainable. No special circumstances have been demonstrated to outweigh this principle issue and therefore the proposal is contrary to policy H19 of the West Wiltshire District Plan 1st Alteration (2004) and the National Planning Policy Framework 2012.*

2. *The proposal is tantamount to the creation of a new dwelling and by reason of the substandard access and the intensification in conflicting traffic movements close to an existing junction would be prejudicial to highway safety contrary to the National Planning Policy Framework 2012.*

3. *The proposal is tantamount to the creation of a new dwelling and by reason of the relationship between the proposal and The Chase would lead to nuisance from passing vehicles harmful to neighbouring amenity, contrary to policy C38 of the West Wiltshire District Plan 1st Alteration (2004) and the National Planning Policy Framework 2012.*

The decision was successfully appealed on 05.01.2015 and permission was granted for a separate residential unit at Coopers Chase. In allowing the appeal, the appointed planning inspector concluded that the development would constitute sustainable development and would not cause unacceptable harm to highway interests or neighbouring/living conditions.

A separate costs application submitted by the appellant against the Council was refused on 30.01.2015.

**15/02291/TCA** – Felling of an Oak tree and Ash tree and thinning of 2 Horse Chestnut trees by approximately 20% - Consented 20.04.2015

## **5. The Proposal**

This application seeks permission for the erection of a detached double garage measuring 6.5m wide x 6.5m long x 5.9m high which would have ancillary studio accommodation formed in the upper floor. The proposed garage would be constructed from red facing brick under a slated roof to complement the wall materials used in the construction of the neighbouring property 'The Chase' which is illustrated below left.





- The garage would be built up to the rear gardens associated with No. 7 and No. 5 Whaddon Lane
- Reduction in privacy and the loss to daylight to neighbouring patio area
- Neighbours would be disturbed for the duration of construction (noise and privacy)
- The driveway which provides access to 'Thirdacre', 'The Chase' and 'The Old Rectory' is owned by the occupants of 'The Old Rectory' and the applicant has no permission to access Coopers Chase as a separate dwelling via the private road.
- The proposed dormer windows would look directly out over the garden associated with 'The Old Rectory'.
- The design of the garage and use of red brick with UPVC windows and slated roof is not in keeping with the timber cladding used on the annex
- The applicant has not consulted neighbours regarding his proposed plans
- A single storey double garage would be less of a concern.
- Concern is raised that if approved, the applicant would seek to convert it into another residential unit for his son, and create a third dwelling adjacent to 'The Old Rectory'.
- It is understood that the underground utilities supplying the Chase are an extension from the Old Rectory.
- On drawing number 2479-10 it mentions an existing drain is to be diverted and divert the foul drain showing the foul run coming into neighbouring garden ground at a different point to the existing drain from The Chase. Where is it going?
- The drain that is to be re-directed links with the drains of neighbouring houses including No. 7. Problems have already arisen and any extended connection would only make matters worse. Who would be responsible for the cost of any future problem?
- The applicant claims there are no trees within falling distance, but there are.
- One respondent raised concern about purchasing their property because there was no other building nearby except 'The Chase', another 2-storey building is not supported.

## 9. Planning Considerations

9.1 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.

9.2 Principle of Development - The application site is located outside the limits of development. However, this application relates to a householder application for an existing residential dwelling which was allowed on appeal; and within its established domestic curtilage. The proposal must be appraised against the impacts on heritage assets, as well as neighbouring and highway interests which are duly considered in the following sections.

9.3 Visual Impact on the Conservation Area and the Nearby Listed Building – The application site is located within the Hilperton Conservation Area and within the setting of a Grade II Listed Building (The Old Rectory). Therefore, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, section 72(1) of the aforementioned Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The NPPF also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

9.4 In appraising the 2014 appeal (ref APP/Y3940/A/14/2225759), the planning inspector found the conservation area to be characterised "*by an interesting and diverse built*

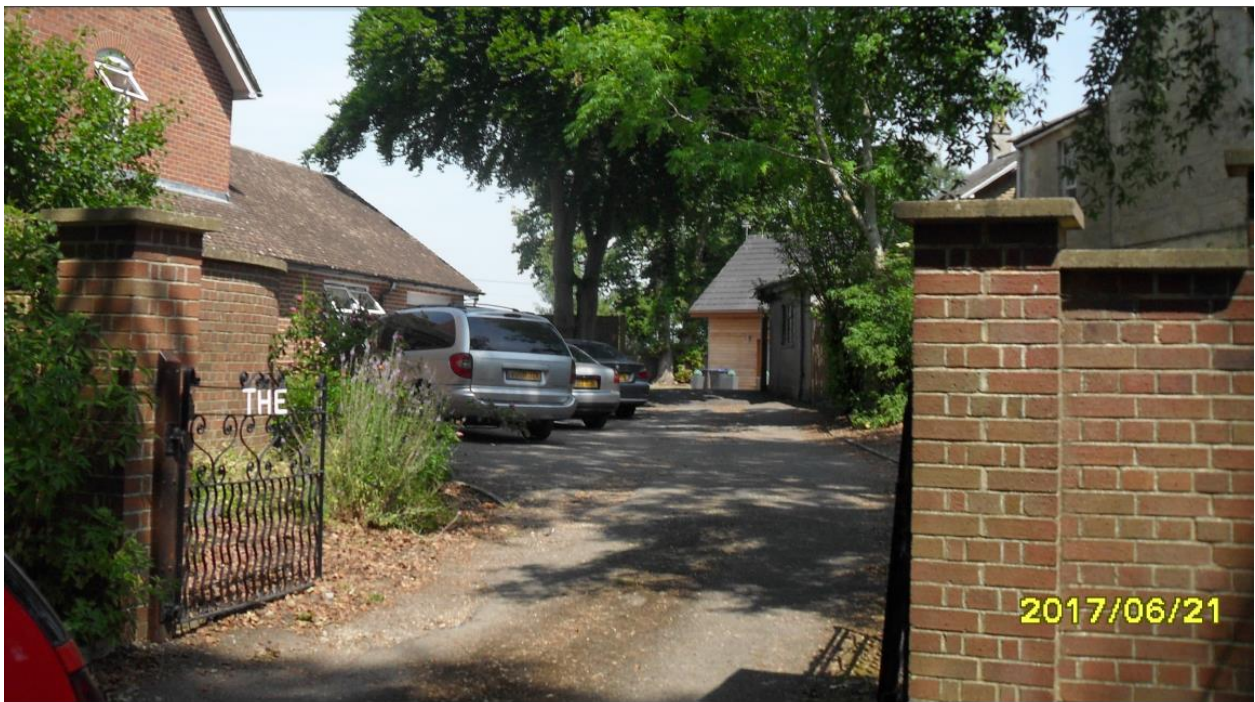
*environment, made up of a variety of building types , style, age, materials and function. The juxtaposition of the historic houses, with their local vernacular form, with more modern interventions creates an interesting visual contrast”* and no harm was found in terms of effects on the heritage assets.

9.5 The Old Rectory is a detached two storey stone property that dates from the early 19<sup>th</sup> Century which is set within generous grounds that ceased to be occupied as a rectory in 1980. The proposed garage would have a height lower than The Chase and Coopers Chase, both of which are located closer to the listed building; and, would be constructed from complementary materials and would preserve the setting of the listed building.

9.6 After careful consideration, and in accordance with paragraphs 129-134 of the NPPF, officers argue that the proposed development would not result in harmful effects to either the Conservation Area or to the setting of the listed building. This application seeks permission for the construction of a brick built detached garage which would be positioned in the north-western corner of the site about 8-9m from the listed Old Rectory. In this instance, due to the position of the proposed garage and its proposed design, it is considered that the proposal would cause no harm to the heritage assets.

9.7 Members are advised that the plans for the garage building have been revised during the course of the application process at officer request which has resulted in the height of the building being reduced and the eaves height being lowered by 300mm. Officers have also been mindful of building regulations which for safety and fire escape reasons, require the cill of a dormer window to be a maximum of 800mm above floor level and stairs need to have a maximum of a 42 degree pitch with a minimum 2m headroom.

9.8 The proposed garage would not result in the overdevelopment of the site. Officers calculate that the proposed building would take up about 42sq.m of the plot which would equate to 6% of the site. The residential curtilages of ‘The Chase’, ‘Coopers Chase’ and the ‘Old Rectory’ are and defined by brick and stone walls as well as timber fencing. The proposed garage would be set back between 0.5-2m from the existing shared boundaries



***The shared access serving ‘The Chase’ (to the left) and ‘Coopers Chase’ (middle ground). The ‘Old Rectory’ property is visible to the right.***

9.9 The proposed garage would be constructed in brick materials which would reflect the materials found at the neighbouring property 'The Chase' rather than 'Coopers Chase'. However, officers raise no objection to this element. A brick built garage serving a timber dwelling would not appear harmful given the use of brick in the immediate vicinity (i.e. neighbouring dwellings and boundary treatments).

9.10 As far as heritage assets are concerned, the proposed development would not result in any harm.

9.11 Impact on Neighbouring Amenity - Concerns have been raised regarding overlooking, loss of privacy, loss of daylight and reduced amenity caused during construction processes. Third parties also raised concern about diverting and connecting into a private drain. Taking these in turn, the proposed dormer windows on the southern front roof plane would face the access and garden associated to the host property (Coopers Chase) and would be about 9m from the 1.8m fenced garden boundary which separates Coopers Chase and the Old Rectory. The two proposed dormers would each have two small window panes which would not dominate the roof elevation and would be positioned at an oblique angle to the Old Rectory. Given the separation distance and orientation of the properties, officers are satisfied that the proposed dormer windows would not result in harmful window-to-window relationships or loss of privacy in relation to the neighbouring property known as the old Rectory.

9.12 Concerns have also been received regarding the loss of light to the patio area associated with the neighbouring property at No.15 Whaddon Road. It is noted that No. 15 benefits from a south facing garden and is sited about 10m to the north of where the detached garage is proposed. However, after undertaking a shadow cast assessment, the proposed development would not result in unacceptable level or have significant impact on the immediate neighbour at no.15. In addition, there would no harm caused to the amenities enjoyed at No. 5 & 7 Whaddon Lane properties which are located about 30m to the north-west.

9.13 The concerns raised in relation to diverting and connecting into the private drain which may require a private legal agreement with other parties, is a civil matter. The proposed plans for the garage and studio do not include any facilities that would require a sewer connection except for roof water drainage which could be appropriately conditioned. The construction of the garage may lead to some disturbance to neighbours, but this should be for a limited timeframe and a condition stipulating construction management operations could be imposed on any permission. The existing and proposed extended use of the private access which serves Coopers Chase is also a civil matter.

9.14 For the reasons above, it is considered that the proposal would cause no significant harm to the amenity of the neighbouring occupiers and it is not considered that these impacts are so substantial that permission should be refused.

9.15 Impact on Highway Safety - The vehicular access onto the public highway would not be changed under this application. The proposed garage satisfies the Council's Local Transport Plan 2011-2026 Car Parking Strategy and would not cause any highway harm and para 32 of the NPPF is not conflicted with.

9.16 Other Consideration – Third party concerns have been raised regarding the future use of the proposed garage and studio if approved, being converted into a separate dwelling in the future. Whilst the concern is duly noted, officers note that each application must be tested on its own merits and the application before the committee members relates to a detached garage with ancillary floor space above it and if it is approved and built, separate planning

would be required to convert it into a separate dwelling. A condition is considered necessary to ensure the garage is used ancillary to the host dwellinghouse 'Coopers Chase'.

**10 Conclusion (The Planning Balance)** - For the reasons set out above, the proposed development is considered to comply with the Wiltshire Core Strategy and in particular CP57 and CP58 having due regard to the visual impact on the wider area, including heritage assets and the potential impacts on the amenities of the neighbouring occupants and highway safety interests. As such, it is considered that planning permission should be granted subject to conditions.

**11 RECOMMENDATION:** Approve subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – Drawing No. 2479-06 - received on 13 June 2017; Site Plan and Block Plan - Drawing No. 2479-10 Rev B - as received on 15 June 2017; and Proposed Elevations and Floor Plans - Drawing No 2479-11 Rev A - received on 5 July 2017

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The garage and studio accommodation hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as Coopers Chase and it shall remain within the same planning unit as the host dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit the creation of a separate dwelling and additional residential unit.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

5. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including any decorative displays and facilities for public viewing (if applicable);
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;



- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.