

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	26 th January 2012		
Application Number:	S/2011/1606		
Site Address:	No 8 The Poplars, Barford St. Martin, Salisbury, SP3 4AR		
Proposal:	New Dwelling adjacent to and alterations and extensions to No 8 The Poplars		
Applicant/ Agent:	Ayleswood Development		
City/Town/Parish Council	Barford St. Martin Parish Council		
Grid Reference:	405234.818		
Electoral Division	Nadder & East Knoyle	Unitary Member	Cll Bridget Wayman
Type of Application:	FULL		
Conservation Area:	Cons Area NA	LB Grade: NA	Grade
Case Officer:	Case Officer Andrew Bidwell	Contact Number:	01722 434 381

Reason for the application being considered by Committee

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

- Scale, Visual Impact on surrounding area, Relationship to adjoining properties

1. Purpose of report

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

2. Report summary

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

1. Principle of development;
2. Character and appearance of the area
3. Amenities of adjoining and nearby property;
4. Living environment of proposed dwelling;
5. Highway safety;
6. Public recreational open space.
7. Previous appeal decision;

The application has generated objections from Barford St. Martin Parish Council; **no indications of support and 1 letter of objection from the public.**

3. Site Description

The site relates to 8 The Poplars, a two storey semi detached dwelling situated on the corner of West Street (B3089) and Dairy Road within the village of Barford St. Martin. The rear curtilage of the dwelling fronts onto Dairy Road, and comprises a tarmac parking area and raised garden area beyond. The dwelling has single storey rear and side extensions. The site is within the Housing Policy Boundary and AONB.

4. Relevant Planning History

S/2010/1903 New Dwelling on land to rear and alterations and extensions to existing dwelling. This application was refused and was subsequently dismissed at appeal on 23rd August 2011.

5. Proposal

The erection of a new dwelling on land adjacent to No 8 The Poplars, and alterations to the existing dwelling at No.8, The Poplars, Barford St Martin.

6. Planning Policy

The following saved policies of the Salisbury District Local Plan are considered relevant to this proposal:-

Local Plan: policies G1, G2, C5, D2, H16, R2, TR11, TR14 and;
South Wiltshire Core Strategy Appendix C: saved policies from the Salisbury District Local Plan.

Central Government planning policy: PPS1, PPS3, PPG13

7. Consultations

Parish Council

Object to the proposal for the following reasons:

- The new dwelling will be over development of the site
- Increased noise and invasion of privacy
- Proposal is a departure from the traditional paired dwellings characteristic of the area otherwise unchanged
- The limited amount of parking available in Dairy Road will be further restricted
- The size of the site is the same as that on which the previous proposal was turned down on appeal
- The Parish Council supports views strongly expressed by residence that the proposal will spoil the area of housing, traditionally built, within the village

Highways Officer

It is considered that the proposed development will not have any significant impact on highway safety and I therefore recommend that no highway objection be raised to it subject to conditions.

Wessex Water

No objections, site is situated within a foul sewerage area. The applicant should agree matters of connection at the detailed design stage.

Archaeology

Although there are significant archaeological remains in the area of the application site, the proposal does not have any impact upon them. In addition, there is a large overlap between the existing and proposed footprint of impact, further reducing the likelihood of impact on previously unknown and undisturbed archaeological remains. As a consequence, I have no further observations to make with regard to this

application.

Wiltshire Fire & Rescue

Standard advice is given regarding Fire Appliance/Firefighting Access, Water supplies for Firefighting, Domestic Sprinkler Protection

8. Publicity

The application was advertised by site notice and neighbour consultation.

8 letters of letters of objection were received, and 1 supporting the proposal.

Summary of key relevant points raised:

- New dwelling is an overdevelopment of site;
- New dwelling would be of a poor design, out of character with the surrounding dwellings;
- There would be inadequate and unsafe parking facilities, and existing off-street parking spaces used by other dwellings would be lost.
- Increased congestion on Dairy Road;
- The new dwelling would have poor levels of natural light;
- Number 7 would become a mid terraced property which is out of keeping
- The appeal decision should be adhered to.
- Garden is too small and windows would overlook
- Any further extensions to rear of the properties should be blocked
- Proposal is contrary to national and local policy
- Increased pressure on sewerage system.
- Support the development as it would provide affordable homes for first time buyers.
- Existing employers have employees that commute into the village for work.
- This proposal may be an attractive option for employees to locate to new quality affordable housing in our village.

9. Planning Considerations

9.1 Principle of development

The site lies within the Housing Policy Boundary of Barford St. Martin. As such, Local Plan policy H16 permits the development of infilling and small-scale re-development in principle, provided that it does not constitute tandem or inappropriate back land development; does not result in the loss of an important area of open space and does not conflict with the Local Plan's design policies, as well as meeting other Local Plan requirements.

PPS3 seeks to direct new housing development towards sustainable locations and to provide quality housing that positively contributes to the local environment and needs of communities. Recent changes to the PPS have removed minimum density requirements and excluded residential gardens from the definition of previously developed land. This change, which places less emphasis on developing land such as the application site, needs to be judged in relation to the fact that the site still falls within land designated as within a Housing Policy Boundary.

9.2 Character and appearance of the area

In regard to the previous refused proposal, It was considered that the site is insufficient in size to accommodate a dwelling without it appearing cramped and out of keeping with established development in the locality.

The main objective of this proposal is to mitigate as far as possible the concerns raised with the previous application for a detached new dwelling (both by the case officer and the appeal inspector). The proposal has thus not attempted to improve upon the previous application but, has instead adopted a different design approach resulting in a dwelling formed as an extension to the existing property.

These proposals have been the subject of the Council's formal pre-application procedure and officers advise that: -

“based on the above comments and information it is considered that officer's would recommend approval for a planning application for this development”

Having had regard to the advice, the applicants have provided the justification and rationale for the design approach adopted in this case within their Design & Access Statement. The statement describes the proposal as follows:

Character of the Surrounding Area;

The area is characterised wholly by residential development with a wide variety of dwelling sizes and styles including cottages with relatively small gardens and larger dwellings such as that to the north of the site.

The immediate context of the property features numerous architectural styles and use of materials, namely:

- Eclectic mix of dwelling size and design
- Pitched roofs of varying style and “pitch” on main dwellings;
- Flat roof extensions and garages;
- A cluster of development around the crossroads
- Access and car parking to Dairy Road
- Built form is set back from West Street
- Undefined building line along Dairy Road
- Different orientation of dwellings to Dairy Road, consistent orientation to West Street
- Garden sizes vary considerably

The railway bridge forms a visual “stop” within the street scene creating in visual terms a cluster of mixed development between the West Street junction and the railway. Although there is only a small group of dwellings within this visual context they display considerable diversity of style, size, height, mass, orientation to the street and overall plot size.

The predominant character of West Street is of pairs of dwelling in close proximity to each other creating a “terracing effect” in narrow angle perspective.

The proposed dwelling would reinforce this characteristic of the locality.

The Proposal;

The proposal effectively seeks permission for the demolition of some poor quality extensions to the main dwelling and their replacement with a new dwelling between No8 and Dairy Road.

The Existing Dwelling;

The existing dwelling on the site has limited architectural merit and it is set back from West Street providing a large front curtilage. The house has a large rear garden which is effectively "split in half" by its existing garage and car parking area. This whole of this rear curtilage has limited privacy as a result of overlooking from neighbouring properties and an open access to Dairy Road.

The existing building contains a number of substandard extensions to the original dwelling and it is proposed to remove these.

The existing car parking for the site is located to the rear of the dwelling and effectively splits the rear curtilage in half. It is proposed to create new car spaces at the northern end of the site adjacent to No.1 Dairy Road.

It is proposed as part of this application to create an additional bedroom in the roof space of number eight providing a small dormer in its front elevation to obtain countryside views across West Street.

There are a number of small dormers contained within properties fronting West Street and given the open nature of the land opposite there would be no loss of residential amenity to any property. No dormers are proposed in the rear elevation with only develops rooflights included to prevent overlooking of neighbouring properties.

It is also proposed to create a 2.7m deep single storey "glass roofed" extension on the rear of the existing building to create a small dining room.

Given the height of this proposed extension and its limited depth it is submitted that there would be no adverse impact upon the residential amenities of neighbouring property at number seven or indeed the additional property proposed in this application.

The Proposed Dwelling

It is proposed to create a modest three bedroom dwelling on land adjacent to No.8 with its own car parking, access and private garden area.

The size of the proposed dwelling, its height and the subsequent plot accords with the general character of the area and would retain sufficient amenity space for both the existing and proposed dwellings.

The design and orientation of fenestration within the proposed dwelling has been carefully designed to avoid any undue overlooking of neighbouring properties.

The proposed materials used in the construction of the new dwelling seek to sympathise with and respect those of adjoining dwellings.

9.3 Amenities of adjoining and nearby property

As with the previous application the occupants of dwellings in the immediate surrounds including the adjoined neighbours have raised concern that the formation of the new dwelling would adversely affect their amenity. In particular the concerns relate to the inadequacy of the size of the plot to accommodate the new dwelling, the possibility of problems being caused relating to what is considered as inadequate parking, overlooking and the proposal is out of keeping with character of this neighbourhood.

In relation to No 7 The Poplars, (The adjoining neighbour most affected by the proposal) the concerns also relate to the ability of the proposal to be implemented from a building structure / regulations point of view. Whilst this concern does raise a number of important issues for the application for example, possible noise disturbance from the kitchen due to its location in relation to the neighbours party wall, there is no evidence to suggest that the proposal cannot be constructed to accord with building regulations. However, whilst these building regulations matters are not normally relevant at planning application / permission stage, the issues have nevertheless been raised by the neighbour most affected. As such the plans have been past for consultation to the councils building control team for an opinion on the matter. An oral update will be given as to the outcome of the consultation at the meeting.

With regards to other concerns including overlooking and loss of privacy, due to the positioning of the proposal on the end of the existing building, the fact that the rear elevation does not have first floor windows and as the rear elements- that extend beyond the line of the adjoined property - are minimal are single storey, and do not have openings in the side facing the neighbour, It is considered that the proposal would not result in an unreasonable loss of privacy light or overshadowing that would result in demonstrable harm to neighbour amenity.

However, the comment suggesting that permitted development rights are removed thus preventing any further extensions without permission, is considered reasonable. A suitable planning condition will be imposed in this regard.

9.4 Highway considerations

The development would provide off street car parking spaces for the new three bed dwelling and 2 spaces for the extended four bed dwelling. This level of off-street parking provision is considered to accord with the advice contained within Local Plan policies G2 and TR11 and PPG13, and the Highways Officer raises no objection to this provision.

However, it is noted that the parking situation has raised significant concern amongst neighbours and the Parish Council. Existing properties within the vicinity of the site have limited or no off-street parking facilities, and therefore the section of road fronting the development site is used by local residents for on street parking. The concern of local residents is that the new dwelling would both increase demand for on-street parking and reduce supply by virtue of the formation of a new access (amongst other things). However, limited weight can be given to the loss of potential parking spaces on a public highway as there is no right to park on the highway, and as in this case the Highways Officer raises no objection to the level of off-street parking proposed for the development. Whilst third parties cite that the development will force people to park their cars in

dangerous or inappropriate location, such as a nearby bus stop, it is the duty of the local highways authority to prohibit or enforce against such unacceptable parking.

In terms of safe access and egress from the proposed parking spaces, the neighbour comments relating to the fact that the parking spaces are laid out such that cars in the back inside spaces would be blocked-in by cars parked in the front spaces, are noted. However, whilst this is not ideal, it is nevertheless an arrangement that the highways officer has not opposed. And as the access to the parking is not within the first 10 metres from the West Street junction, and that in all other highway safety respects the proposal is acceptable, the Highways Officer raises no objection.

Consequently, whilst the strong local opposition to the proposed parking arrangements continue to be apparent and are acknowledged, given the comments from the Council's Highways Officer it is not considered that the local planning authority could reasonably object to the application on highways safety grounds.

9.5 Design / Living environment of proposed and extended dwelling

Outside Space

Unlike the previous scheme it is considered that the garden areas in the form now proposed for both the existing dwelling and the new, would be adequate to provide a reasonable amount of outside living / garden space for future occupiers. Furthermore, the linear form of garden area is a traditional way of separating gardens and is not unusual in this area. The combination of the proposed linear garden layout, the 2 metre high (900 mm at the front) wooden fencing between the gardens and the proposed hedgerow planting alongside the boundary with the road and across the rear (separating the garden from the parking area), will result in a well designed quality solution to the provision of outside garden space for the proposal. As such this design approach would not result in detriment to the existing character and quality of this site within the AONB.

9.6 Design / The dwellings

Whilst neighbours and the Parish Council have raised concerns regarding the design approach adopted, the proposal overall is considered to be appropriate for this site and the surrounds. The scale of the proposal is not considered to be out of keeping with the neighbouring and the adjoined dwelling. The alterations to the existing dwelling will result in minimal change over the existing with the only notable difference in the street scene being the loss of the existing front porch and the addition of a well proportioned appropriately styled dormer. The new dwelling will have a dormer of the same style and proportions. This together with the fact that the roof will be no higher than existing will ensure that in roof-scape terms the proposal will not appear incongruous. The front and end elevations are well balanced with appropriately designed and proportioned windows. The position of the front door entrance to the existing dwelling is unchanged and the new dwelling is accessed from the end. As a result the visual characteristic of the front overall is such that the new dwelling appears to be part of the existing street scene and not as an additional dwelling. The end elevation has the windows providing natural light for the kitchen on the ground floor and the bathroom and bedroom at first floor. This limited number of windows is expressly designed to avoid the need for first floor windows at the rear where privacy might otherwise be compromised. The window in the bathroom will be frosted glazed and it is not considered likely that the bedroom window will result in any unreasonable levels of overlooking.

However, the application form does not clarify materials indicating that they are to be agreed. It is therefore necessary that a condition be imposed requiring that this important aspect of the proposal is agreed prior to the commencement of the development. This will

apply to all external materials in the interest of ensuring the existing quality of the street scene is not compromised.

A further aspect of this proposal which has caused neighbour concern is the rear conservatory element. This adjoins the boundary of No 7 and the concern relates to possible noise emanating from it particularly as the roof will be glazed. However, as with the building generally this is a building regulations matter and there is no evidence to suggest that it will be a noise source. Noise is nevertheless a material planning consideration and noise therefore must be considered. The consultation being carried out with building regulations mentioned above will include an assessment of noise impact.

Finally the roof of the dwellings will incorporate 4 roof windows. These are small roof windows set high up the roof slope making the possibility of overlooking very unlikely. These windows are shown as being two lights with a vertical central glazing bar. This type are considered to be appropriate in design terms and thus will blend in well with the rear roof – scape.

9.6 Public recreational open space

The applicant has entered into and has completed a legal agreement to provide the appropriate provision towards off-site recreational open space, as required by saved Local Plan policy R2. Consequently the development is in accordance with this policy.

9.7 Previous appeal decision

Several of the comments received in relation to this proposal including those from the Parish Council, relate to the previously refused development, the subsequent appeal and the comments of the appeal inspector.

Mostly the inspectors comment that the site is unable to satisfactorily accommodate an additional dwelling and that, having regard to all other matters raised, the appeal should be dismissed, have been raised.

However, it is important to consider that the inspector made the comments as a direct result of the application details before her. The inspectors states in the decision at Para 4, Line 3 and 4 ... *I find that in this particular case the size of the site makes it inappropriate for what is proposed ...*

The conclusions were reached without the benefit of comparing the appeal proposal with any other scheme for this site and the current scheme is fundamentally different.

The inspectors comments are therefore not considered to have overriding material weight in that they do not rule out other developments on the site where “*what is proposed*” is otherwise acceptable from a planning point of view.

A copy of the appeal decision is attached to this report. (**Appendix 1**)

9. Conclusion

10.

The proposed dwelling and alterations to existing would represent an appropriate form of development that would not demonstrably harm the visual quality and character of the area within the AONB, the residential amenity of neighbouring dwellings or, highway safety.

11. Recommendation

Planning Permission be **APPROVED** for the following reasons:

The proposal is considered to have satisfactorily mitigated the concerns with the previous refused application S/2010/1903/FULL dismissed at appeal ref No: APP/Y3940/A/1/2151382 on 23rd August 2011, in that it is a fundamentally different proposal with a form, design scale orientation and position on the site, that is not considered likely to adversely affect visual and residential amenity of this site within the wider AONB or, highways safety. As such the proposal is considered to generally accord with the saved policies G1, G2, C5, D2, H16, R2, TR11, TR14 of the adopted Salisbury District Local Plan, to the policies within 'appendix C of the South Wiltshire Core Strategy and to the advice contained within PPS 1 and 3.

Subject to the following conditions:

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

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

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

Planning Design & Access Statement received 21/10/11
Additional Letter dated 8th December 2011, received on 08/12/11
Drawing ref.no. Absm/p/10, Plans As Proposed
Drawing ref.no. Location Plan received on
Drawing ref.no. Absm/p/01, Block Plan and Sections As Existing, received on 26/10/11
Drawing ref.no. Absm/p/11, Block Plan and Sections As Proposed, received on 26/10/11

REASON: For the avoidance of doubt.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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 external alterations.

POLICY- G2 General criteria.

4 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY- G2 General criteria.

5 No development shall commence on site until details of the design, external appearance and decorative finish of all, fences, gates, walls, and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

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

POLICY- G2 General criteria.



Appeal Decision

Site visit made on 15 August 2011

by **Jennifer Armstrong JP BA FRTP I**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2011

Appeal Ref: APP/Y3940/A/11/2151382

8 The Poplars, Barford St Martin, Wiltshire, SP3 4AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ayleswood Developments Ltd. against the decision of Wiltshire Council.
 - The application ref. S/2010/1903/FULL, dated 20 December 2010, was refused by notice dated 11 April 2011.
 - The development proposed is erection of new dwelling on land to the rear, and extensions and alterations to existing dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the appeal site can satisfactorily accommodate an additional dwelling, having regard to its size and its relationship to adjoining dwellings.

Reasons

3. No. 8 is a semi-detached dwelling, and there is another property, 1 Dairy Road, at right angles to it at the end of the rear garden. There are no objections in principle to the proposed alterations and extensions to the existing house. However, the sub-division of the plot would leave that extended, 4-bedroomed property with a private rear garden only about 4m deep. Part of its front garden would also be taken up with parking spaces. The new 3-bedroomed house would have only a narrow fringe of land around it, with a gap of just over 2m between its east wall, which includes the dining room window, and the side boundary with no. 7.
4. The site is within the settlement's Housing Policy Boundary as defined in the Salisbury District Local Plan (2003) where under policy H16 infilling may be acceptable. However, I find that in this particular case the size of the site makes it inappropriate for what is proposed, resulting in a cramped form of development which would provide inadequate and unsatisfactory conditions for future residents. It would also be contrary to paragraph 17 of the government's Planning Policy Statement 3 (PPS 3 - Housing) which states that, particularly where family housing is proposed, it is important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including gardens. This point is strengthened by the deletion in 2010 of

garden land from the definition of previously developed land. While this change does not rule out the development of gardens, it gives increased recognition to the environmental and amenity value of such land and is particularly relevant to this case.

5. I turn now to the relationship of the new house to neighbouring dwellings. It would be sited in front of and, because of the sloping ground, at a lower level than 1 Dairy Road. The angle of the two properties to one another and the arrangement of windows mean that there would be little scope for direct overlooking and I think it unlikely that any over-shadowing would materially affect the main front windows of no. 1. Therefore, while the outlook from parts of that property would clearly change, I do not consider that this would be such as to justify the refusal of planning permission. There would, however, be a direct impact on 7 The Poplars as a result of a two storey wall only 2m from the side boundary fence of its rear garden. Even taking account of the sloping nature of the site, I find that this wall would have an unacceptably overbearing effect, seriously detracting from the level of amenity which the occupants of no. 7 currently enjoy. This would be contrary to criteria (vi) of Local Plan policy G2.

Other Matters

6. Local residents have expressed concern about street parking in Dairy Road. However, as the proposals make provision for on-site parking and the highway authority have no objections, I have not found this to be a reason to withhold permission. A Unilateral Planning Obligation has been submitted relating to the provision of recreational facilities but this does not overcome the fundamental planning objections to the proposed development of the site. I do not consider the overgrown state of the garden and the fact that it is at present unfenced where it abuts the road to be matters which support its development.
7. The appellant has made further comments in relation to the recently published National Planning Policy Framework. This is in draft form, subject to change, and its policies can be accorded little weight. In any event, my findings above indicate that the problems associated with the proposed development significantly outweigh the benefits which would arise from an additional dwelling.

Conclusion

8. For the reasons given above I conclude that the site is unable to satisfactorily accommodate an additional dwelling and that, having regard to all other matters raised, the appeal should be dismissed.

J. Armstrong

INSPECTOR