

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	07 th March 2013		
Application Number:	S/2012/1743/Full		
Site Address:	137 Netherhampton Road, Salisbury. SP2 8NB		
Proposal:	Erection of a 2 bedroom dwelling and alteration to existing access, demolition of part of existing bungalow.		
Applicant / Agent:	Mr Nigel Lilley		
City/Town/Parish Council	Salisbury City Council		
Electoral Division	Harnham	Unitary Member	Cllr Brian Dalton
Grid Reference:	Easting: 412872		Northing: 129156
Type of Application:	Minor		
Conservation Area:	Cons Area: - NA		LB Grade:- NA
Case Officer:	Mrs. Becky Jones		Contact Number: 01722 434388

Reason for application being considered by Committee

The application is before the Committee at the request of Cllr Brian Dalton for the following reason(s):

- Design – general appearance

1. Purpose of report

To consider the above application and the recommendation of the Area Development Management that planning permission be **REFUSED with reason**.

2. Report summary

The main issues to consider are:

- Differences between current scheme and previously refused scheme
- Impact on character of area – characteristic plot sizes
- Neighbour Amenity
- Highway safety and impact on adjacent Bridleway
- Impact on trees
- Planning Obligations
- Personal circumstances presented by the applicant

The application has generated no objection (but concerns) from Salisbury City Council, 3 letters of support and 2 letters raising concerns from third parties.

3. Site Description

The application dwelling is a detached bungalow sited on a corner plot with frontage to Netherhampton Road and Carrion Pond Drive. There is an existing garage and shed in the rear garden of the bungalow with access via Carrion Pond Drive.

The application site is located within the Housing Policy Boundary.

4. Relevant Planning History

ApplicationNumber	Proposal	Decision
S/2012/0883	Erection of a 2 bedroom dwelling and alteration to existing access	R
S/2012/0581	Erection of a 2 bedroom dwelling and alteration to existing access	WD
S/2004/0499	Retrospective erection of fence	AC

S/2012/0883 Reasons for Refusal:

1. The existing property is located in an established residential area, adjacent to a Bridleway. There is a large, established Oak tree located to the immediate south of the site. The proposed sub-division of the existing property to provide an additional dwelling would result in a significant reduction in the size of the rear garden area serving the existing dwelling, and create a new dwelling with limited outdoor amenity space. In combination with the close proximity of the established tree, it is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot representing a cramped form of over development, out of keeping with the general scale and character of existing development in the area. The proposal would also be likely to result in harm to the residential amenity enjoyed by occupiers of both the existing dwelling and the proposed dwelling, and would set an undesirable precedent for the creation of similarly cramped proposals along the Drove and in the surrounding area. The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework, particularly paragraph 53.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.

5. Proposal

The proposal is to erect a 2 bedroom chalet-style dwelling on part of the rear garden of the existing bungalow, with re-positioned vehicular access from Carrion Pond Drove. The existing garage and shed would be demolished to make way for the new dwelling; an existing addition at the rear of the original bungalow would also be demolished to enlarge its retained garden.

The existing rear garden at the bungalow measures approximately 12.8m in length (behind the existing addition). Subdivision of the garden and demolition of the existing garage would leave the bungalow with a garden measuring 5.5m in length. The new plot would have overall dimensions of 11.7m by 14.5m, with an actual 'rear' garden length of 5m. The 'back to back' separation of the existing bungalow and the new dwelling would be approximately 10.4m.

6. Planning Policy

Adopted policies; G1, G2, D1, D2, R2, H16, CN21 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Adopted South Wiltshire Core Strategy: Core Policy 3

Wiltshire Local Transport Plan 2011-2016

National Planning Policy Framework (paragraph 53)

7. Consultations

Salisbury City Council

No objection, but would like to raise concerns of over development and setting a precedent for the rest of Carrion Pond Drove.”

Environment Agency

The LPA should refer to the Flood Risk Standing Advice.

Wiltshire Council Highways

No objection subject to conditions and informative to applicant to check that they have rights of access over the bridleway.

Wiltshire Council Environmental Health

No observations

Wiltshire Council Rights of Way

None received. Previous application commented: “I would ask whether the applicants could demonstrate a private vehicular right to drive on the Public Bridleway?”

Wiltshire Council Archaeology

No objection. “There are no historic records within the vicinity of the site. I therefore consider it unlikely that the development would disturb significant archaeological remains.”

Wiltshire Council Tree Officer

“The latest report mistakenly identifies the tree as a Beech, which is a further indication it has not been given full consideration by a suitably qualified person.

The Oak tree is a young specimen and it has significant growth potential. As it continues to grow, any future residents of the new dwelling are likely to raise concerns as highlighted in my previous response (safety, overshadowing, leaf fall, damp problems). I therefore feel it is unlikely the tree and the new dwelling will happily continue to co-exist for long in the future if planning permission is granted. At best the tree will need to be significantly pruned on a regular basis, at worst the tree will come under pressure to be removed.”

8. Publicity

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

2 letters raising concerns have been received:

- Too large for the plot and not in keeping with the surrounding area, infilling
- Previously raised issues of use, services and parking problems
- Would like the bridleway stopped up and new highways constructed
- How will rights of way and private rights of access to dwellings be affected? Access for emergency vehicles. Will surface be upgraded?
- Impacts to access during construction

3 letters of support have been received:

- Support from Applicant's Doctor confirming diagnosis of illness of applicant.
- Development would help lessen the undesirable activities in Carrion Pond Drive
- No objection to impacts

9. Planning Considerations

9.1 Differences between current scheme proposals and previously refused scheme

The main differences between the two schemes can be summarised as follows:

- Demolition of rear kitchen section of No 137 Netherhampton Road to increase available garden;
- Increased distance between the proposed dwelling and the boundary with No 137 from 3.6 metres to 5 metres (ie larger garden area for both dwellings);
- Bike shed deleted;
- Proposed dwelling moved north away from boundary with 1 Montague Road from 450mm to 1.2 metres;
- Proposed dwelling is a simple rectangle in shape;
- All other dimensions and car parking provision for 2 cars remains the same.

9.2 Impact on character of area

Policy D2 sets out the design criteria for infill development which will be permitted where proposals:

Respect or enhance the character or appearance of an area in terms of –

- a) The building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths. ...

This application proposes to erect a two bedroom dwelling with two parking spaces together with outdoor amenity areas within the rear garden of the application site. The application dwelling is a detached bungalow with a gravelled parking area to the front of the property. The rear garden is the main amenity space for the application dwelling. Despite the amendments to the scheme which includes demolition of the rear kitchen of No 137 to provide a larger garden area, it is still considered that this application's proposed plot size is too small.

The proposed plot would now measure 11.7m by about 14.5m. Other established plots in the vicinity measure approximately:

41m x 8m (1 Montague Road)
33m x 10m (Err Indoors, Carrion Pond Drove)
35m x 8m (Pine View, Carrion Pond Drove)
44m x 13m (129 Netherhampton Road)
23m x 8m (135 Netherhampton Road)

The characteristic plot width for 'Err Indoors' and 'Pine View' (situated along Carrion Pond Drove) is about 33m and 35m respectively. The proposed plot size is therefore considered to be uncharacteristically small in relation to established plot sizes within the area; and, if permitted, the development would be likely to set a precedent for other small and inappropriate sites for new residential dwellings in the vicinity of the site, and elsewhere along Carrion Pond Drove.

The National Planning Policy Framework (NPPF) states that, "*Local planning authorities should consider the case for setting out policies to restrict inappropriate development of residential gardens...*" The aims of the NPPF are clear – namely that the LPA should not encourage or approve inappropriate development of residential gardens, similar to the aims of policy H16 of the Local Plan as contained within the SW Core Strategy.

9.3 Residential Amenity

The proposed dwelling would now be located 1.2m from the boundary with the southern dwelling (known as no.1 Montague Road) and 0.9m from the western boundary with No.139 Netherhampton Road. The dwelling is considered to be sensitively designed to reduce overlooking into surrounding neighbouring properties. The limited number of windows in the south elevation is unlikely to cause undue overlooking and the single light stair window could be permanently obscured to prevent overlooking. The high level glazed apexes within the gable elevations on the north and west elevations would not enable direct overlooking towards the neighbouring dwellings. The glazing within the front eastern elevation would face towards the garaged/parking area of the dwelling known as 'Err-Indoors'. These views towards 'Err-Indoors' and the rear parking area of the New Gospel Hall (opposite the application site) were previously considered to be acceptable. Any first floor views towards 'Err-Indoors' front elevation would be oblique and indirect. 'Err-Indoors' principal outdoor amenity area to the south of this neighbouring dwelling is considered to remain unaffected by the creation a new dwelling within the application site.

However, the general massing of the proposed new dwelling is significant. Given the restricted nature of the plot, and close proximity to other residential dwellings and garden areas, it was previously considered that the dwelling would be likely to have an overbearing impact on the existing dwelling (No.137), particularly given the restricted amenity space provided for No.137. However, the proposed demolition of the kitchen area has improved this relationship. Therefore, whilst the amenities enjoyed by any future occupants of the proposed dwelling would be limited by the small, shaded garden area available for the planned property, and the available garden for No 137 would be much smaller than at present, this previous reason for refusal is considered to have been overcome by the amendments.

9.4 Highway Safety and Impact on adjacent Bridleway

No objection is raised to the proposed layout of the parking or access for the dwelling, subject to conditions.

The application proposes access onto Carrion Pond Drove which is a Bridleway. The WC Highways Officer has not raised any “in principle” objection to the use of this Bridleway for vehicles, as the Drove already allows access for a small number of vehicles. Whilst Bridleways by definition should not be used for motorised vehicles, this particular Drove is evidently used by motorised vehicles. Officers previously supported the neighbouring comments which sought to ensure that the Drove is free of parked vehicles but did not support the Drove becoming (over a period of time) a classified part of the highway which would thus encourage yet more vehicles to use the Bridleway. Presently it is noted that the Drove is not adopted by Wiltshire Council and it does not have any road markings or lighting. The principle of vehicular use over the Drove appears to be accepted by Highways.

The Highways Officer has raised no objection to the application but is concerned that “*the applicant should ensure that he has vehicular rights over the route of the Bridleway 13*”. Previous neighbour comments related to the perceived narrowing of the Drove entrance way and concern about possible future financial costs relating to the maintenance of the Drove. It was not possible to clarify who owns the Drove and the applicant advertised the proposed development to the satisfaction of the LPA. The issue concerning areas of ownership and possible future financial maintenance costs for the Drove are civil matters.

9.5 Trees

This application has received an objection from the WC Tree Officer. Concern has been expressed that an oak tree within the rear neighbouring garden at No. 1 Montague Road could be detrimentally affected as a result of the construction of the suggested new dwelling. The tree officer has commented as follows:

The latest report mistakenly identifies the tree as a Beech, which is a further indication it has not been given full consideration by a suitably qualified person.

The Oak tree is a young specimen and it has significant growth potential. As it continues to grow, any future residents of the new dwelling are likely to raise concerns as highlighted in my previous response (safety, overshadowing, leaf fall, damp problems). I therefore feel it is unlikely the tree and the new dwelling will happily continue to co-exist for long in the future if planning permission is granted. At best the tree will need to be significantly pruned on a regular basis, at worst the tree will come under pressure to be removed.

9.6 Planning Obligations

Policy R2 (saved within Appendix C of the SWCS) makes it clear that all new residential development should either make provision for onsite public recreational open space facilities or contribute a monetary sum towards off-site provision. Adopted Core Policy 3 (Affordable Housing Provision) also requires a financial contribution towards off-site affordable housing provision on sites of 4 dwellings or less. Within the Design and Access Statement the applicant has expressed a willingness to enter into relevant S106 agreements for required funding.

However, at this point in time, as no obligation has been provided, it is considered that a reason for refusal must be included as part of any decision, in order that this matter is highlighted as a planning issue.

9.7 Personal circumstances presented by the applicant

The applicant has submitted a letter outlining personal health reasons for the development. The matters in the letter have been supported by a doctor and relate to mobility. The applicant's letter identifies an "essential" need for a "bungalow." However, it is noted that the proposed development is for two levels, with stairs. Regardless of this the personal circumstances of applicants are rarely considered to be sufficiently material to outweigh other land use related and impact planning considerations.

10. Conclusion

The proposal is considered to be unacceptable due to its impact on the wider character of the area, contrary to adopted policies; G2, H16, D1 and D2 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework.

11. Recommendation

Planning permission be REFUSED for the following reasons:

1. The existing property is located in an established residential area, adjacent to a Bridleway. There is a large, established Oak tree located immediately south of the site. The proposed sub-division of the existing property would create a new dwelling with limited outdoor amenity space, in close proximity to the adjacent Oak tree. The Oak tree is a young specimen and it has significant growth potential. As it continues to grow, future occupiers of the new dwelling are likely to raise concerns (eg in relation to safety, overshadowing, leaf fall and damp problems) requiring the tree to need regular significant pruning or come under pressure to be removed.

In combination with the close proximity of the established tree, it is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot which would create a cramped form of development as a result of its uncharacteristically small plot. The small plot size would be out of keeping with the general scale and character of established plots in the area. The development is likely to set an undesirable precedent for the creation of similarly cramped developments along the Drove and in the surrounding area.

The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework, particularly paragraph 53.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.

INFORMATIVES

1. In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections and the proposal's failure to comply with the development plan and the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

2. The reason given above relating to saved policy R2 and Core Policy 3 could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement requiring financial contributions towards off-site recreational open space provision and off-site affordable housing. It is noted within the Design and Access Statement that the Applicant has principally agreed to the submission of funds associated with the required planning obligations.