

Date of Meeting	25 September 2014
Application Number	14/06478/FUL
Site Address	143 & 145 Rampart Road, Salisbury. SP1 1JA
Proposal	Erection of three storey rear extensions to both 143 & 145 Rampart Road (at 143 to enlarge existing dwellinghouse and separate basement flat and at 145 to enlarge existing 6 bed house in multiple occupation and to enlarge existing basement flat)
Applicant	Mr I Matthews & Mr P Whitelegg
Town/Parish Council	SALISBURY CITY
Ward	ST MARTINS AND CATHEDRAL
Grid Ref	414857 130143
Type of application	Full Planning
Case Officer	Tim Pizzey

Reason for the application being considered by Committee

The Division Member, Cllr Ian Tomes has requested the consideration of this planning application at a Planning Committee due to the lack of objection on conservation and neighbour amenity grounds

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be REFUSED on the grounds of scale and impact on amenity, as detailed below

2. Report Summary

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

1. Principle of the development
2. Scale and design and impact on the conservation area.
3. Residential amenity
4. HMO considerations
5. Highways

3. Site Description

Nos. 143 and 145 are Victorian four storey terraced houses (including basement and converted roof space) fronting Rampart Road and overlooking (on the east side) of the city ring road (Churchill Way East) in Salisbury. The properties are built in red brick with concrete roof tiles (probably originally slate). The majority of the properties in Rampart Road are terraced of varying scale. The properties are located in the Milford Hill Conservation Area. No 143 is a single dwelling house and No. 145 is a house in multiple occupancy and there are basement flats below each.

4. Planning History

S/1998/0348. Convert existing rear house into single residential unit. REFUSED 04/06/98

13/06793/FUL. Remove existing rear conservatory and erection of three storey rear extensions to both 143 & 145 Rampart Road (extension to 143 to form extension to dwelling house, extension to 145 to form 2 new HMO rooms (net gain of one HMO room as internal works undertaken to enlarge communal kitchen) and storage space. REFUSED 18/02/2014.

14/04061/FUL. Erection of three story rear extensions to both 143 & 145 Rampart Road (at 143 to enlarge existing dwellinghouse and separate basement flat and at 145 to enlarge existing 6 bed house in multiple occupation and to enlarge basement flat), WITHDRAWN 19/06/2014.

5. The Proposal

The proposal is for two three storey extensions at the rear of Nos. 143 and 145 Rampart Road, designed together and presented in one application. The extension to No. 143 will be an extension to the private dwelling house, the plans showing a proposed kitchen at ground floor and en suite bedroom at first floor level. The extension to No.145 will be an extension to the house in multiple occupancy, the plans showing a sitting room at ground floor level and en suite bedroom at first floor level. The extension will extend down to basement level, the plans showing a bedroom extension to each of the flats at No. 143 and 145 with a storage room at the rear. External works would involve some excavation to the side, with retaining walls with external steps from basement level up to the main garden level at the rear, together with new brick boundary walls to replace existing to just beyond the depth of the extension. The proposal is discussed further below under the planning considerations.

6. Planning Policy

South Wiltshire Core Strategy: Saved Salisbury District Local Plan policies:

- G1 (General principles for development)
- G2 (General criteria for development)
- D3 (General Townscape – extensions)
- H8 (Housing Policy Boundary – Salisbury)
- CN8 (Development in Conservation Areas)

CN11 (Views into /out of a Conservation Area.

Draft Wiltshire Core Strategy: Core Policies:

CP1 (Settlement strategy)

CP2 (Delivery strategy)

CP57 Ensuring high quality design and place shaping

CP58 (Ensuring the conservation of the historic environment)

National Planning Policy Framework (NPPF) March 2012, in particular paragraphs 14, 17 (core planning principles), Sections 7 (Requiring Good Design) and 12 (Conserving and enhancing the historic environment).

National Planning Practice Guidance (NPPG), in particular sections relating to determining an application, and conserving and enhancing the historic environment.

Adopted Supplementary Planning Guidance 'Creating Places'

7. Consultations

Highways Officer:

Recommendation is the same as for the 14/04061/FUL application, i.e. the site lies in a sustainable location close to the City centre, within easy walking distance of public transport and other local facilities, thus minimising the need for a private car. Would not wish to raise a highway objection to the level of parking or to the layout generally. Considers that the development proposed will not detrimentally impact on highway safety and therefore recommends that no highway objection be raised to this application.

Conservation Officer:

Comments that the rear of the properties is of very limited visibility and has no concerns about their impact on the character of the conservation area.

New Housing Team:

Comment that it appears that this application relates to the erection of three storey rear extensions to existing dwellings at 143 and 145 Rampart Road and, therefore, under current approaches, would not be seeking an affordable housing contribution.

Salisbury City Council:

Object on the grounds of the dominant, overbearing and poorly conceived design with issues regarding overlooking, loss of privacy parking and sustainability.

8. Publicity.

This application was advertised via press notice, site notice and letters of consultation.

One letter of representation received commenting that concerned that if these dwellinghouses & flats are going to mean that there will be more people living at the address 143 and 145 Rampart Road, there will be not enough parking space in this small length of road for the number of persons in the dwellings. Comments that it is very difficult to find a

space at the moment to park my car, and I have a resident's permit. There are not enough spaces for the amount of residents that already have cars to park on this road.

9. Planning Considerations

9.1 Principle of the Development

The properties are located within the Housing Policy Boundary of Salisbury where the principle of residential development is acceptable, subject to other relevant policies and guidance. The main issues relate to sale, design, effect on residential amenities, impact on the character and appearance of the Conservation Area and highways issues.

This application is for a revised scheme following the withdrawal of a previous application 14/04061/FUL and an earlier application (13/06793/FUL), which was refused for the following reason:

Due to the combination of the depth of the three storey extensions and the proposed side facing windows, and close relationship with the adjacent properties, the proposed development would result in a dominant, overbearing and poorly integrated form of development with overlooking and a resultant loss of privacy detrimental to the amenities of the occupiers of the adjacent residential properties, contrary to saved Policy G2(vi) and D3 of the Salisbury District Local Plan, as contained in Appendix C of the Adopted South Wiltshire Core Strategy, Supplementary Planning Guidance 'Creating Places', Core Policy CP57 of the Draft Wiltshire Core Strategy and relevant guidance in the National Planning Policy Framework.

The current application is considered in the light of the above and other relevant material considerations. The proposal still comprises extensions to both Nos. 143 and 145, presented jointly in one application, with some revisions as discussed below. The agent states that it is not practical to separate the proposals as two applications as they are designed as one entity to retain the integrity of the building as an extension and must stand or fall together.

The first application did not annotate the use of the existing basements to both properties in the submitted plans nor mentioned them in the supporting Planning, Heritage, Design and Access Statement. However, this has been acknowledged in the previous and current applications and the proposal now includes extensions to both of these flats and storage rooms to the rear at basement level. The plans show two one bedroom basement apartments with access doors to the front (Rampart Road) and rear of each property. There appears to be no specific planning permission or certificate of lawfulness granted for these flats. However, the agent states that the flats have existed and been in use for well in excess of four years and would be immune from enforcement action.

9.2 Scale and design and impact on the conservation area

The properties are located in the Conservation Area. They are not listed and are architecturally modest but they contribute to the character and appearance of the Conservation Area. No 2 Kelsey Road (in flats) adjacent the site is an attractive and prominent building turning the corner of Kelsey Road and Rampart Road, specifically mentioned in the Milford Hill Conservation Area and Management Plan.

The footprint of the extensions is rectangular in plan form, three storeys high and designed with a gable across the two properties with an internal dividing / party wall, so that the extensions have a unified appearance across the rear of the two properties in terms of form

but with some differences to the windows / fenestration and door openings and floor plans, so that the extensions are not simply handed in relation to one another in this respect. The eaves and ridge height are set below that of the existing properties. The previous application proposed a reduction to the depth of the extension of 0.45m (from 6.975m) whilst the current application has reduced the depth by 1.25m to 5.725m. In addition the fenestration has been revised from the previous scheme and the floor plan is revised.

In order to construct the proposed extension, it would be necessary to demolish a small flat roof rendered extension at the rear of No. 143 and a deeper more traditional older single storey red brick extension with a pitched slate roof at the rear of No. 145. Both are at basement / ground floor level. In principle, it is considered that the demolition of these structures on the rear of the houses in itself would not be objectionable.

The proposed extensions together are significant in scale. The rear gardens are mainly above the basement level with retaining walls, and the gardens slope up to a rear private footpath access from Kelsey Road. At basement level there are small outside wells / spaces at the rear with windows and a door to the rear elevation and steps rising steeply up to the main higher garden level. The ground floor level of the houses currently provides access to the gardens at the same level so that from outside of the site, the bulk of the extension that would be visible would comprise the ground and first floors and roof. There is an external metal staircase leading to / from an external door (shown as a small window on the plans) at first floor level to the side of the flat roof extension to No.143, neither of which is shown on the plans of the existing elevations. Both would have to be removed to facilitate the proposed development.

The plans indicate that the ground to the side of the extension to No. 145 would be excavated to the boundary with No.2 Kelsey Road to provide an outside space access at basement level with new steps at the rear (right angles) of the proposed extension, leading up to the higher ground floor/ garden level. At basement level the proposed extension would include a rear bedroom extension to the basement flat with a two light window at the side and a room annotated for use as storage, with an external door and a two light window in the side wall facing the excavated area. The new external steps would provide access from / to the garden outside to basement level where the proposed elevations show a retained back door to the basement apartment. The extension would block up a window to the basement apartment on the LHS of the door, retaining a basement kitchen door and small window. The treatment of the boundaries was unclear with the first application but the current application plans indicates that a new retaining wall to the side boundary and steps would be constructed together with a 2m high side boundary wall (which the applicant states would be permitted development itself) above this. The submitted plans illustrate the height of the boundary wall in relation to the side elevation of the proposed extension and windows. The wall would partially obscure the view of side windows to / from the adjacent property at the same level. Above basement level at ground floor level, a rear access door would be provided to a sitting room in the rear of the proposed extension with a narrow side light, at ground floor / garden level. In the side elevation at ground floor level, two double light windows are shown to the sitting room in the side elevation. At first floor two high level windows are proposed to the side elevation and a two light en suite bathroom casement to the rear end elevation.

At No.143, the plans indicate a similar arrangement but the excavated ground area would be less wide with external steps parallel / adjacent the boundary wall with No. 141 to provide access to a basement storage room and basement flat. The plans show a new retaining wall and 2m boundary wall above this. As with No. 145, the boundary wall would partially obscure the view of the side windows from / to the adjoining property at the same level. The floor plan for the basement extension is a mirror of that proposed for No.145, i.e. a bedroom extension and store room at the rear with windows and doors in the same arrangement. The plans

show the retention of a separate door / window arrangement to the basement flat (as shown on the existing plans) and blocking of a window by the extension. Above the basement at ground floor level, a rear access door would be provided to a kitchen in the rear of the extension, together with a small window. In the side elevation at ground floor level, one double light and one high level window are shown to the kitchen. At first floor level, there are two high level windows in the side elevation with two roof lights above and a two light en suite bathroom window in the rear end elevation.

The plans indicate a boundary wall between Nos. 143 and 145 to be retained at the rear of the extension. Substantial retaining walls would be required to the side boundaries of No. 143 and No. 145 and rear garden which would involve significant engineering works. The Party Wall Act is likely to be applicable with the nature of the works crossing two properties and close to the adjacent boundaries / boundary walls, and the development would need to comply with appropriate Building Regulations. These are separate matters. The plans indicate the retaining walls would be rendered and the side boundary walls in brick.

It is not uncommon to see rear gables to terraced properties, with a dividing party wall, designed as part of the original houses or added later. The proposal appears to seek to take this general form. The proposed external materials are stated to match existing, which comprise red / orange brick and concrete tiles. It is on the rear of the properties and the eaves / ridge height are set below the existing, although it is noted that there are no other three story extensions of this nature on the rear of this particular terrace. The extensions would be close to the ground and first floor and windows in the rear elevation of these properties either side. The eaves and ridge would cut across the first floor level and roof slope respectively and with different style / size windows which appear somewhat at odds with the existing. The current revisions to the fenestration with high level windows do not improve on this aspect. Nevertheless, keeping the ridge height and eaves height below the existing properties and to approximately half the width, helps maintain some degree of subservience. The current application has a reduced depth to 5.725m but the reduction by 1.25m, whilst an improvement, would not significantly reduce the still considerable depth of the extensions at three storey height nor does it give a comfortable subservient appearance in bulk. It is accepted that the two extensions together are balanced in general form and scale but there still remains a concerns about the overall depth of extensions and the effect on the overall appearance and character of the properties. It is also accepted that the proposed extensions are on the rear of the properties, although they would be clearly visible in the gap between Nos. 2 and 4 Kelsey Road.

Notwithstanding the reduction in the depth of the proposed extension from the previously refused scheme the proposed extensions would result in a significant addition to the rear of these properties and its scale, depth and height is such that it would be clearly visible from Kelsey Road (through the gap between Nos. 2 and 4 Kelsey Road) and from some more distant views from the Greencroft. From this direction the mass of brickwork of the flank wall of the extension would be relieved by two double light bedroom windows at ground floor level and two high level windows at first floor level. In respect of the previously refused scheme, the Conservation Officer commented that the extensions would be visually dominant given their scale and massing but raised no specific objection on grounds of impact on the Conservation Area. Whilst there are still some concerns regarding scale in relation to the existing dwellings, the Conservation Officer has raised no specific objections. Whilst the introduction of high level windows would not match the proposed or existing windows in form, on balance, it is considered that the impact on the character and appearance of the Conservation Area overall would be sufficiently preserved.

9.3 Residential Amenity

As stated above, the depth of the proposed extensions are has been reduced n the current

application. Whilst less than the depth of the original terraced houses themselves, the extensions are 5.725m in depth at three storeys high (approx 7.1m to eaves and 9.4m to ridge) and the scale and bulk of the extensions and expanse of the side wall / profile would still be substantial. Notwithstanding the basement level is below the higher ground floor/ garden level at the rear, they would inevitably have a significant impact on the outlook from the adjacent rear windows to habitable rooms for occupiers of the properties themselves and light received to those rooms including the basement apartments. There would be some mitigation afforded in terms of impact by the distance set in from the side boundaries (approx 2.8m) as the side walls are set just inside the rear ground and first floor windows of the properties, but the depth and height of the extensions would still have an impact beyond the application properties on the occupiers of the adjacent properties in terms of outlook and light. The flats in No. 2 Kelsey Road have an open parking area adjacent the application site but also have windows in the east elevation and will potentially experience some loss of light and outlook due to the depth and height of the extension. On the other side, No. 141 would experience less overshadowing, being on the south side but from the rear of that property and its garden, the proposed extension would appear dominant, despite being set in from the boundary and reduction in depth, resulting in some harm to the occupiers of these properties.

The current proposal seeks to overcome the potential overlooking from side windows by the use of high level windows in the side elevations at first floor level and the introduction of roof lights on the southern roof slope. The elevations show that the side boundary walls would partially screen part of the windows in the side elevations at ground floor level to reduce the effect of overlooking to neighbouring properties. It is accepted that there is a degree of existing mutual overlooking over the rear gardens. The windows in the in the side elevation of the proposed extensions would be at right angles to the side boundaries. The revised fenestration as proposed would help reduce overlooking and loss of privacy to adjacent properties, although would result in bedroom windows with little outlook and possible overlooking from adjacent higher level windows. If conditioned as obscure non-opening glazing, this would reduce amenity levels / outlook for occupants and would not totally remove the perception of being overlooked.

A new block of 6 No. flats has been built at No. 4 Kelsey Road. This building includes bedroom windows in the rear (south) elevation. These windows overlook the rear gardens of the application site and at an oblique angle, the rear elevations of the application properties. Although still at an oblique angle, the extension will result in windows in the rear elevation of the extensions being much closer to those in the new block of flats, potentially resulting in some loss privacy for the occupiers of the new block of flats and the occupiers of the extension. It is noted that the two of the windows to in the rear elevations are to en suite bathrooms at first floor level, where it may be possible to condition these be obscure glazed and fixed if necessary. There are proposed doors and windows at ground floor level in the rear elevation of the extensions but the overlooking from these is unlikely to result in a significant loss of privacy. The proposed extensions would result in a substantial building mass closer to the rear of the 4 Kelsey Road but, although, unlikely to result in a significant and overbearing impact for the occupiers of those properties.

The footprint of the proposed extensions would reduce the area of the rear gardens but the loss of outside space would not be significant enough to result in a serious loss of amenity. The revised scheme shows that there would be access to the rear garden from No. 143 and 145 at ground floor level and from the basement flats, via new steps up. There is also a pedestrian access to the rear garden off Kelsey Road.

One of the Core Planning Principles (paragraph 17) of the National Planning Policy Framework states that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*.

An objection has been received from the City Council on the grounds of the dominant, overbearing and poorly conceived design with issues regarding overlooking and loss of privacy. It is considered that the proposed revisions have reduced the depth (and therefore the scale) of the extension and the degree of overlooking but it is considered that the previous reason for refusal has not been sufficiently overcome with regard to the scale and resultant dominant and overbearing effect of the extension. It is acknowledged that no objections have been received from the occupiers of adjoining residential properties but lack of such objection is not considered to be a reason to outweigh the above concerns and harm.

9.4 HMO considerations

The supporting Planning Statement refers to No. 143 as a single dwelling and the extension for this property would form a domestic extension to that house. Regarding No.145, the Planning Statement states that this property is in multiple occupancy. If occupied by more than six residents, the use of the property would fall outside of Class C4 of the Use Classes Order 1987 (as amended). The current application does not seek a change of use and the plans show six bedrooms. An Informative is recommended to inform the applicant of the above. Notwithstanding this, the proposal would not create a separate additional independent dwelling. Therefore the Core Policy C3 of the South Wiltshire Core Strategy in respect of affordable housing contributions would not apply. The proposed development would need to comply with relevant Building Regulations. An informative is proposed to advise the applicant of the HMO Use Class.

9.5 Highways

There is no off street parking available for this property, as is common with most terraced properties in the area. On street parking has restrictions and Rampart Road at this point is within a Residents Parking Zone. A representation has been received with concerns regarding lack of on street parking and the City Council has also raised an objection, *inter alia*, on parking grounds. However given No. 143 would remain a single dwelling and the application has not a change of use of No. 145 to for a house in multiple occupancy for use by more than 6 residents, and the basement flats appear to be established, it is not considered that an objection on the grounds of lack of parking provision could be sustained, particularly given the highly sustainable location of the site, which is accessible by modes of transport other than car. The Highway officer has raised no objections on highway safety grounds or other transport or parking grounds.

10. Conclusion

Notwithstanding the reduction in depth of the propose extension and revised fenestration arrangements, following the refusal of the previous application 13/06793/FUL, it is considered that due to the combination of the depth of the three storey extensions and close relationship with the adjacent properties, the proposed development would result in a dominant, overbearing and poorly integrated form of development detrimental to the amenities of the occupiers of the adjacent residential properties and would, therefore, result in an unacceptable form of development.

RECOMMENDATION

REFUSE permission for the following reason:

- 1 Notwithstanding the reduction in depth and revised fenestration arrangement following the refusal of the previous application 13/06793/FUL, it is considered that due to the combination of the depth of the three storey extensions and close relationship with the adjacent properties, the proposed development would result in a dominant, overbearing and poorly integrated form of development detrimental to the amenities of the occupiers of the adjacent residential properties, contrary to saved Policy G2 and D3 of the Salisbury District Local Plan, as contained in Appendix C of the Adopted South Wiltshire Core Strategy, Supplementary Planning Guidance 'Creating Places', Core Policy CP57 of the Draft Wiltshire Core Strategy and relevant guidance in the National Planning Policy Framework.

INFORMATIVE TO APPLICANT: The applicant is advised that a house in multiple occupancy used by more than six residents would fall outside Class C4 (Houses in Multiple Occupancy) of the Town and County Planning Use Classes (Amendment) (England) Order 2010 and would require planning permission for a change of use.