

<b>Date of Meeting</b>	24 February 2022
<b>Application Number</b>	PL/2021/09789
<b>Site Address</b>	Land adj 15 Pines Road (known as 17 Pines Road) Devizes, Wilts, SN10 3AZ
<b>Proposal</b>	Detached dwelling (Resubmission of PL/2021/05314)
<b>Applicant</b>	PMJ Planning Services
<b>Town/Parish Council</b>	Devizes Town Council
<b>Electoral Division</b>	Devizes East – Cllr Kelvin Nash
<b>Grid Ref</b>	401449 160970
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Meredith Baker

### Reason for the application being considered by Committee

This application has been brought before the Committee at the request of Councillor Nash, should the application be recommended for refusal, on the basis that the house option, replacing the previously approved bungalow, is an improvement to the area.

#### 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 consideration, and to consider the recommendation that the application be refused planning permission.

#### 2. Report Summary

The proposed development is considered to give rise to unacceptable impacts upon the character of the area as a result of the overdevelopment of the site in a contrived plot which is out of keeping with the pattern of development hereabouts. The proposal would also result in inadequate amenity space for the future occupants of the three bedroomed dwelling and would adversely impact on neighbours' amenities in terms of overlooking from the first-floor bedroom window. There are no benefits that would outweigh the harm generated.

#### 3. Site Description

The site is located within the settlement of Devizes and comprises the land that was previously part of the residential curtilage of 15 Longcroft Crescent. As confirmed in the Planning Statement the land is now no longer part of the residential land known as 15 Longcroft Crescent and is known as 17 Pines Road.

The site is situated to the south of the highway of Pines Road in a residential estate. To the immediate east are two storey semi-detached pairs and to the west and south are single storey bungalows.

Below is the Location Plan that shows the context of the site.



#### 4. Planning History

21/02362/FUL – Proposed detached bungalow within garden of 15 Longcroft Crescent – Granted with conditions – 19/05/2021

PL/2021/05314 – Detached 3 bedroomed dwelling (Amendment to 21/02362/FUL) – Withdrawn

The application site has extant planning permission for a bungalow under planning reference 21/02362/FUL which is material to the consideration of the current application. The permitted bungalow is not dissimilar in footprint at ground floor level but does not have a first-floor level and has only two bedrooms. This will be further referenced within the assessment of the current application below.

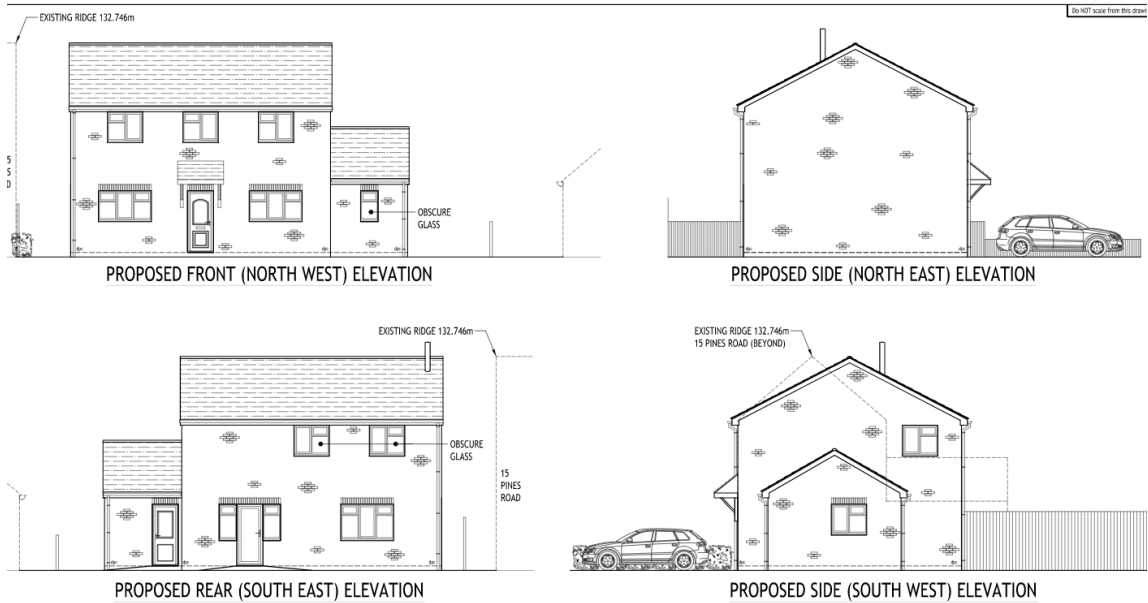
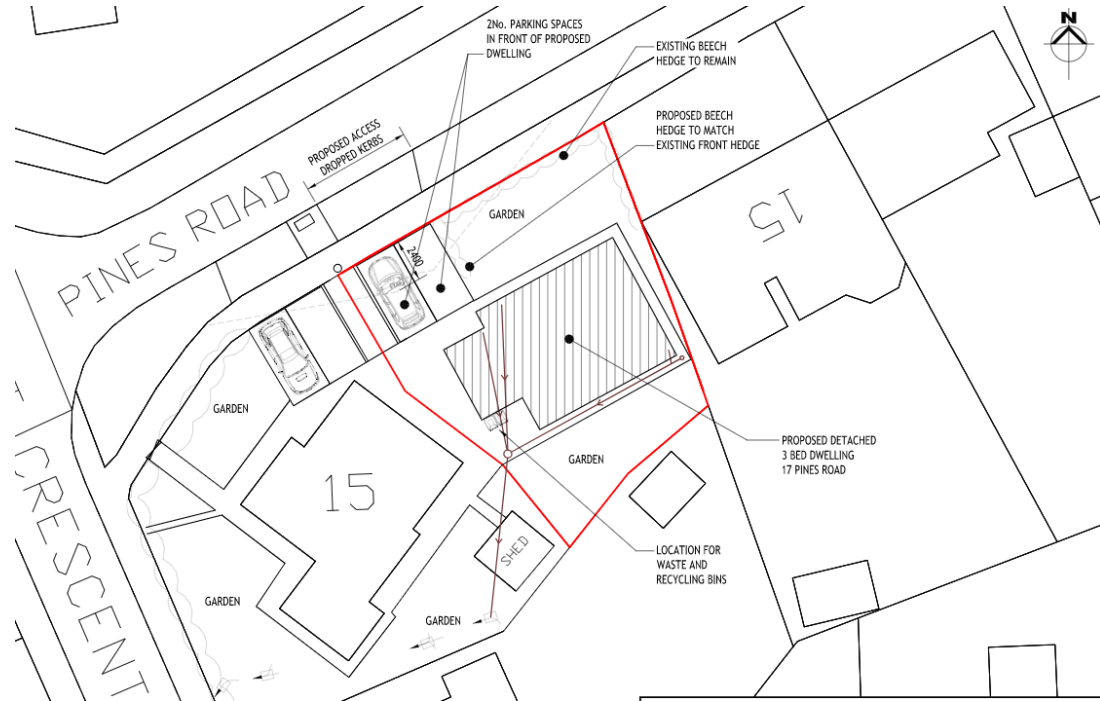
Planning permission was previously sought for the two-storey dwelling proposed under this application under reference PL/2021/05314. This application was withdrawn by the applicants and thus has no material weight relevant to the current application. It was however withdrawn following comments from the Case Officer that the proposal was to have a recommendation of refusal.

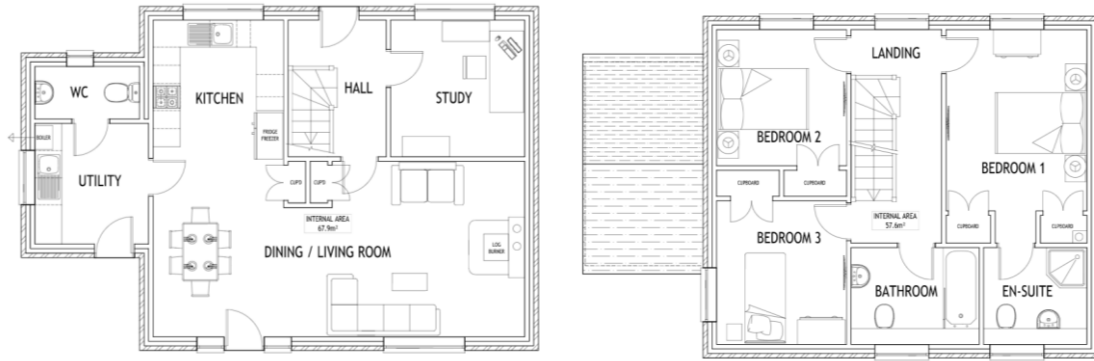
#### 5. The Proposal

The application seeks planning permission for the erection of a two storey, three bedroomed dwelling and associated access.

The dwelling would be accessed off Pines Road where there would be a new dropped kerb with access onto hardstanding at the front of the site for the parking of two vehicles.

*Proposed scheme:*





## 6. Planning Policy

### National Planning Policy Framework (NPPF)

Section 2 (Achieving sustainable development)

Section 4 (Decision-making)

Section 5 (Delivering a sufficient supply of homes)

Section 8 (Promoting healthy and safe communities)

Section 9 (Promoting sustainable transport)

Section 11 (Making effective use of land)

Section 12 (Achieving well-designed places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance (PPG)

National Design Guidance

### Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 12: Devizes Community Area Strategy

Core Policy 57: Ensuring high-quality design and place-shaping

Core Policy 60: Sustainable transport

Core Policy 61: Transport and development

Core Policy 62: Development Impacts on the Transport Network

Core Policy 64: Demand management

### Devizes Area Neighbourhood Plan:

H1 – Strategic Policy Intent – Settlement Framework Boundary

H2 – Strategic Policy Intent – Built Environment & Sustainability

T1 – Strategic Policy Intent – Getting Around

ESD1 – Strategic Policy Intent – Environment & Sustainability

### Other Documents and Guidance

Waste Storage and Collection: Guidance for Developers

Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)

Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)

## **7. Consultation responses**

Devizes Town Council : “raised no objection to this application.”

WCC Highways: Comment: “I note that this is a re-submission of a previous application. Under that application 21/05314, the applicant provided a Proposed Site plan ref 00365/003 Rev B which notated visibility splays for both parking areas. It appears under this submission the splays are only being shown for the new dwelling. To be safe and acceptable the applicant should be securing the original splays and I advise that they re-submit the previous drawing with the inclusion of a note stating that the splays will be kept free of obstruction at and above 600mm above footway level.

A note stating that the parking areas will be surfaced in a consolidated material - not loose stone and gravel should also be added.

Please note that informative previously applied in regards to the vehicle crossover permission will also need to be added.”

## **8. Publicity**

The application has been advertised by letter to local residents and by site notice. Two third party representation have been received raising objections as follows (in summary):

- First floor window for bedroom 3 would overlook 17 Longcroft Crescent.
- Two storey dwelling would reduce light to rear garden of 17 Longcroft Crescent and 15 Pines Road.
- A family house should have more amenity space in the rear garden than proposed.
- Site is only suitable for extant two bedroomed bungalow.
- Lack of affordable bungalows in the area.
- Previous scheme would be visually better with the bungalows nearby.

## **9. Planning Considerations**

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.

### Principle of Development

Wiltshire Core Strategy –

The application site is located within the identified limits of development of Devizes. Devizes under Core Policy 1 of the Local Plan is a Market Town which has the ability to support sustainable patterns of living in Wiltshire through the current levels of facilities, services and employment opportunities. As outlined within Core Policy 2 of the Local Plan there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. As such given the Devizes settlement siting, the principle of a dwelling in this location is considered acceptable. However, it is also subject to assessing the physical impacts of the development proposed, having regard to other relevant policies of the Development Plan.

Housing Land Supply –

The NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time, Wiltshire Council is unable to demonstrate that it has 5 years' worth of deliverable sites. This means that policies relating to housing delivery in the adopted Local Plan and 'made' Neighbourhood Plans (whereby in this instance the Devizes Neighbourhood Plan is made) are currently considered to be 'out of date'. Planning applications will therefore be considered in line with paragraph 11 of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### National Planning Policy Framework –

The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.

In having regard to the three objectives of sustainable development, the development site is located within an area which benefits from established public transport. It is acknowledged that the site would not provide any form of long-term economic development, however there would be limited economic benefits generated through the construction period with spin offs from wage spending of construction workers and supplier sourcing, and following this, consumer spending on goods and services by the occupants of the dwelling within the local economy.

The social aspect of sustainable development would be met through the contribution made to the housing stock. With regard to the environmental objective of this development, the proposals could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Building Regulations standards.

#### Conclusion on the principle of development –

The principle of the proposed development within the settlement policy boundary of Devizes is supported by the Core Strategy and Neighbourhood Plan. However, as set out above, housing policies in the Development Plan are currently considered to be out of date given the Council's inability to demonstrate 5 years' worth of deliverable sites.

As such, the weight afforded to Policies 1, 2 and 12 are reduced in accordance with paragraph 11 of the NPPF. Notwithstanding this, the principle of development would represent sustainable development. As such, the principle of the proposed development remains in accordance with the National Planning Policy Framework whereby the housing strategy policies of the Local Plan are considered to be out of date. Whilst the principle of housing is acceptable in this location, the application is also subject to assessing the physical impacts of the development proposed, having regard to other relevant policies of the Development Plan and of particular relevance to the proposed development is Core Policy 57 'Ensuring High Quality Design. These matters will be assessed below.

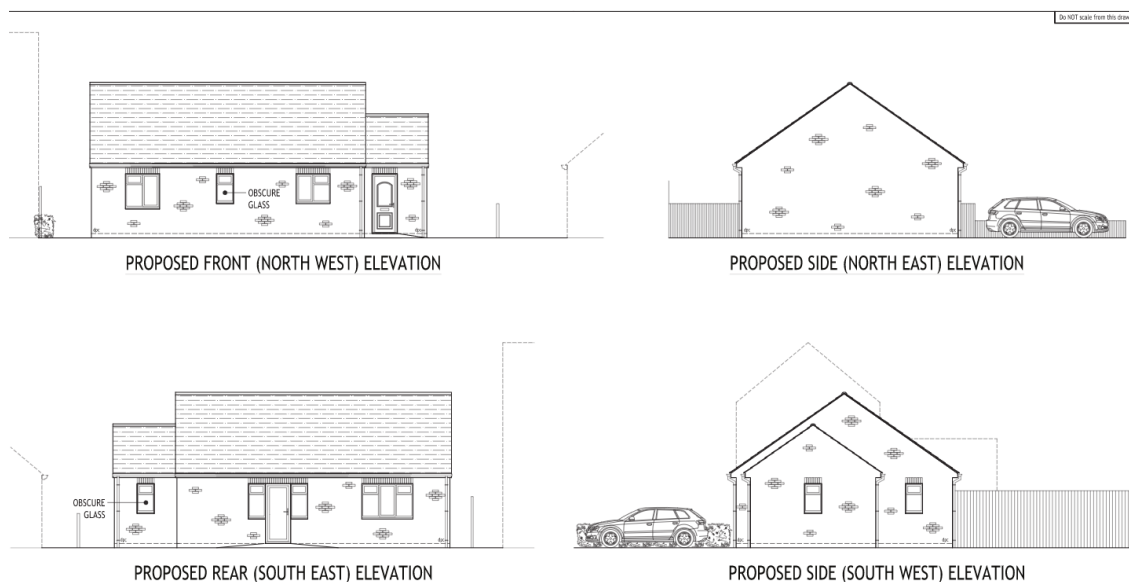
#### Design and Visual Impacts

Section iii) of Core Policy 57 of the Wiltshire Core Strategy states that new development must respond positively to existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. Policy H2 of the Neighbourhood Plan also outlines that proposals must be designed to relate to the

character of the surrounding area and enhance the public realm. The need for good design is reinforced by Section 12 of the National Planning Policy Framework which advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and sympathetic to local character and history, including the surrounding built environment and landscape setting (paragraph 130).

The proposed development is to be in a highly visible plot in a residential estate. In terms of the principle of a dwelling in this location and the size of the plot, it is considered acceptable noting the extant planning permission for a bungalow which is a material fall-back position for the applicant.

The extant permission relates to a modest bungalow whereby, as confirmed in the officer report, the development respects the height and scale of surrounding bungalows which are a key characteristic of the street scene. It was considered that in that instance that whilst it would be desirable to retain the existing open garden space and the proposed bungalow would fill the gap between properties, it was not considered to be detrimental to townscape character or a cramped layout that would justify a refusal of planning permission. The bungalow scheme plans are demonstrated below:



Whilst the ground floor footprint of the bungalow is similar to that of the current proposal, attention is afforded to the additional bulk and mass that is proposed through the introduction of a first-floor level.

The proposed two storey dwelling would result in a large dwelling in a very small plot which is considered out of keeping with the pattern of development in the area and would constitute overdevelopment of the site. The two-storey dwelling would appear incongruous in nature and would be materially different to the extant bungalow development granted. In particular when considering the proposed dwelling to the neighbouring two storey dwellings to the east the overall footprint is larger than these dwellings (noting that no. 15 Pines Road has single storey rear developments and thus the proposed two storey depth is larger than the neighbouring dwellings to the east) whilst having a considerably less amenity space around the dwelling. The space around the dwelling, when noting the two-storey bulk proposed, would not have due regard to the density and layout of the surrounding area which is required under Core Policy 57. It is therefore considered that the proposed development by virtue of size, layout and siting would constitute overdevelopment of the site that is not in-keeping with the layout

and pattern of development of the locality. It is considered that the only development that would be satisfactory in terms of plot size, layout and impact upon the established pattern and character of the area would be the extant bungalow permission (or a revised bungalow design).

Whilst the proposed development is considered unacceptable when considering the two-storey dwelling in a small, contrived plot, out of keeping with the layout and established pattern of the area attention is afforded to the appearance of the street scene.

The proposed two storey dwelling would be located between the two storey semi-detached pairs to the east and a single storey bungalow to the west. As demonstrated on the submitted street scene plan the proposed ridge height of the new dwelling would be lower than the neighbouring dwelling (and its subsequent two storey side extension) of 15 Pines Road. Given the siting between the higher two storey dwelling to the east and the bungalow to the west the ridge height proposed, when considering the impact upon the appearance of the street scene only, is considered acceptable. The ridge height decreasing to the west along Pines Road is not of demonstrable harm. It is considered that the gap between the dwellings is not substantial and would appear cramped in the street scene, but is not considered of demonstrable harm. There would be a gap between both neighbouring dwellings to not result in any adverse 'terracing effect' whereby 15 Longcroft Crescent also has a slightly different orientation (to the north west) which allows the properties to be read separately along the street scene.

In relation to design itself, the dwelling is proportionate with appropriate detailing and thus there is no objection in this regard. It is considered that the design could be more sensitive to the character of the area, notably as the window openings on the adjacent dwellings are larger and thus there is no continuity along the street scene. Whilst this is noted, given that the wider area is mixed with different forms of dwellings this is not a matter that would justify a refusal reason in this regard. The proposed materials are to be red facing brickwork and brown interlocking tiles to match 15 Pines Road. This is considered acceptable and would be in keeping with the character of the area.

Whilst the proposed impact upon the appearance of the street scene and the design of the dwelling itself is considered acceptable on balance, the proposed layout and scale of the dwelling in relation to its plot and the established character and pattern of the area is considered contrary to Core Policy 57 (namely criterion iii) and Policy H2 of the Neighbourhood Plan and does not constitute high quality design. The proposal is also considered contrary to Section 12 of the National Planning Policy Framework (2021) which seeks high quality design which is sympathetic to the local character and layout.

### Impact on Amenity

Core Policy 57 criterion vii) outlines that there needs to regard given to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants.

Amenity of future occupants –

In first considering the proposed internal layout, the proposed dwelling would allow adequate light to allow habitable rooms.

Secondly, attention is afforded to the proposed amenity space proposed. The proposed private rear amenity space for the dwelling would be circa 58sqm (which does not count the area for bin collection and the route for the refuse to the front of the site). In terms of depth the minimum depth between the dwelling and rear boundary would be 3.3m with a maximum depth of 6.8m (again discounting the refuse area). It is considered that this garden space, when taking into



account that this would be a three bedroomed property (which would likely be a family home) would not be sufficient for the enjoyment of the occupants and would be out of keeping with the pattern of development in terms of provision provided.

It is noted that the amenity provision is (very) slightly larger than that proposed for the bungalow scheme approved, but there are material differences to this scheme. In particular the two storey dwelling proposed under this scheme is three bedroomed in nature and would also likely attract a family use. The additional bedroom is material in this instance as there would be additional persons on site to utilise the amenity space. Whilst there is very limited room for some residential paraphernalia, it is not considered an expected level of a three bedroomed property in a residential estate which has an established pattern of modest private rear amenity spaces. The lack of amenity space is considered unacceptable for the future needs of the occupants contrary to Core Policy 57.

#### Residential Amenity –

Consideration is also afforded towards the impacts upon neighbouring sites. Firstly, in relation to 15 Pines Road the proposed built form would be at a parallel to this neighbouring property. In this regard it is noted that there are no side openings on the two-storey aspect on the neighbouring extension that would be adversely impact by the development. It was however noted on the site visit that a first-floor window on the rear of the two-storey side extension at 15 Pines Road would be impacted upon. Whilst there would be views towards the two-storey bulk of the proposed development and some hemmed in impression given there would be first floor development either side of the window, given the set back siting from the boundary and siting it is not considered that there would be any significantly adverse overbearing effect or loss of outlook to this window as to warrant a refusal reason in this regard. There would be some overshadowing towards this neighbouring site (which the neighbouring occupant has objected to) and impact window in the evening hours of the day but this is only for a limited part of the day and is slightly set back from the boundary and thus is acceptable in this instance.

With regard to 15 Longcroft Crescent the proposed development is set back from the boundary, whereby there would also be a single storey aspect to the dwelling on the western elevation. It is noted that there is a single storey window on this side elevation of this neighbouring dwelling which would be impacted. Although noted, given the setback siting with the single storey aspect on the western elevation, it is not considered that the two-storey development would result in any unacceptable impacts beyond the previous approved scheme for the bungalow in terms of overbearing effect or loss of outlook. There would be overshadowing generated towards this neighbouring site in the morning hours of the day, however given the limited period of overshadowing and orientation of the plots, there would not be any significantly adverse overshadowing or loss of light generated to this property.

It is also considered that by virtue of siting away from the shared boundaries there would be no unacceptable impacts in terms of overbearing effect, loss of outlook, overshadowing or loss of light towards the dwellings to the north and south. Whilst it is noted that the dwelling is in proximity to the boundary of 17 Longcroft Crescent given the siting at the end the garden and set back from the shared boundary any impact is not considered significantly harmful.

Lastly consideration has been afforded to overlooking and loss of privacy from the proposed windows. In relation to the ground floor windows, given the siting, alignment and boundary treatment these openings would not result in any harmful impacts. With regard to the first floor windows the front elevation windows would have views over the public realm with acceptable distance to the properties to the north of the highway and is acceptable.

There are no windows proposed on the eastern elevation at first floor level to adversely impact 15 Pines Road. The rear elevation windows at first floor level are to serve a bathroom and ensuite room. Given the use of the rooms it is considered reasonable to impose a planning condition that these windows are obscure glazed and this would also ensure no adverse overlooking or loss of privacy to both the occupants and neighbouring occupants.

Finally, a window proposed at first floor level on the western elevation serving 'bedroom 3'. This window is considered to give rise to unacceptable overlooking and loss of privacy as a result of the siting. The window is on the side elevation which would have direct views over the neighbouring site of 15 Longcroft Crescent as well as oblique views towards the property of no. 17 Longcroft Crescent. Given the orientation, distance and oblique nature the impact towards no. 17 is not considered of demonstrable harm. It is however considered that the outlook towards No. 15 is unacceptable as the outlook would be clearly over the whole site including all the private amenity space. Consideration has been considered to any potential conditions, such as to obscure glaze the window however given that this is the sole window for a habitable bedroom, it is not considered reasonable to impose this as a condition. It is therefore considered that the proposed outlook from 'Bedroom 3' would not achieve appropriate levels of amenity contrary to Core Policy 57, namely criterion vii).

#### Highway Safety Impact/ Parking

Core Policy 61 – Transport and New Development – seeks to ensure that new development is capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure that parking standards are met as set out in the Council's adopted standards.

The proposal seeks permission for a new access point and the provision of two vehicular parking spaces on site. As outlined within the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy it is expected that for 2 to 3 bedroomed dwellings 2 parking spaces are allocated on site and thus the amount of vehicular spaces proposed is acceptable.

In relation to the access, the Council's Highway Officer has no objection in principle, noting the extant permission for an access in the same location. It has however been requested that an additional plan is submitted which demonstrates visibility splays for both parking areas (for 15 Longcroft Crescent and the proposed new dwelling). Under the current application the applicants do not own the property of 15 Longcroft Crescent (which was outlined in blue as in the owners ownership under planning reference 21/02362/FUL). Notwithstanding the change of ownership in the instance that the proposal was recommended for approval it would have been deemed reasonable and necessary to impose a planning condition that the dwelling is not occupied until splays have been provided on both sides of the access to the rear of the existing footway based on co-ordinates 2.4m x 2.4m and the splays shall always be kept free of obstruction above a height of 600mm (a re-imposed condition from the extant scheme's decision notice). The condition in relation to surfacing (to not be loose stone or gravel) and an informative in relation to additional permission required from the Highway Authority for works to the highway, would also have been re-imposed in the instance the application was being recommended as granted.

It is therefore considered that, subject to conditions, the proposal would be acceptable in terms of parking and highway safety. As such the scheme is considered to fail to meet the relevant criteria of Core Policies 60, 61 and 64 of the WCS (2015) and the WLTP (2011 – 2026) Car Parking Strategy (2015) and with the relevant sections in the NPPF (2021).

### Refuse and Recycling

The proposed refuse storage would be at the rear of the dwelling and collection would be at the front of the site on bin collection days. This arrangement is considered acceptable and in keeping with the existing arrangements in the locality.

### S106 contributions/CIL

The property will be CIL liable charged at the standard council rate.

### Conclusion/Planning Balance

The principle of the erection of a new dwelling within the limits of development of Devizes, is allowed for within the development plan, as per Policies 1, 2 and 14 of the Core Strategy. Whilst it is considered that the principle of development does comply with the policies contained within the development plan, as set out above, the Council cannot currently demonstrate a deliverable five-year supply of housing. The housing policies are therefore out of date as it relates to the supply of housing. The application must therefore be considered in accordance with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed site is not located within any protected areas or assets of particular importance (as outlined within paragraph 11 d) i) and footnote 7 of the NPPF).

The development would contribute towards the provision of one new residential unit. The relatively small contribution of one residential unit to the local supply of housing would provide a social benefit. The development would also result in some economic benefits through the construction period and following this, consumer spending on goods and services by the occupants of the dwelling within the local economy. Given the scale of the development proposed, it is considered that the resultant economic benefits would be relatively modest. There are also no perceivable environment benefits identified with the scheme, whereby the intensification of the land would negatively impact on the environment, with no enhancements identified environmentally. Taking all the above into consideration, the public benefits are not considered to outweigh the harm that has been identified regarding the adverse impact upon the character and appearance of the area, the amenity of future occupiers and the adverse impact upon neighbouring amenity.

Therefore, even with the Council not currently being able to demonstrate a five-year housing land supply, paragraph 11 d) of the Framework is engaged, in accordance with paragraph 11 (d) (i), the application of policies in the Framework provides a clear reason to refuse permission. Moving on to the overall planning balance, conflicts have been identified with the development plan, as the development would not be acceptable when considering the impact upon the layout and pattern of the area and upon amenity. This conflict identified with the Development Plan and with the Framework (NPPF), when taken as a whole, would significantly and demonstrably outweigh the benefits of the proposed development. Consequently, the application is recommended for refusal.

### **RECOMMENDATION:**

**That planning permission be REFUSED for the following reasons:**

1. The proposed development would appear unacceptably cramped and incongruous by virtue of its siting, spacing and size of the dwelling, and the resultant plot shape, amenity space and proximity to existing dwellings. The proposal would appear contrived and out of keeping with the established pattern and character of the surrounding development and by virtue of its layout the proposal does not represent high quality design. As such the proposal would not positively contribute to the overall quality of the area contrary to the National Planning Policy Framework (2021), Core Policy 57 of the Wiltshire Core Strategy (2015) and Policy H2 of the Devizes Area Neighbourhood Plan (2015).
2. The proposed private amenity space for the dwelling is considered insufficient for the amenities for the future occupants and therefore does not represent high quality design. As such the proposal would not positively contribute to the overall quality of the area contrary to the National Planning Policy Framework (2021) and Core Policy 57 of the Wiltshire Core Strategy (2015).
3. The proposed development by virtue of its proposed siting and orientation of 'bedroom 3' window would result in unacceptable overlooking and loss of privacy to the neighbouring '15 Longcroft Crescent'. This relationship would be adversely harmful upon the amenities of the occupiers of '15 Longcroft Crescent' contrary to the National Planning Policy Framework (2021) and Core Policy 57 of the Wiltshire Core Strategy (2015).