

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 20 November 2019
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Darren Henry	Cllr Peter Fuller
Cllr Christopher Newbury (Chairman)	Cllr Sarah Gibson
Cllr Jonathon Seed (Vice-Chairman)	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Graham Wright
Cllr George Jeans	Cllr Toby Sturgis
Cllr Gordon King	Cllr Philip Whitehead
Cllr Jim Lynch	Cllr Ian Thorn

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 23 October 2019. (Copy attached)

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such

questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 13 November 2019** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 15 November 2019**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 13 - 14*)

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **19-02724-FUL - 212 The Common, Holt, BA14 6QN** (*Pages 15 - 28*)

A report by the Case Officer is attached.

This application was presented to the last meeting of this Committee when it was resolved to defer consideration pending the holding of a site visit. Arrangements have been made for this site visit to take place on Wednesday 20 November 2019, details of which have been sent to Members.

7b **19/07073/FUL - Land south of Stourton Farm, Westbury Road, Steeple Ashton, Trowbridge BA14 6DE** (*Pages 29 - 44*)

A report by the Case Officer is attached.

7c **19/06545/FUL - 23 and 23A Wiltshire Drive, Trowbridge, BA14 0RR** (*Pages 45 - 60*)

A report by the Case Officer is attached.

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 OCTOBER 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr David Halik (Substitute)

54 Apologies

Apologies for absence were received from:

Cllr Peter Fuller who was substituted by Cllr David Halik

Cllr Jonathon Seed

55 Minutes of the Previous Meeting

The minutes of the meeting held on 25 September 2019 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 25 September 2019.

56 Declarations of Interest

There were no declarations of interest.

57 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

58 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

59 **Planning Appeals and Updates**

The Planning Appeals Update Report for 13/09/2019 and 11/10/2019 was received.

Kenny Green, Development Management Area Team Leader, informed the committee of the recent dismissal of an appeal pursuant to refused application 17/08216/FUL and reported that the appointed planning inspector concurred with the committee resolution to refuse permission; and, in particular highlighted the unwarranted harm to the Green Belt. The committee were also informed that the appellant's application also for costs against the Council was refused.

Resolved:

To note the Planning Appeals Update Report for 13/09/2019 and 11/10/2019.

60 **Planning Applications**

The Committee considered the following applications:

61 **19/06692/VAR - Barney Lodge Day Nursery, 5 Westbury Road, Warminster, BA12 0AN**

Public Participation

Mrs Lyn Ashton (Applicant) spoke in support of the application.

David Cox, Senior Planning Officer, introduced the report which recommended that permanent permission be granted for the removal of condition 3 appended to approved planning permission 18/01851/FUL that restricted consent for a temporary 2-year period for child care nursery use and to vary condition 3 of planning consent W/06/00806/FUL to change the permitted number of children from 45 to 70) and to allow the use of the site for 70 children to be made permanent.

Key issues included; The principle of the development; impact on neighbourhood amenity; impact highway safety; impact on the designated heritage asset and other considerations.

The case officer informed the committee that since the application was reported there had been one road traffic accident along Westbury Road/near to Cophead roundabout, but it had been confirmed that the accident was not related to the nursery.

Members were also informed that an environmental health noise related complaint had been made by a neighbour since 2018, however the complaint was investigated by the Council's public protection team and they found no statutory noise nuisance; and as part of the consultation for this application, the same team raised no objection.

When the application was reported to committee in May 2018 the same neighbour had submitted complaints of a similar nature which were duly considered at the meeting and explained by the case officer and was considered as part of the planning balance. The objections raised under this application were also fully assessed and members were informed that officers were satisfied that the proposed development would not result in substantive harm to the neighbour(s).

Members of the Committee had the opportunity to ask technical questions of the officer, however no questions were asked.

A motion to approve the officer's recommendation was moved by Councillor Pip Ridout and seconded by Councillor Christopher Newbury.

At the end of the debate it was;

Resolved

To approve planning permission with the following conditions:

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

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

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

Location Plan, Block Plan and Design and Access Statement – all received 8 March 2018; Consolidated Transport Statement, Children Space Requirement Statement, Noise Mitigation Statement – all received 9 April 2018; Further Children's Space Requirement and Garden Use Statement – Received 18 April 2018; Garden Zone Plan – received 8 May 2018; Proposed Plans and Elevations – received 11 May 2018

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

NOTE: There have been no changes to the proposal since the granting of the temporary 18/01851/FUL permission and therefore all approved plans and supporting documents are considered to have been rolled over from their original submission date.

3. The extended nursery premises hereby permitted shall not accommodate any more than 70 children at any one time.

REASON: In the interests of Highway Safety and neighbouring amenity

4. The extended nursery premises hereby permitted shall only operate between the hours of 0700 in the morning and 1800 in the evening Monday to Friday. The use shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area

5. The extended nursery premises hereby permitted shall continue to comply with the details submitted in the Green Travel Plan as discharged on 3 July 2018. Future monitoring reviews of the Travel Plan should be submitted to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

6. The white line painting for the 6 on-site car parking spaces and the centre line at the site's intersection with the public footpath (i.e. on the nursery site land) shall be maintained in perpetuity.

REASON: In the interests of road safety.

7. The outside play area, shown as ZONE 1 on the submitted garden plan shall only be used during the hours of 0930 to 1130 and 1430 to 1630.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

62 **19/02724/FUL - No.212 The Common Holt BA14 6QN**

Public Participation

Peter Auburn spoke in objection to the application.

Simon Thornton Norris (Applicant) spoke in support of the application.

Jemma Foster, Senior Planning Officer, introduced the report which recommended approval for the proposed two-storey and single storey rear extensions and associated internal works.

Key issues included; the scale of the development and the relationship and impacts the proposed development would have upon adjacent properties.

Members of the Committee had the opportunity to ask technical questions of the officer, however no questions were asked.

Members of the public, as detailed above, had the opportunity to speak on the application.

Following the public forum, Cllr Davis asked the officer to clarify the difference between what was previously approved and what was now proposed.

In response, the case officer explained that the proposed two storey rear extension matched the previously approved two storey rear projection in terms of its footprint, height and rear projection. Members were advised that the additional single storey element was introduced to provide additional ground floor accommodation. Members were furthermore advised that officers were satisfied that the proposed development would not be overdevelopment of the plot, member's attention was drawn to the proposed two upper floor side windows illustrated for the North East elevation and South West Elevation which would serving a bathroom and en-suite and that these windows are recommended to be conditioned and be obscure glazed. The case officer also informed the committee that whilst the development would result in some additional overshadowing of the neighbouring property, after factoring in the current conditions, this would be towards the end of the day, and that the level of impact was not considered sufficient enough to refuse the application.

A motion was put forward by Councillor Trevor Carbin for the committee members to defer the application until they had visited the site to appreciate both the applicant's proposal and the neighbouring impacts. The motion was seconded by Councillor Ernie Clark.

At the end of the debate it was;

Resolved

To defer the application for a site visit which would take place at 1pm on the 20 November 2019 prior to the next scheduled area planning committee.

63 19/07875/FUL - 8 Fulmar Close Bowerhill SN12 6XU

Public Participation

Robert Palin spoke in objection to the application

Richard Harlow (Agent) spoke in support of the application

Mr Alan Turley spoke in support of the application

Mr Morley spoke in support of the application

Selina Parker-Miles, Planning Officer, introduced the report which was recommended for approval for: Retrospective application for garage roof works (material variation to approved application 16/02681/FUL) – that was allowed on appeal.

Key issues included; The impact on the character and appearance of the host dwelling and wider area and the impact on neighbour amenity.

Members of the Committee had the opportunity to ask technical questions of the officer. In particular, Cllr Davis enquired about the previous planning inspector's decision and the material weight that it should be afforded as well as enquiring about the material differences between what was previously allowed and what had been built.

In response, the area team leader informed the committee that the planning inspector's decision was a material consideration and that it established that the previously proposed 45cm roof height increase was acceptable in planning terms. The allowed appeal decision did not prohibit any further extension and that this retrospective application should be tested on its own merits and appraise the 30cm roof height differential. Members were advised that officers had undertaken a fresh assessment and found no substantive harm to warrant a refusal. The committee were also advised of the supportive letters received (including a fourth following the publication of the committee agenda) and were advised that the immediate neighbours that abut the garage were in support of the application.

Members of the public, as detailed above, had the opportunity to speak on the application.

A motion to move the officers recommendation was made by Councillor Trevor Carbin which was seconded by Councillor David Halik.

At the end of the debate it was;

Resolved

To approve the application subject to the following conditions:

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

Existing and Proposed Plans - Drawing No AH2016/24 Sheet 1 of 1 dated 09.08.2019

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

3. The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as No. 8 Fulmar Close and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential

amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

64 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 3.55 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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Wiltshire Council
Western Area Planning Committee
20th November 2019

Planning Appeals Received between 11/10/2019 and 08/11/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/01106/ENF	7A Kennet Gardens Bradford On Avon Wiltshire, BA15 1LT	BRADFORD ON AVON	Erection of 'shepherds hut' to front of property	DEL	Written Representations	-	15/10/2019	No
19/02147/OUT	Land North of St George's Road Semington, Trowbridge Wiltshire, BA14 6JN	SEMINGTON	Residential development of up to 26 dwellings (of which 50% would be affordable) with associated car parking, access, internal roads, public open space (including retention of the existing WWII Pill Box), landscaping, drainage and other associated infrastructure (Outline application with all matters reserved)	DEL	Hearing	Refuse	23/10/2019	No
19/04757/106	4 Tangier Close Warminster, Wiltshire BA12 0FA	WARMINSTER	Application to discharge the S106 agreement obligation in respect of development of one dwelling (Planning Application 13/03824/FUL)	DEL	Written Representations	Refuse	05/11/2019	No

Planning Appeals Decided between 11/10/2019 and 08/11/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/00309/ENF	Fairfield Farm Fairfield Meadows Southwick, Trowbridge Wiltshire, BA14 9RT	SOUTHWICK	Use of agricultural building as workshop	DEL	Inquiry	-	Dismissed	11/10/2019	Wiltshire Council Applied for Costs - ALLOWED
17/12351/FUL	Land Adj Hisomley Farmhouse, Dilton Marsh Wiltshire, BA13 4DD	DILTON MARSH	Application for the extension of existing day room.	DEL	Hearing	Refuse	Dismissed	05/11/2019	None
18/00802/ENF	193D Bath Road Atworth, Melksham Wiltshire, SN12 8HF	ATWORTH	Unauthorised container in front drive	DEL	Written Reps	-	Withdrawn	17/10/2019	None
19/00874/FUL	Home Farm Whaddon Lane Hilperton, BA14 6NR	HILPERTON	Change of Use of Agricultural Building to Uses under Class B8 Storage & B2 General Industrial in Association with Site-Based Fabrication Business (Resubmission of 18/06726/FUL)	DEL	Written Reps	Refuse	Dismissed	23/10/2019	None
19/01765/FUL	Duck Cottage 126 Park Lane Heytesbury, Warminster Wiltshire, BA12 0HE	HEYTESBURY IMBER AND KNOOK	Detached double garage with storage in roof space	DEL	House Holder Appeal	Refuse	Dismissed	16/10/2019	None

Agenda Item 6

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20 November 2019
Application Number	19/02724/FUL
Site Address	No.212 The Common Holt BA14 6QN
Proposal	Proposed two-storey extension and replacement roof to rear and associated internal works.
Applicant	Mr & Mrs S Thornton-Norris
Town/Parish Council	HOLT
Electoral Division	Cllr. Trevor Carbin
Grid Ref	386681 162310
Type of application	Full Planning
Case Officer	Jemma Foster

Background

This application was reported to the WAPC meeting on 23 October and was deferred for a member site visit scheduled for 1pm on 20 November; and thereafter, be reported back to committee for determination.

Reason for the application being considered by Committee

Cllr Carbin requested that should officers be minded to support this application, it should be brought before the elected members of the area planning committee to consider the following matters:

- The scale of the development
- The relationship the proposal would have with adjacent properties.

1. Purpose of Report

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

2. Report Summary

The main issues discussed in this report are the *principle of development, design issues, the impact on the immediate area, impact on amenity, and highway and access considerations.*

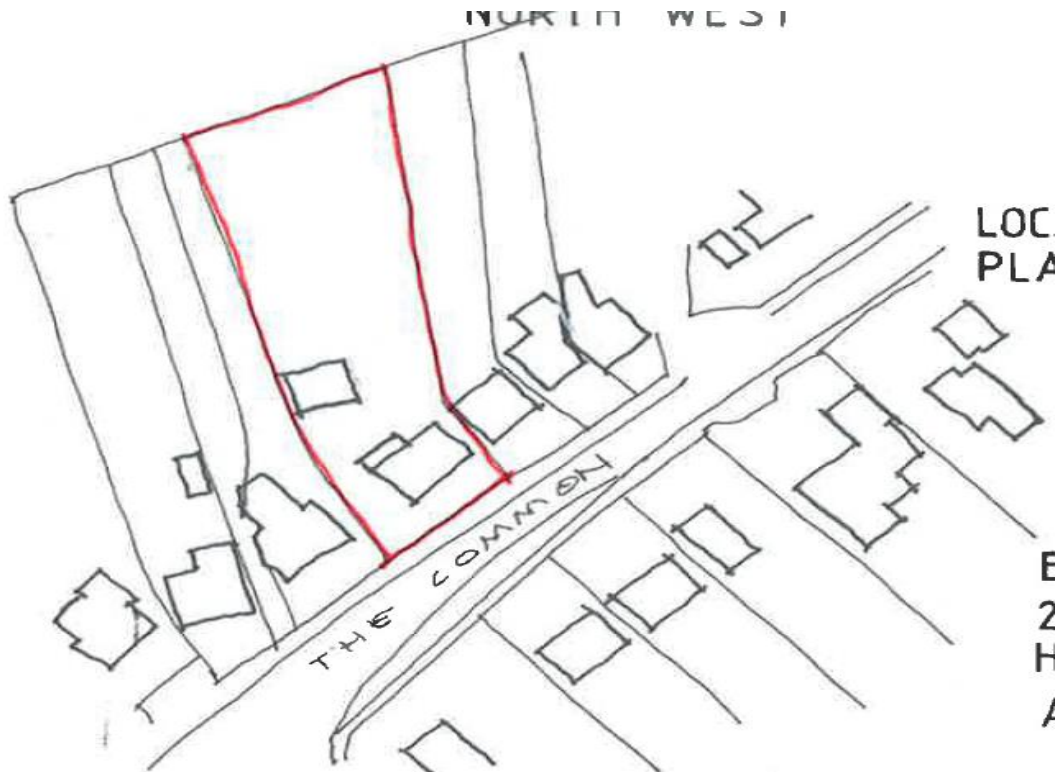
3. Site Description

The site is located within the Limits of Development of Holt, which is a designated large village as defined within the adopted Wiltshire Core Strategy. The application site is accessed off the north-west side of the B3107, the main arterial road running through the village.

The area surrounding the site is predominantly defined by two storey detached Victorian dwellings set back from the road with some being elevated above the road level. There is a mix of styles and types of properties along The Common ranging from bungalows to detached two storey dwellings which are finished in a variety of materials. The immediate site context is

characterised by property wall elevations being primarily constructed from bath stone although there are some examples of render and brick in the vicinity. Whilst the roof of the host property is finished in slate, there are examples of pan-tiled and concrete tiled roofs nearby.

To the rear of the properties within the immediate vicinity of the site, there are numerous extensions finished in bath stone, re-constituted bath stone blocks, timber cladding and others in render. The host property benefits from a relatively large rear garden which is illustrated below.



The application site is a detached, double fronted period property elevated above the road level with the driveway running along the side of the property leading to a double flat roofed garage located within the rear garden. The side wall of the garage shares a boundary/ party wall with the adjacent dwelling, number 211 The Common.



The existing dwelling is a two-storey building with an asymmetrical roof design. Fronting the highway, the property has a traditional two storey façade, however to the rear, the property has an extended rear roof creating a one and half storey façade – as illustrated below. The single storey lean-to rear addition is also not original.



The dwelling is set at a slight angle to the road and has a long rear garden which replicates the width of the dwelling and driveway combined and runs in a northerly direction away from the dwelling, which results in the garden running behind the neighbours' property (No. 213). The rear garden is laid to lawn with a number of mature trees. The boundaries of the site are defined by close boarded fences at approximately 2 metres in height.

The property is not a listed building and is located outside of the Holt Conservation Area.

4. Property Planning History

W/82/00638/HIS Alteration, improvements and erection of double garage – Approved with Conditions 20.07.1982

W/97/00240/OUT Erection of three houses and garages at No's 211-212 The Common Holt – Application Withdrawn 08.05.1997

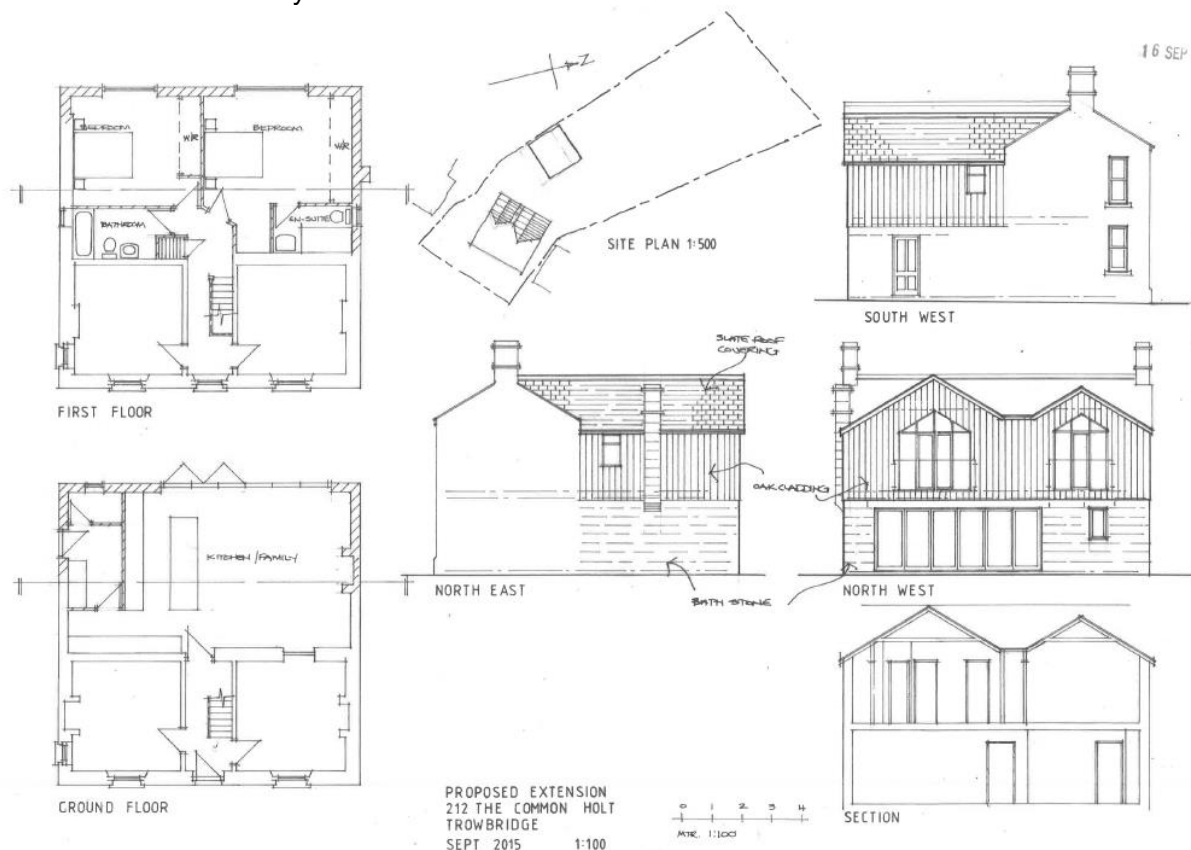
W/97/01210/OUT Erection of two detached houses with two single garages plus one single and one double garage together with associated access drive on land to the rear of No's 211/212 The Common, Holt – Application Refused 13.11.1997

15/09224/FUL Two storey rear extension - Approved at Committee 04.02.2016

In 2016 the Western Area Planning Committee granted permission for a two-storey rear extension which would replace an existing single storey lean-to and extend it by approximately 50cm beyond the existing footprint. The approved application allowed a two-storey element that would extend approximately 2.8 metres beyond the existing rear addition and extend across the width of the property.

The extension would have created two gables perpendicular to the main roofline; one with a ridge height that would match the main roof and one slightly lower. The approved extension would have been finished using bath stone at ground floor level and oak cladding around the first floor with slate roof tiles. At the first-floor level on the rear elevation, large windows and “Juliet” balcony would serve the enlarged bedrooms. The overall number of bedrooms within the property were not to be increased as part of this proposal.

Below is an extract of the elevation, floor and location plans for the extension that was granted permission on 3 February 2016.



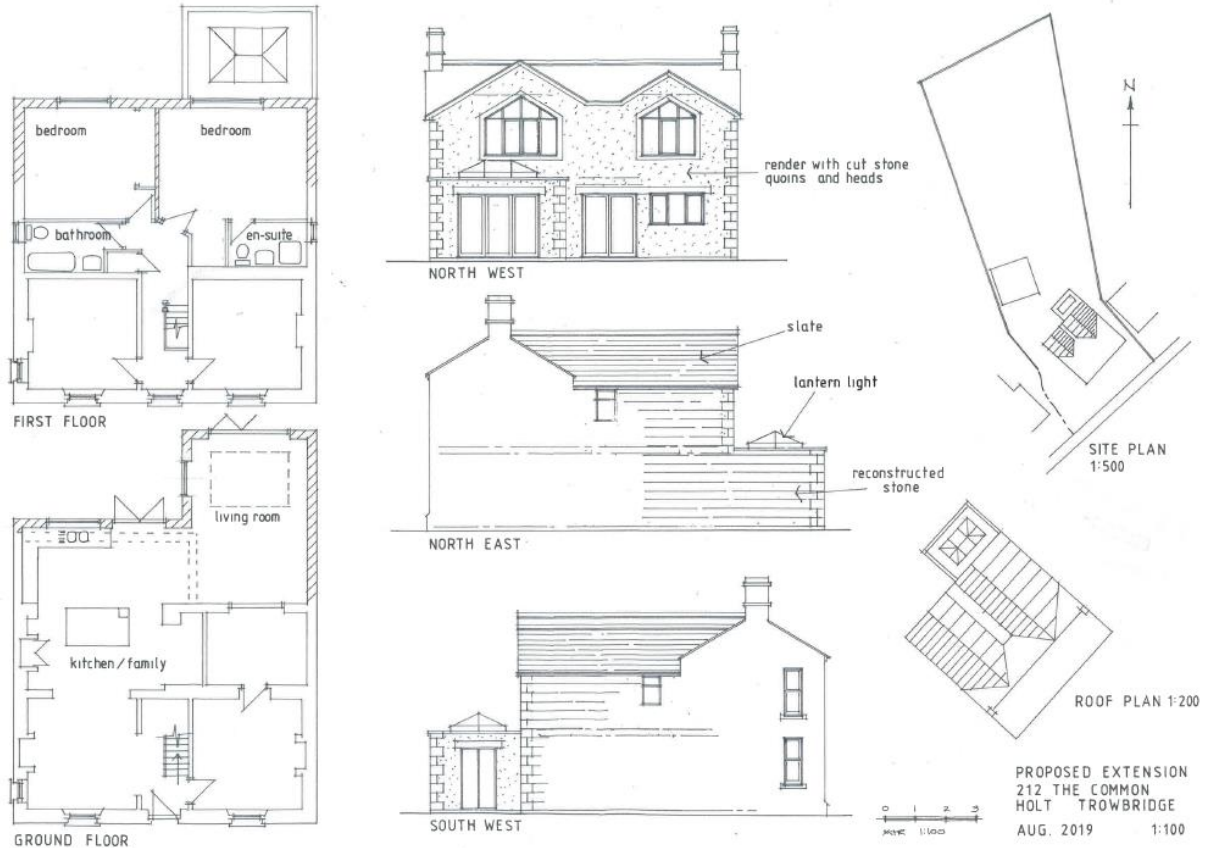
Since planning permission was given for the above proposal, the property has been sold and the 2015 application was not implemented. The consent is now time expired.

5. The Proposal

As far as this present application is concerned; and, following negotiated revisions which were submitted in early September, the applicant proposes to erect a two-storey extension with the same dimensions as the previously approved 2015 application with the addition of a single storey rear extension. The initially proposed alterations to the existing garage were removed from the application. At the ground floor level, the existing studio would become part of the family/kitchen area and the new space would be converted to a living room. At first floor level, the new space would provide space for a new bedroom and en-suite. The applicant would also undertake internal alterations comprising the provision of a relocated bathroom, landing and access to the new bedroom. The property would remain as a 4-bed dwelling.

The applicant proposes to use reconstructed stone for the side elevations and render on the rear elevation under a slate roof which differs from the previously approved application.

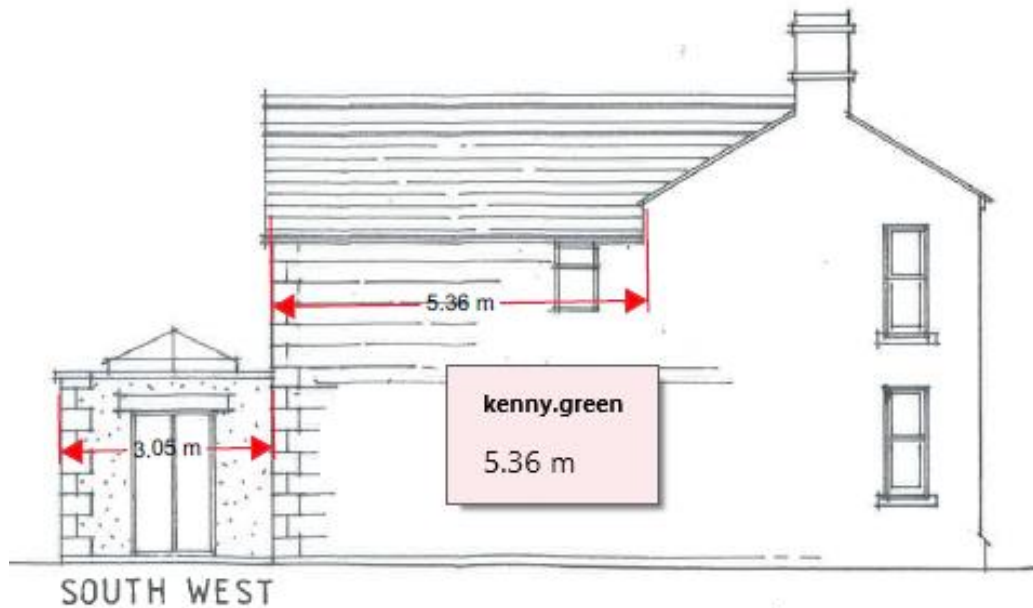
An extract of the proposed plans is illustrated below:



By way of comparison the following inserts illustrate the same scaled elevation for the approved 2015 application and that which is proposed under this application:



Approved 15/09224/FUL Extension Rear Wall Projection Measurement of 5.36m



Proposed Rear Extension Projection Measurement(s) of 5.36m (for two storey element and just over 3m for single storey addition)

6. Local Planning Policy

The adopted Wiltshire Core Strategy (2015): CP1 Settlement Strategy; CP2 Delivery Strategy; CP7 Bradford on Avon Community Area (Holt); CP57 Ensuring High Quality Design and Place Shaping; CP61 Transport and Development; CP64 Demand Management.

The Wiltshire Car Parking Strategy

The made Holt Neighbourhood Plan (2016)

The National Planning Policy Framework (NPPF) (2019) and Planning Practice Guidance

7. Summary of consultation responses

Holt Parish Council: No comments.

Wiltshire Council Highways Department: No objections. The property would remain a 4-bed dwelling and the existing parking arrangements and vehicle access would not be altered as part of this application, I therefore wish to raise no highway objection.

8. Publicity

A site notice was displayed on the telegraph pole at the front of the dwelling on the 11th September 2019 and the immediate neighbours were written to with information regarding the amended application. As a result, 3 letters of objection were received on the original plans and the same three neighbours submitted objections to the amended plans – which can be summarised as follows:

Principle of Development

- Infill business development in a residential area is inappropriate - this should be a residential to commercial application.
- One business is already being run from 212 The Common, with frequent customers.

- Plans do not accurately detail the current layout.
- The block plan is incorrect and shows the plot larger than it is; 211 has rear access and has a rear extension and conservatory which is not shown on the plans.
- The neighbourhood plan (particularly H3.1) does not advocate this type of development

Design

- The size and scale of the proposed house extension is not in keeping with the Victorian stock along 'The Common'.
- Building proposal is so large and will visually impact the immediate countryside and will be overbearing and will not protect village life.
- The extension will measure 3.3 metres to the rear and 4 metres in width to a height of 6 metres (the same as the current ridge height). This is 30% larger than the original dwelling.
- The materials used will have the extension a hard look and will not blend in with the existing housing stock
- The roofline is changing so much that the height of the roof will take away all of our natural light.

Neighbouring Amenity

- Daylight and privacy for nos. 209, 210, 211 and 213 will be compromised.
- Two storey office block will cause lack of privacy, overshadow neighbouring gardens.
- The garage is built on the boundary, the increase in height from 2.6 metres to 5.5 metres along with an office at first floor will be overbearing and cause a loss of light and privacy.
- A window on the south elevation will overlook my bedroom window
- The large new windows on the north west elevation at first floor will add light to the property but will take away our right to privacy and quiet enjoyment of my garden

Highways

- One car parked on the road causes traffic congestion – dangerous at rush hour and school times - another business being run from home will significantly impact the parking.
- Request a visit from the Case Officer to the application.
- The Holt Neighbourhood Plan does not allow for backland development with unsuitable access.
- The extension due to the size, mass, bulk, height and close proximity will result in an overbearing, overlooking and loss of privacy.

Other Matters

- A tree house is also being built which looks directly into my house.
- The plans are not professional

9. Planning Considerations

9.1 Principle of Development

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1.1 Adopted WCS Policies CP1 and CP2 set out the Council's strategic plan in terms of targeting and delivering development in sustainable locations. This proposed development is classed as a minor householder application located within the established residential curtilage of the existing dwelling within the village of Holt.

9.1.2 There is no in principle objection to the proposed development.

9.2 Design Issues and Impact upon the Immediate Area

Core Policy 57 of the Wiltshire Core Strategy states that “[a] high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.”

9.2.1 Policy H2.1 of the Holt NP requires “all development to demonstrate good quality design... and respect the character and appearance of the surrounding area”.

9.2.2 The proposed extension would be a complimentary modest addition to the existing detached property. At the time of the 2015 application, officers argued that the two-storey rear addition would not represent a disproportionate extension to the dwelling – which was accepted by the committee in February 2016. Whilst this fresh development proposal would include provision of a single storey rear extension, it would not be out of keeping, constitute as overdevelopment or be harmful.

9.2.3 The proposed two-storey extension would be appropriately finished with reconstructed stone on the side elevations and render on the rear elevation with a slated roof. It would be appropriate and necessary to secure a sample of the reconstructed stone and confirmed render – which can be imposed by a suspensive planning condition along with conditioning the slate material to ensure it is all appropriate to its setting. The proposed use of materials have been cited as a concern through the received objection letters. However, officers are satisfied that the proposed use of materials would not result in any harm. It is also necessary to acknowledge that there was a mix of materials for the previously approved extensions which included the use of timber and render. The proposed use of reconstructed stone would be similar to the existing stone and there would be some design betterment when compared to the previously approved application which allowed for natural stone at ground floor and timber at first floor level.

9.2.4 Concerns have been raised regarding the proposed ‘large’ windows on the rear elevation. These windows would however be smaller than the previously approved windows and the plans also comprise the removal of the previously approved Juliet balcony. The windows although materially different to the front fenestration, are considered acceptable in design terms and there would be no substantive harm to immediate neighbours.

9.2.5 The proposed two storey and single storey rear extension would acceptably juxtapose with the existing dwelling. The proposed extension would be a subservient rear extension screened from the road and would not harm the character of the area.

9.3 Residential Amenity

The proposed two-storey extension would not adversely impact upon neighbouring amenity in the form of overlooking, overshadowing or overbearing as it is exactly the same as that previously approved. The February 2016 committee report for the previously approved application (pursuant to the two-storey extension) stated the following paragraphs number 9.3.1 – 9.3.9 equally apply to this application:

9.3.1 The two properties located either side of the proposed extension are No.211 and No.213. Property No. 210 forms a semidetached unit to No.211 and lies to the southwest of this dwelling. Property No.209 lies again to the southwest of No.210. As described above, the layout of the gardens along this street mean that the gardens start to run behind those of the neighbouring properties, for example the garden of No.209 runs behind No.210; and, the garden to No.210 runs behind No.211 and so on (reference site location plans on the following page).



OS Plan down load from SAMS



Extract from applicants Site Location Plan

9.3.2 The proposed extension would project off the rear of No.212 and would enhance the size of the existing bedrooms that face the rear garden at present. Directly behind the host dwelling is an existing large single storey double garage which would provide a degree of screening from any potential overlooking from the rear elevation of No.212 over any neighbouring properties gardens. No. 209 is displaced from the application site by two dwellings and No. 210 is displaced by one dwelling. As such, the potential for any degree of impact is minimal. This is equally the case for the rear amenity space of No.210. It is therefore considered that the concerns raised about loss of privacy to these two properties amenity space, would be inconsequential and it would not substantiate a robust reason for refusal.

9.3.3 Following a direct line of sight from the rear elevation of the proposed extension to the boundary of No.211, there would be a distance of approximately 15.5 metres. Bearing in mind that there is a large double garage directly in between the rear elevation and site boundary, it is again argued that there would not be a significant detrimental impact on the privacy of the neighbouring garden to justify a refusal. With regards to garden space of No.213, this area of land angles away from the proposed extension and there would be no direct overlooking from the proposed development into the amenity area of that property.

9.3.4 No. 212 has three windows facing out over the applicant's garden serving two bedrooms and a bathroom. With this existing arrangement in mind, officers submit that the proposed development would not result in a situation substantially different to what exists at present. It is therefore concluded that overlooking from the rear elevation is not grounds for refusal.

9.3.5 Turning to the side elevations, the proposal would create a new window in either side elevation for two bathrooms. Both of these windows are recommended to be conditioned to be obscure glazed. The window to the north-east elevation, facing No.213, would be directly opposite the one and half storey element to the rear of No.213 and would not create any overlooking of the neighbouring property or its amenity area. Turning to the elevation facing No.211, there is existing first floor bedroom window. Also, there are existing windows and openings facing towards the application property including at first floor level overlooking into the amenity area of the applicants dwelling.



A view towards No. 211 (in the middle ground of the photo)

9.3.6 Officers duly submit that the proposed extension would not create any greater level of harm compared to what exists at present. In response to the overbearing concerns which have also been raised by neighbours, officers report that the separation distances between the host property and proposed extension when compared to the neighbouring properties (No's 209 and No 210) and acceptable and there would be no significant impact to warrant a refusal.

9.3.7 The proposed two-storey extension that would site adjacent to No.213 would create the biggest change to the built form. Planning guidance offers a general rule of thumb to assist the appraisal and determination of these types of applications to specifically help understand the potential impacts on neighbouring properties. With reference to the 45-degree rule, the following plan illustrates how by applying the 45-degree test to the neighbouring property windows at No.213 the proposed development would not compromise the rule of thumb and officers are satisfied that the rear extension would not result in harm to the immediate neighbouring property.



Plan showing the 45-degree rule

9.3.8 With regards to the potential for impact on No.211, whilst the owner's outlook would be altered by having an extended rear structure built off the host property facing their side door, the outlook change would be largely appreciated within a small part of the neighbouring garden. It is also important to fully appreciate that there is no right to a view across third party land and officers would respectfully argue that within urban locations such as towns and villages, it is a well-established characteristic for some properties being located in relatively close proximity to neighbouring dwellings. This application does not propose to close a gap between properties; and, it is important to record that the primary openings of the dwelling at No 211 are found to the front and rear elevations and would remain unaffected by the proposed development.

9.3.9 In regard to overshadowing concerns, the orientation of the dwelling and the neighbouring properties, there already exists at present a degree of overshadowing of the amenities of the neighbours and site. The two-storey extension would result in a minimal increased overshadowing for a certain part of the day at certain times of the year. It would not however be significant, and nor would it adversely harm the enjoyment of the amenities or facilities of the surrounding properties to justify a refusal. Officers have given due regard to garden orientation and the separation distances between the proposed extension and the site boundaries (whilst acknowledging the slope of the roofs project away from the boundaries); and officers duly submit that the proposed extension would not result in an oppressive form of development and nor would it cause adverse overbearing impacts on the occupiers of the neighbouring dwellings.

9.3.10 The proposed single storey extension would not overlook, overshadow or overbear neighbouring properties to their detriment. The proposal is therefore considered to comply with CP57.

9.4 Other Matters

The professional quality of the plans is not something that can be taken into consideration when assessing the application. Officers are satisfied that the plans are sufficiently clear and detailed to enable an informed decision to be made on this application.

9.4.1 Concerns have been raised regarding the plans being incorrect – namely the block plan failing to include extensions on neighbouring properties. In response to this, members are advised that the case officer has visited the site and is aware of the existing relationships the host property has with neighbouring properties and the juxtaposition with completed extensions; and this report sets out the officers full and an appropriate assessment.

9.4.2 Concerns have also been raised regarding a tree house being constructed in the garden and that the allegation that there is a business being run from the host property. The tree house does not form part of this application submission; and as such, it would be unreasonable to take it into consideration when making a determination on this application. Any concerns regarding a business being run from the property that would result in a change of use or any other unauthorised works at the property are separate matters that require an investigation by the planning enforcement team.

9.4.3 Policy H3.1 has been cited by an objector arguing that the proposal fails to comply with the Neighbourhood Plan. Policy H3.1 is not considered to be a relevant policy for this application since it applies to "infill housing". This application is clearly not an infill house development and is instead relates to a domestic extension and basing a refusal on Neighbourhood Plan Policy H.3.1 would be unreasonable.

10 Conclusion (The Planning Balance)

The proposal would represent a modest extension to an existing dwelling that would be built with appropriate materials that not have an adverse impact upon neighbouring amenity. As such it is recommended for approval.

11 RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. No development shall commence on site beyond slab level until the exact details and samples of the materials to be used for the external walls 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

3. The slate to be used in the development hereby permitted shall match the existing building in terms of their material, colour, texture, profile and pattern of laying.

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

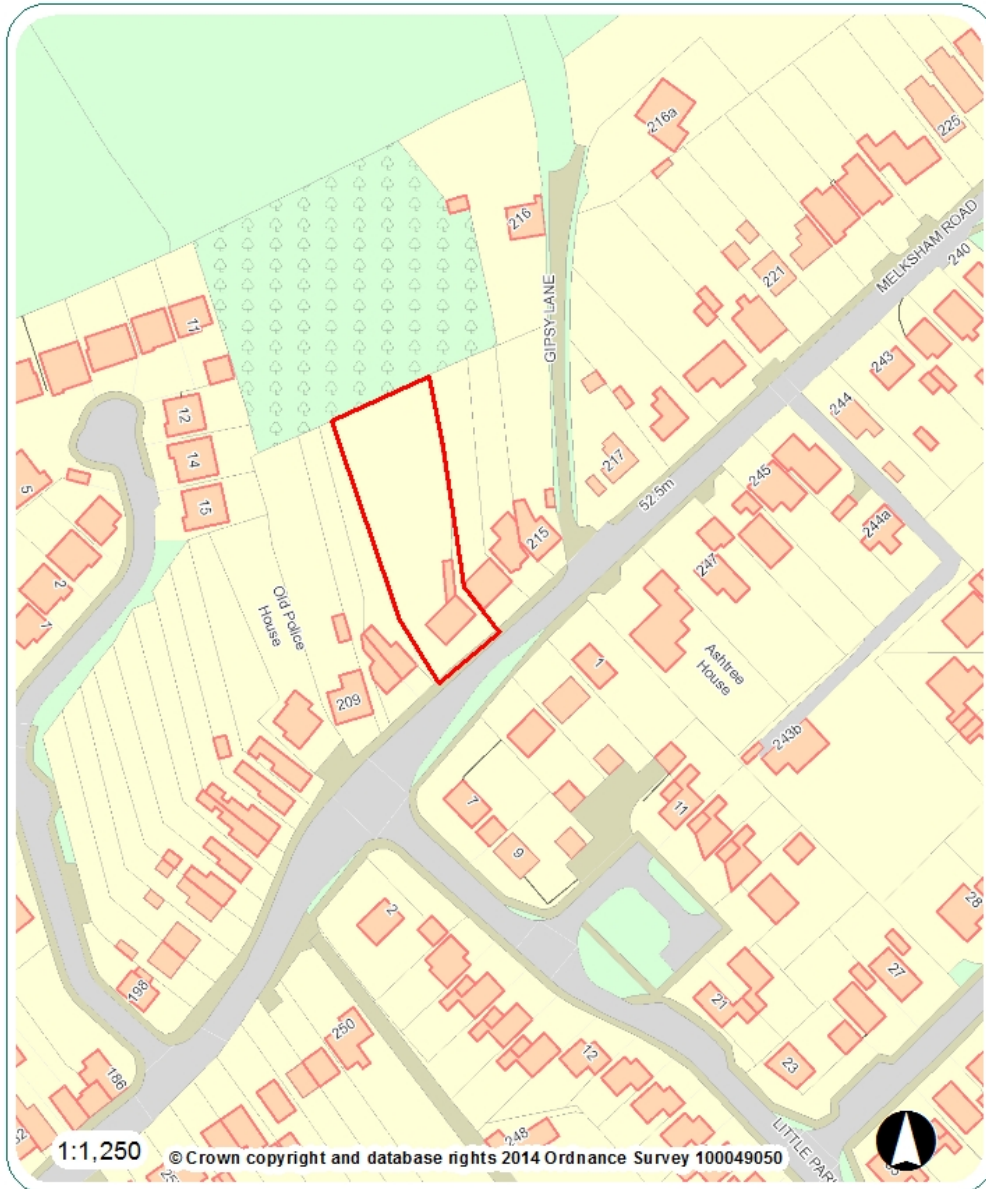
4. Before the development hereby permitted is first occupied the windows in the North East elevation and South West Elevation serving the bathroom and en-suite shall be glazed with obscure glazing only and to an obscurity level of no less than level 3; and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

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

Plans annotated as Existing, Proposed Extension received by the Local Planning Authority on 3rd September 2019.

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



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20.11.2019
Application Number	19/07037/FUL
Site Address	Land south of Stourton Farm, Westbury Road, Steeple Ashton, Trowbridge BA14 6DE
Proposal	Erection of agricultural building (partially retrospective)
Applicant	Mr A Harte
Town/Parish Council	WEST ASHTON
Electoral Division	Cllr Horace Prickett - Southwick
Grid Ref	388847 157893
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Prickett has requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to support the application to allow members to fully appraise the following key matters:

- The scale of development
- Visual impact upon the surrounding area
- The relationship to adjoining properties
- Design, bulk, height and general appearance

1. Purpose of Report

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

2. Report Summary

- Principle of Development and Agricultural Justification
- Impact on the Character of the Area
- Impact on the living conditions of neighbouring residents
- Impact on the public right of way footpath
- Ecology impacts
- Highway issues
- Other issues

3. Site Description

The application site is located in the open countryside some 700m south-west of Ashton Common and just over 1km to the north-west of Steeple Ashton. The identified application site extends to approximately 1.75 hectares (4.3 acres) and is located to the south-east of Stourton Farm and is accessed via a track that connects with the A350 Yarnbrook Road.

A public right of way (PRoW) footpath (SASH9 which connects with WASH13) runs along the north-western site boundary which is illustrated along with the site location on the following page. The landscape character of the area is one of Rolling Clay Lowland and as confirmed by the application proposal, the applicant has made a

material unauthorised start on site with several parts of the steel frame being erected (however due regard should be given to the site's planning history which is set out below). As shown in the case officer's site photo below, the applicant has sited a touring caravan without any justification or approval – which is the subject of a separate enforcement investigation. For the purposes of this application, the touring caravan forms no part of the submission being reported to members.



4. Planning History

19/00378/ENF – Enforcement Investigation into unauthorised works on site (to which the application before the elected members seeks to regularise).

16/02274/FUL – Erection of an agricultural building (Resubmission of 15/12384/FUL) – Approved 09.05.2016

Note: The approved barn measured 12m long, 8m wide and approximately 4m high to the roof apex (96 square metres in size and 384 cubic metres)

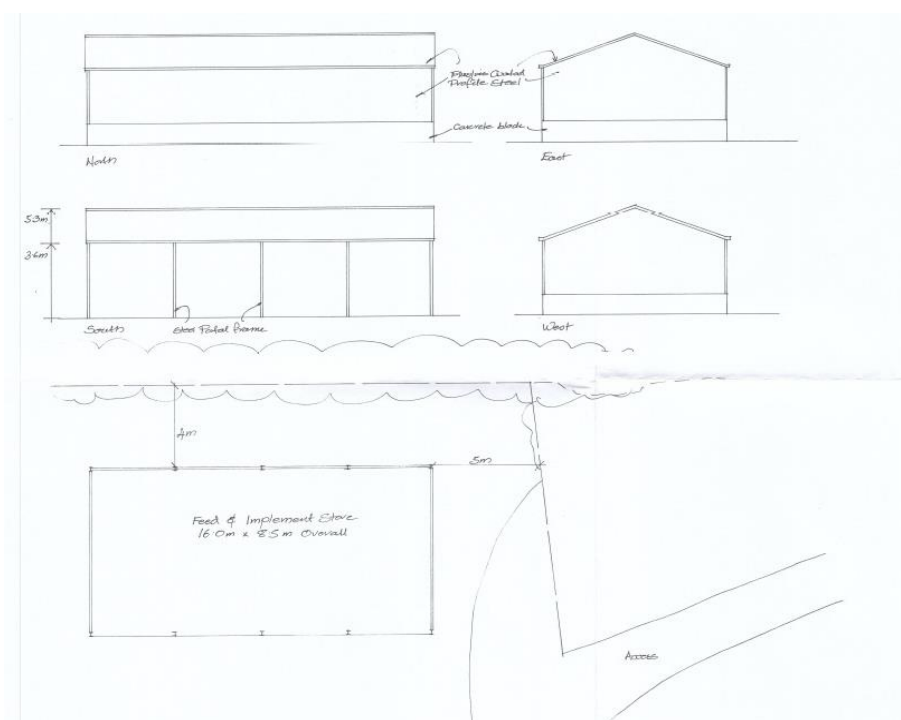
15/12384/FUL - Erection of agricultural building – Refused for the following reasons:

1. By reason of the particularly limited size of the land comprising the application site and large size of the proposed barn, the development of the land by the provision of the proposed new building has not been demonstrated to be reasonably necessary for the purposes of agriculture. The proposed development would thereby constitute unjustified development within the countryside which would by introducing a new development (built form) into a previously undeveloped field and would be detrimental to the existing character of the surrounding countryside. The proposed development is therefore contrary to CP48, CP51 and CP57 of the Wiltshire Core Strategy.
2. The proposed development, by virtue of its height, bulk, massing and location would have an adverse impact on the character of the countryside in this highly prominent position within the landscape that is not outweighed by a proven agricultural need. The proposed development is therefore contrary to CS 51 and CS57 of the Wiltshire Core Strategy and advice contained in section 7 of the National Planning Policy Framework.

Note: The size of the barn refused planning permission was to measure 24m long, 11.6m wide and 6.6m to the apex of the pitched roof.

5. The Proposal

This is a full application for the erection of an agricultural barn for the storage of hay and associated machinery and to provide accommodation for livestock during the winter. The application is partly retrospective because part of the steel frame has been erected on site (with works commencing in February 2019). The building would measure 16m long, 8.5m wide and have a maximum height of 5.3m (with 3.6m to the eaves). The building (which is shown below) would have a gross floor area (measured externally) of 136 square metres and a gross volume (measured externally) to the eaves of 490 cubic metres (and a total volume of approx. 558 cubic metres). The building would be constructed of green plastic-coated profile steel sheeting with a concrete block base.



6. Local Planning Policy

Wiltshire Core Strategy (WCS) Core Policy 15 Melksham Community Area; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; and Core Policy 62 Development Impacts on the Transport Network.

National Planning Policy Framework 2019 (The Framework) especially sections 12. Achieving Well-Designed Places; and section 15. Conserving and Enhancing the Natural Environment

Other Material Considerations Planning Practice Guidance (PPG); The Wiltshire Landscape Character Assessment (which defines the site and in the immediate environs as 'Rolling Clay Lowland'; and the Draft Trowbridge Bat Mitigation Strategy SPD (which in due course, Council officers hope will be adopted as part of the Wiltshire Housing Sites Allocation Plan DPD)

7. Summary of Consultation Responses

West Ashton Parish Council: Objects and raises the following comments and concerns.

The 2015 application was refused because of the scale of the proposed barn. The application in 2016 was approved for a smaller barn which was never implemented and is now time expired. The current application is retrospective and appears to be larger than what was approved in 2015.

Objection Issues:

1. Rights of way and the diversion / re-routing of the footpath behind the barn. What explanation is there with regard to the impact on the maintenance and inconvenience to users of the footpath.
2. The applicant's statement relative to land ownership is misleading because it appears that Mr Roy Clarke (who has objected) owns some of the land identified in blue which the applicant proposes to use for cattle. This land would not be available for such use and it therefore reduces the need for the proposed barn.
3. The area is very sensitive in terms of bats in the area (ref: Ashton Park, Biss Wood etc). The emerging HRA should raise concerns about the proximity to bats, their roosts and foraging routes.
4. The land appears to be used for unlicensed storage / waste, which Wiltshire Council should be aware of (Highways or their contractors).

Additional comments:

Land usage and the barn is predicated on the proposed and continued rearing of livestock, is there an issue for DEFRA to comment on necessary licences?
Given the size of the parcels of land claimed to be used for livestock is there an issue related to the overall acreage and animal welfare?

Steeple Ashton Parish Council: Objects for the following reasons:

The application is not accurate in its representation of land ownership and resubmits details included as part of previous planning decisions. Part of the land referred to has now been sold to a third party.

The application site and development are not proportionate to the land in question.

The scale of the proposed building is larger than the 2016 approved agricultural building.

The application, if approved, would require a re-routing of the footpath, which in the Parish Council's opinion would be detrimental in terms of the accessibility of the footpath.

The application would result in a disturbance of bats, which have a high density of population in the area. The land is "red zoned" for bat habitat within Wiltshire Council planning policy.

The Parish Council objects, as matter of policy and principle, to retrospective applications especially where development has not been in accordance with previously issued planning permissions.

The PC has further concern regarding the licensing for the applicant's animals and asks the Planning Authority to ensure that the appropriate licenses are in place.

Wiltshire Council's Agricultural Consultant: The applicant's freehold land ownership extent at Stourton Farm extends to approximately 1.75 hectares. The applicant also owns land 4.45 hectares at Semington and 5.16 hectares at Kington St Michael and rents a further 8.09 hectares at Semington, which are understood to be farmed as a single unit extending to 19.45 hectares (equating to 48 acres or thereabouts). All the land pursuant to this application site is grass, which is used to provide grazing and winter fodder for store cattle. On behalf of the applicant, it is represented that 30 store cattle are finished annually across the combined farm holding.

The land is used for grazing and for the production of hay, which is used as winter feed, with any surplus sold.

The applicant's proposal is to retain the store cattle enterprise and to introduce a sheep enterprise, comprising 20 ewes, which would be maincrop lambed. Lambs would be finished and sold the following autumn and winter – with the farm land to be kept in grass and managed as at present.

There are no agricultural buildings on the freehold land owned by the applicant. Under this application, the applicant seeks planning permission for a steel portal frame agricultural building that would be divided into four bays.

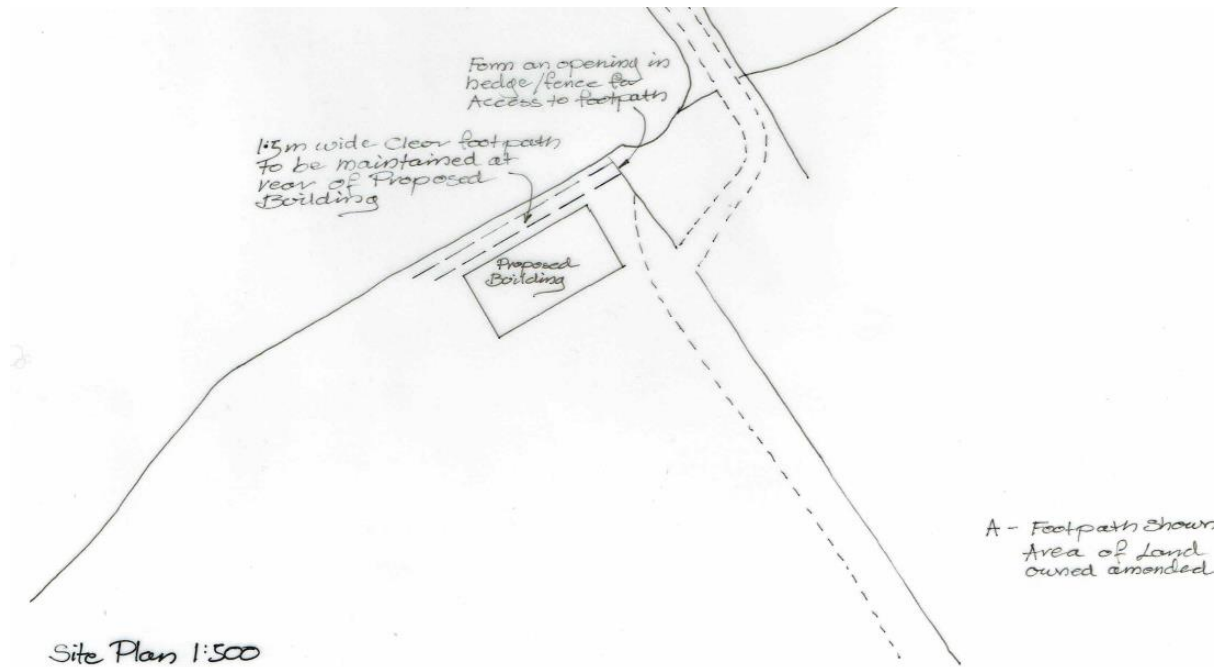
The applicant advises the building is to be used to provide accommodation for store cattle during the winter and for hay produced on the holding.

The local planning authority has sought my opinion on the need for the proposed building. In forming my opinion, it is first necessary to determine whether there is a requirement for a building for the stated purpose. Second, it is necessary to determine whether the size and design of the building is appropriate to the functions, considering the extent and scale of the agricultural practice.

Note: Within section 9.1 of this report, additional commentary is provided to supplement the case officer's planning appraisal and informs the planning

recommendation. The building is of an appropriate size for the combined holding. The building is not well suited to accommodation for livestock.

Public Rights of Way Officer: No objection. The PRow team are satisfied that the footpath can run behind the barn and would still be within the tolerance of the original route as shown on the Definitive map of Public Rights of Way as illustrated below:



8. Publicity

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the

site. As a result of this publicity, 6 letters of objection (4 from the same individual) were received with the summarised objections being set out as follows:

- Incorrect details are included on the application form pursuant to land ownership details and the size of the farm holding
- Additional traffic generated by the development should not be supported
- The proposed development would result in harming the living conditions of neighbouring residents
- The development has already started and would have an adverse impact on the public footpath
- The proposed barn would be too large for the farmland and disproportionate to the proposed land use.
- There are animal welfare issues highlighted arguing that the 1.75-hectare land holding would not support a cattle herd of 15.
- Bats are in evidence on the site – which falls within the ‘red zone’ as set out within the emerging Trowbridge Bat Mitigation Strategy and would result in the loss of foraging habitat for bats
- Concerns have been raised over the current use of site used for waste disposal. The land at Littleton Stables has been used as an unlicensed waste dump and was subject to enforcement investigation (enforcement case 19/00594/ENF) which resulted in the removal of waste material.
- The Council’s PRow team were not consulted.

9. Planning Considerations

9.1 Principle of Development and Agricultural Justification

9.1.1 The provision of any new building within the countryside has the potential to adversely affect its character simply by reason of its presence and the act of developing on the land *per se*. However, where proposed development is justified for *bona fide* agricultural purposes, including the maintenance and management of the land and welfare of animals etc, officers recognise that some adverse effects may be outweighed by substantive agricultural justification and functional need.



9.1.2 The application site located to the south-east of Stourton Farm comprises one field extending to some 1.75 hectares and is accessed via a track that connects with the A350. The aerial insert on the previous page reveals the manner in which the field and the surrounding agricultural land is laid out with well-established hedgerows and trees defining much of the field boundaries with Smith's Well Woodland illustrated to the west.

9.1.3 In addition to the land south east of Stourton Farm, the applicant either owns or rents an additional 17.7ha at three other land parcels (with 2 plots of land at Semington and one at Kington St Michael) which equates to a farm holding of just under 20ha.

9.1.4 Under this application, the applicant proposes to erect a farm building measuring 16m long by 8.5m wide with an eaves height of 3.6m and an overall height of 5.3m. The floorplan of the proposed barn would extend to approximately 136 square metres and would have a volume of about 558 cubic metres.

9.1.5 To support the application, an agricultural justification has been submitted which asserts that the proposed barn would be used for the storage of hay, agricultural equipment and tools and to accommodate livestock in adverse weather conditions (winter) and for lambing. The land is currently used for grazing and for the production of hay, which is used as winter feed, with any surplus sold. Based on the level of land that is farmed by the applicant, over 730 cubic metres of hay could be produced each year which would require suitable under cover storage and as previously reported, there is no building on any of the land parcels owned by the applicant. In addition, the submitted agricultural justification states that the applicant grazes 30 head of cattle each year; and that the farming business seeks to expand in 2020 to accommodate up to 20 ewes with the flock to be grazed across the four parcels of farm land that is available to the applicant.

9.1.6 As part of the planning assessment, the Council commissioned Tony Coke to independently appraise the applicant's agricultural justification and invited him to provide the local planning authority with his own assessment which is partly set out in section 7 of this report. To supplement the case officer's own appraisal, Tony Coke provided the following concluding advice contained within para 6.4 of his consultation response whereby he argues that:

"a building is necessary to provide suitable covered accommodation to prevent baled hay from spoiling as a result of adverse weather. Spoilt hay has a reduced nutritional value and low to no sale value."

and he continues to assert that:

'It is my view that the welfare of store cattle can be improved through the use of suitable covered accommodation to mitigate the effects of adverse weather in winter.'

9.1.7 In his determination as to whether the size and design of the proposed agricultural building would be appropriate for the proposed agricultural function, Tony

Coke considered the extent and scale of the agricultural practice over the extent of the farm holding and argued within paragraph 6.5 that:

“Having established that the proposed functions warrant suitable covered accommodation it is then relevant to consider the specific requirement. The calculations below are based on standard published industry data.

- Assuming there are two cuts of hay across the holding a reasonable level of output might be two tonnes per acre, producing a total of 96 tonnes of hay. Assuming a stored density of 8m³ per tonne the total storage volume required would be 768m³. Assuming hay is stored to the eaves height (3.6m) of the proposed building the floorspace required would be 213m².

- Assuming a liveweight of 300kg per animal and 5m² per animal, 30 head of store cattle would have a space requirement of approximately 150m²”.

Within paragraph 6.6 of his consultation report, Tony Coke argues that

“It would be reasonable to expect a reduction in the hay crop, to reflect grazing by the cattle; however, based on the above calculations and assumptions the hay crop would have to be reduced by more than 35% for the building to be too large for the hay alone. It must be noted that the design of the building is more of a general purpose shed, rather than as a livestock building. The cladding to the upper elevations does not facilitate natural through ventilation and in my view that renders the building unsuitable for long-term use by livestock”.

Within paragraph 6.7, Tony Coke concludes by saying:

“Overall it is my view that the building is appropriately sized for hay storage across the combined holding. The proposed building is capable of use by livestock, but it is not designed for that purpose. The size of the proposed barn is considered acceptable for the proposed agricultural use”.

9.1.8 Although the Council's agricultural consultant states that the building is not ideally suited for the housing of livestock long term, it can be used for winter cover and or during extreme bad weather, as well as for lambing. Officers are equally satisfied that there is substantive agricultural merit in approving the building. There is a functional need for the agricultural building on site and it is considered to be of an appropriate size that is reasonably necessary for the farming business.

9.2 Impact on the Character of the Area

9.2.1 Core Policy 51 of the adopted Wiltshire Core Strategy (WCS) requires development to protect, conserve and where possible enhance landscape character and negative impacts must be mitigated where possible through sensitive design and landscape measures. In addition, Core Policy 57 requires a high standard of design in all new developments and that development should respond positively to the existing landscape.

9.2.2 The landscape character of the area is one of Rolling Clay Lowland. This is characterised by gently undulating, largely rural area of mixed arable and pasture

land with medium to large rectangular fields bounded by thick hedgerows with mature hedgerow trees. Settlements are sparse with scattered nucleated and linear villages and farmsteads. The application site consists of a single field bordered by mature hedges which slopes gently downwards east to west.

9.2.3 The proposed agricultural building would be located approximately 4m set back from the well-established hedgerow which is identifiable in the site photos below that forms the applicant's northern field boundary and separates it from the Stourton Farm land to the north and provides a northerly backdrop for the WASH13 and SASH9 public footpath. Officers submit that the barn would be reasonably well screened from views from the north (looking south-easterly) and would be screened further by the existing hedgerow that defines the field's eastern boundary. At circa 5.3m in height, the barn would exceed the height of the hedgerow, however in the opinion of officers, it would not appear as being substantively visually obtrusive given the shallow roof pitch and the proposed agrarian elevation form and recessive material palette; and officers submit that it would comply with CP51 and CP57 of the Wiltshire Core Strategy and sections 12 and 15 of the NPPF.



View of the frame of the barn from the southwest adjacent the existing hedgerow boundary

9.3 Impact on the Living Conditions of Neighbouring Residents

9.3.1 Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new development and that development proposals should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development itself.

9.3.2 The nearest residential property to the application site is Springfield House which is located approximately 85 metres to the north-east, with Stourbridge Farm being located approximately 172 metres to the north-west. These separation distances are such that the development should not pose a risk to blight the living conditions experienced and enjoyed at the aforementioned properties. There would

be no substantive loss of amenity to justify a refusal of planning permission and officers are satisfied that the development would comply with Core Policy 57 of the Wiltshire Core Strategy.

9.4 Impact on the Public Right of Way Footpath (WASH13 / SASH9)

9.4.1 No objection is raised by the Council's PRow warden who acknowledges that the partially constructed barn does not compromise the definitive route of the PRow and there would be no substantive grounds to refuse the application pursuant to the right of way located between the barn and the hedgerow.

9.5 Ecology Impacts

9.5.1 Concern has been raised by third parties about the impact the development may have on bat habitat in the area; and it is acknowledged that the application site lies adjacent to Stourton Plantation and to the east of Smith's Well Wood, which are known woodland habitat used by Bechstein bats and that the application site is within a 'red zone' area designated by the Council as contained within the Draft Trowbridge Bat Mitigation Strategy SPD where there is a high risk of impact from development on the commuting routes and foraging areas of bats.

9.5.2 In this particular case, the application comprises no substantive loss of foraging land and the barn would not result in the loss of any bat habitats. There is no proposed removal of hedgerows or trees; and the proposed end use would not result in added pressure to the nearby known bat habitat (unlike residential forms of development – which have a consequential recreational pressure). Officers are fully mindful that should permission be granted it would be necessary to impose a planning condition pursuant to any external lighting the applicant may wish to install which would need to be worded in a suspensive manner.

9.6 Highway Safety Issues

9.6.1 Although it is recognised the use of the barn would result in an increased use of the access track to the site, the use would not lead to such severe impacts on highway safety to justify refusal of planning permission fully cognisant of paragraph 109 of the NPPF and WCS Core Policy 62.

9.7 Other Issues

9.7.1 It is acknowledged that concern has been raised through the consultation and public notification processes about the size of the proposed barn in comparison to the previously refused barn proposal on the same site. In response to this concern, it is necessary to assess each application on its own merits; and in this case the applicant has put forward sufficient evidence to justify the barn of the size proposed – which is not opposed to by officers or the Council's agricultural consultant; and it is noteworthy to mention that the proposed barn would be smaller in height and length when compared to the refused 2015 application that is cited earlier in this report.

9.7.2 The queries and anomalies that were raised over land ownership at an early stage of the application were resolved by virtue of a revised submission.

9.7.3 The third-party enforcement concerns duly referenced that are not relative to the barn proposal are the subject of a separate investigation by the Council's planning enforcement team. In terms of any land that is considered to be untidy, the Council can serve an 'amenity' notice on the owner of any land or building which is in an unreasonably untidy condition and considered to have an adverse effect on the amenity of the area. This is done under section 215 of the Town and Country Planning Act 1990 (as amended). When the site was visited by officers, the land was not considered to be untidy to warrant such actions, however it would remain open to the Council to review this as an ongoing matter, should local concerns be raised – which for the avoidance of any doubt, should be reported through the Council's planning enforcement team.

9.7.4 In response to the concerns raised about building materials being stored on site, officers found that these had been removed by the applicant when the site was visited in early September and through an ongoing liaison with the enforcement team, the site is being monitored. To provide more surety as part of any grant of planning permission, officers are minded to recommend a bespoke planning condition given its rural location to restrict external storage for agricultural purposes only.

9.7.5 Third parties have also raised issues of animal welfare including the licensing of animals however such issues are not a planning matter and are dealt with under other legislation; and as such, it cannot influence the planning balance or determination.

9.7.6 Lastly, in response to the concern raised about the partially retrospective nature of the application, whilst it is always regrettable when an applicant proceeds with a development prior to obtaining the necessary permissions, a retrospective application cannot be treated any differently to a standard planning application. The appropriate tests are set out above and after taking on all the material planning considerations into account, officers are supportive of the application.

10. Conclusion (The Planning Balance)

Based upon the information provided, officers are satisfied that there is a functional need for the proposed agricultural building at this site and it is considered that the size of the building is appropriate and reasonable for the agricultural holding that is farmed by the applicant and to support the farming business. Officers are satisfied that the development would have no adverse visual impact on the countryside or to the amenities of adjacent residents or harm the setting of the public footpath. In addition, the development would not result in any substantive harm to highway safety interests or result in adversely impacting the commuting routes and foraging areas of bats species known to be in the area. The application therefore complies with Core Policies 15, 50, 51, 57 and 62 of the Wiltshire Core Strategy and the advice contained within the National Planning Policy Framework.

11. RECOMMENDATION: APPROVE subject to conditions:

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

Location/block plan scale 1:2500/1:500 Dwg no. 2379/1 A
Proposed plans and elevations scale 1:100 Dwg no. 2379/2

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

2. The development hereby approved shall only be used for the purposes of agriculture and the storage of agricultural equipment and material and for no other purpose.

REASON: In the interests of the appearance of the site and the amenities of the area.

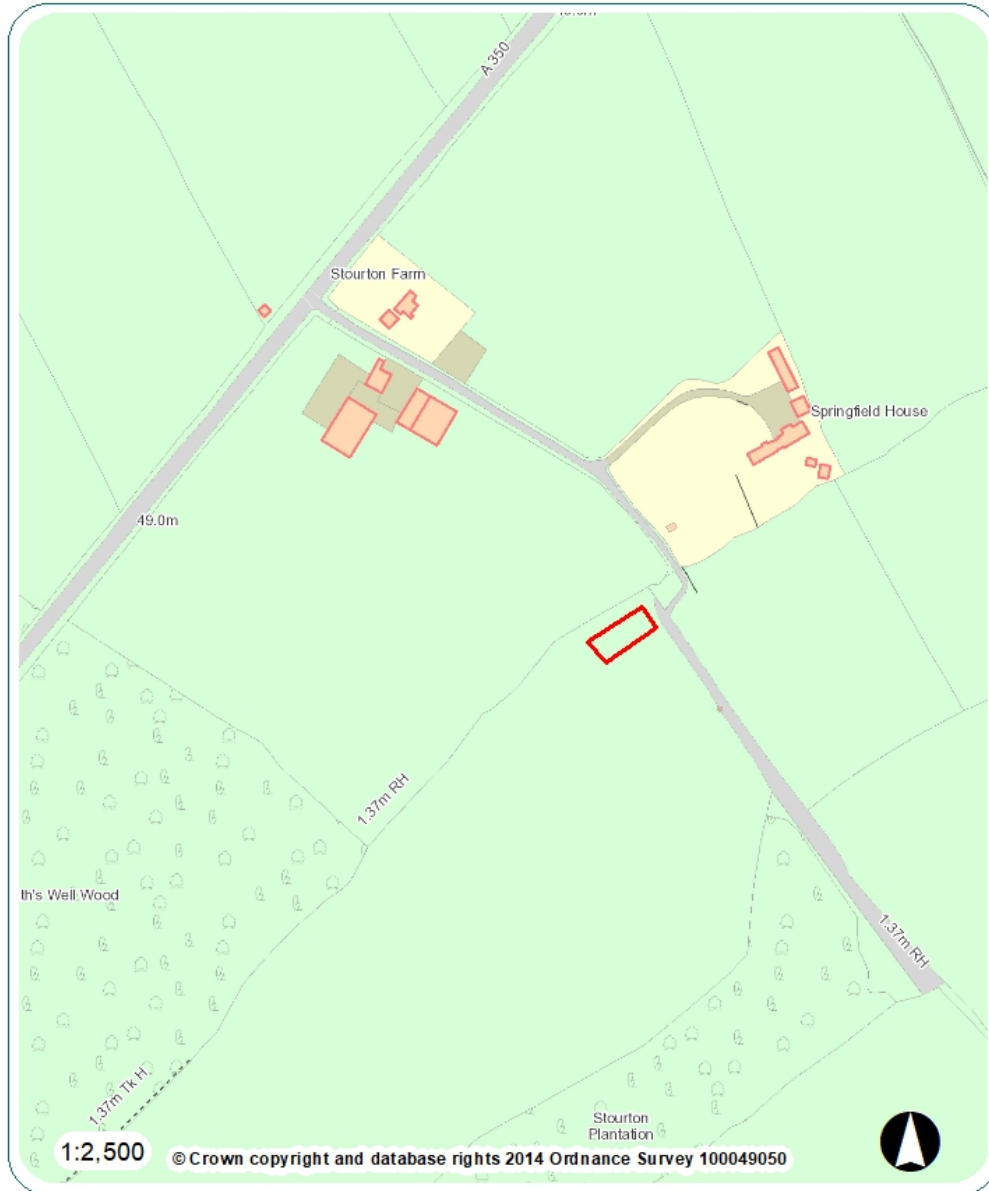
3. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside the building hereby approved.

REASON: In the interests of the appearance of the site and the amenities of the area.

4. No external lighting shall be installed on the building hereby approved or within its curtilage until full details showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20 November 2019
Application Number	19/06545/FUL
Site Address	23 and 23A Wiltshire Drive, Trowbridge, BA14 0RR
Proposal	Proposed single storey extension to No.23 & No.23A Wiltshire Drive and proposed first floor extension with additional fenestration alterations to 23A Wiltshire Drive
Applicant	Mr Shaun Rowe
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE DRYNHAM – Cllr Andrew Bryant
Grid Ref	385,371 156,429
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Andrew Bryant has requested that should officers be minded to approve this application, it should be brought before the elected members of the area planning committee to consider the impact on visual amenity, the impact on neighbouring properties and the impact on highway safety.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be approved subject to conditions.

2. Report Summary

The main issues discussed in this report are:

- The Principle of the Development
- Impact on the visual amenity of the street
- Impact on neighbouring amenity
- Impact on highway safety
- Other considerations

3. Site Description

No 23a is an end of terrace two-storey dwelling located on Wiltshire Drive. It has a single-storey side lean to extension on its eastern gable facing No 1 and No 3 Baydon Close – which are identifiable on the following map insert. The lean-to extension is set back from a pedestrian access which provides the occupiers of No 23 and 23a with direct access to the rear garden; and it is further separated from the rear gardens associated to Baydon Close by the communal footpath access that principally serves No's 1-9 Baydon Close. The existing gap between the side lean to and the rear conservatory of No 1 Baydon Close measures approximately 8.9 metres.

It is also noted that the residential property at No. 11 Baydon Close – which is located to the north is a two-storey building that is built close up to its plot boundary and is similarly separated from

No.9 Baydon Close by the aforementioned communal footpath. It has been observed that No.11 and No 9 have a very similar neighbouring relationship as to that hereby proposed for No 23A and No.1 and No. 3 – which can be visually appreciated by referencing the insert maps and photograph below.



Site Location Plan



Street view image of No 23, No 23A and No 1 Baydon Close



View of Communal footpath from No 1 Baydon Close rear garden

The application site is within the established residential area of Trowbridge and is positioned close to the Newland Home residential development that is under construction on the former Bradley Road former West Wiltshire District Council office site.

4. Planning History

W/74/00108/REM – Residential Development, Area 1 Stage 1 – Approved with conditions

W/76/01154/HIS – Dining Room extension - Approved

W/78/01342/FUL – Bedroom extension over existing ground floor extension – Approved with conditions

W/06/02960/FUL – Additional dwelling and formation of extended lay-by – Refused

W/07/00129/FUL – Side lean to extension and conversion to form two dwellings together with extension of lay by for one parking space – Refused. The subsequent appeal was dismissed on car parking grounds only.

W/07/02043/FUL – Single storey extension – Approved with conditions

W/08/01453/FUL – Conversion of dwelling to form two dwellings – Approved with conditions

As can be seen from the above, the application site has a varied planning history. The following image is taken from when the housing estate was first built under application W/74/00108/REM. The terrace originally ended with No 23, with a much greater gap between the end gable and the boundary with No 1 Baydon Close.



No. 23 then had a single storey side extension approved in 1976 which was then extended on the first floor in 1978. No 23 then had the single storey side lean to extension permitted in 2007; and the following year, the Council permitted the conversion of No 23 to form two residential units (and thus No. 23a was created). No 23a is the resultant built form of all the extensions approved to No 23 since 1976.

This application is similar to the previously refused application W/06/02960/FUL which was also for a two-storey side extension. It was refused for three reasons (but it was not appealed). The reasons for refusal can be in part, summarised as follows:-

1. Lack of off-road car parking
2. Poor urban design of the proposed dwelling and;
- 3 The proposal by reason of its large 2 storey gable end wall, close to the boundary with No's 1 and 3 Baydon Close would have an overbearing and overly dominant impact on the amenities of the occupants in these properties to their detriment. This is therefore contrary to Policies H1 and C38 of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the Council's Supplementary Planning Guidance "House Alterations and Extensions" 2004.

Application W/07/00129/FUL followed to create a new dwelling (No 23a) as well as a single storey lean to extension on the end gable. This application was also refused but only for one reason regarding a lack of off-road car parking. This application was appealed and the Planning Inspector dismissed the appeal on the basis that the proposed extended layby would not deliver a net increase in parking provision. The Inspector had no objection to the single-storey side extension which lead to the submission of application W/07/02043/FUL – which was approved.

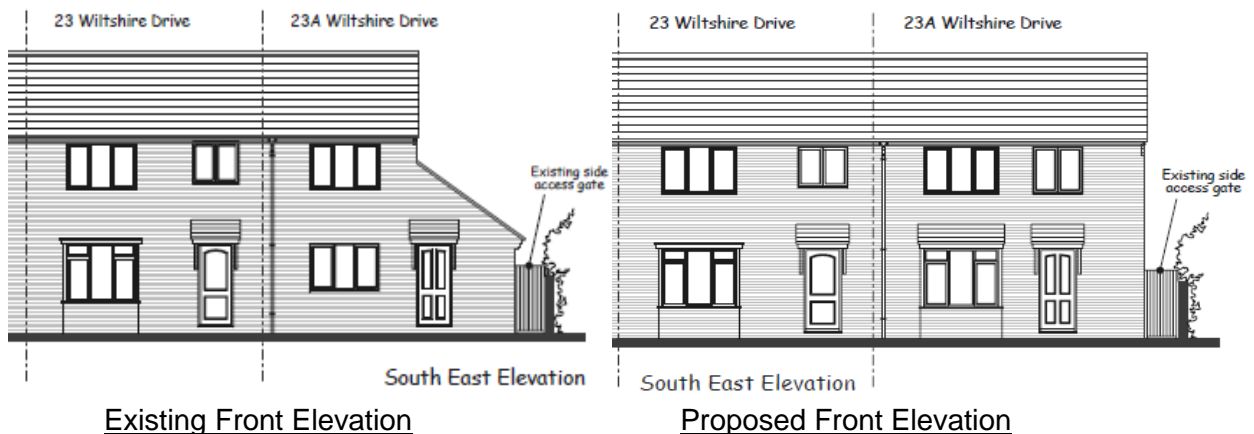
This then led to application W/08/01453/FUL where the applicants submitted additional information and allocated garages in Baydon Close and spaces in front of the garages for No 23 and 23a to use to address the shortcomings of the 2007 application. This application was granted planning permission and led to the creation of No 23a as a separate dwelling.

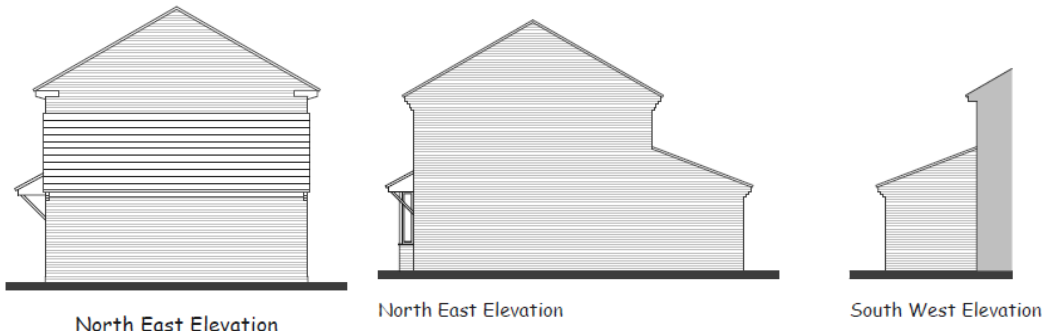
5. The Proposal

This application proposal seeks planning permission to construct a first-floor extension over the existing lean-to as illustrated by the elevation plan inserts below to create a 3-bed dwelling (from a 2-bed). The proposed development would retain the existing footprint of the lean-to without extending the built form closer to any neighbouring property. Officers acknowledge that this application is broadly similar to the extension element that was refused as part of the 2006 application (submitted under W/06/02960/FUL) although the present submission is for a slightly narrower addition than that previously refused which is fully appraised within section 9 of this report.

At the request of the case officer, revised plans were submitted in early October indicating that each dwelling (No. 23 and No.23a) has an allocated garage as well as space in front of the garages. Officers also secured a revision to the front elevation to alter the ground floor lounge window at No 23a so that it would include provision of a bay window with a pitched roof over to add visual interest. Every other dwelling along the terrace has projecting bay windows one of which has a pitched roof as proposed.

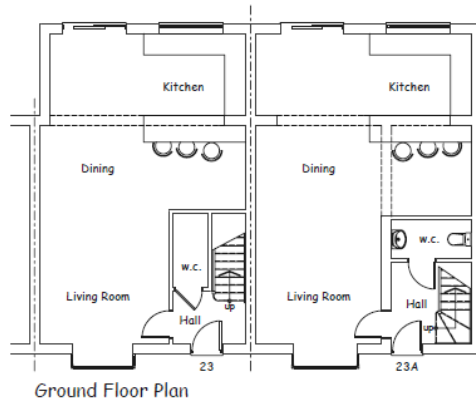
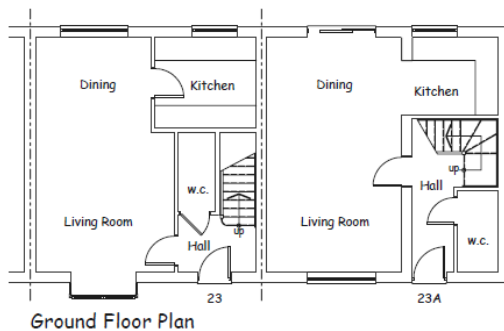
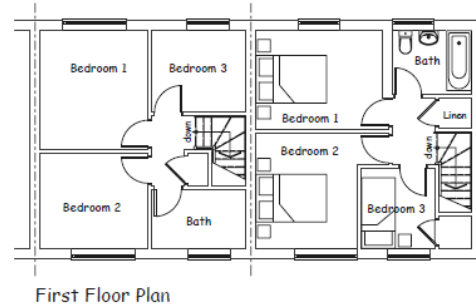
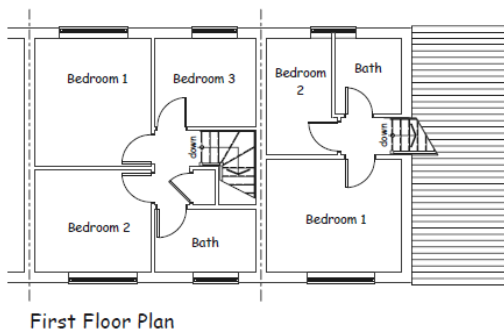
On the rear elevation of both dwellings, the applicant proposes to erect a 2.8m deep single-storey lean to addition for a new kitchen.





Existing side Elevation

Proposed Side Elevations



Existing Ground and 1st Floor Plan

Proposed Ground and First Floor Plan

6. Planning Policy

The **Wiltshire Core Strategy (WCS)** - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP3 (Infrastructure Requirements), CP29 (Trowbridge Area Strategy), CP57 (Ensuring High Quality Design and Place Shaping), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development Impacts on the Transport Network) and CP64 (Demand Management).

The **National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG)**

7. Summary of Consultation Responses

Trowbridge Town Council – Objects: the proposal would result in significant adverse impact on the amenity of residents of neighbouring properties and it does not provide sufficient parking.

Wiltshire Council Highways Officer – No objection

8. Publicity

In addition to the posted-out neighbour letters to cover the two notification processes, a site notice was displayed on a lamp post at front of the site – which resulted in 5 letters of objection/representation that can be summarised as follows:

- The proposal would block light into the back of No. 11 Baydon Close.
- There is a level of distrust that there would be no windows on the end gable – which would look towards neighbouring houses.
- The extension would be overbearing on Baydon Close and lead to a loss of privacy.
- This proposal was previously refused under application 06/02960/FUL – it should be refused again.
- No 23 and 23A do not have any parking available as it is used as a lock up. This leads to people parking in Baydon Close.
- Illegal / poor parking on the road often blocks people's driveways, including a disabled access already – this would be made worse. Sometimes there is double parking on Wiltshire Drive with the layby. There have been accidents in the close attributable from the congested parking.
- Parking and highway safety problems would increase once the Newland Homes development is completed.

Following the submission of revised plans in early October (which clarify the parking provision and the distances between the side extension and the boundaries) a fresh neighbour notification exercise was undertaken – which resulted in 3 letters being received.

- Parking Doesn't address our objections
- Parking Those garages don't belong to those properties
- How does adding a bay window help?
- The revised plans still don't show the existing ground floor side elevation windows

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. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge area.

9.1 Principle of the Development

9.1.1 No 23a already exists as a standalone dwelling and this application only seeks an extension to it. The principle of development is supported subject to satisfying the policies within the Wiltshire Core Strategy.

9.2 Impact on the Visual Amenity of the Street Scene

9.2.1 No 23a is an end of terrace property located within a residential area. Whilst the existing side lean to extension does not cause any undue harm to the appearance of the terrace, it is submitted that the appearance, balance and symmetry of the terrace would be improved by the proposed two-storey side extension.

9.2.2 In addition to the above officer assertion, the case officer negotiated revisions the application to secure the provision of a bay window at No.23a on the ground floor so that it would assimilate with all the other bay windows found within the terrace, and would thus, enhance the visual appearance of No 23a.

9.2.3 Officers have no objection to the proposed rear extension as it would have a simple subservient lean to design which would not be substantively visible from the public domain.

9.3 Impact on Neighbouring Amenity

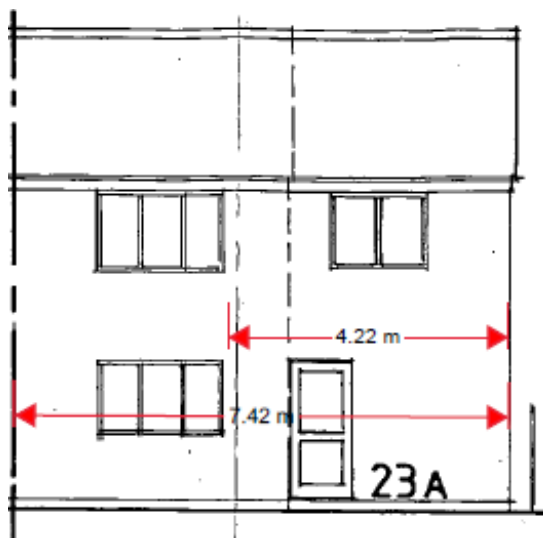
9.3.1 Adopted Wiltshire Core Strategy Core Policy 57 (criterion vii) requires development to have regard to the compatibility of adjoining buildings and uses as well as to the impact on the amenities of existing occupants including consideration of privacy, overshadowing and intrusion.

9.3.2 Obvious attention needs to be given to the W/06/02960/FUL refusal which reads as follows:

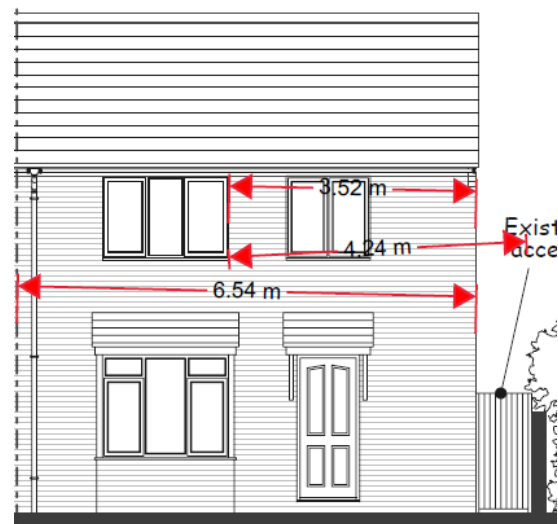
- 3 The proposal by reason of its large 2 storey gable end wall, close to the boundary with No's 1 and 3 Baydon Close would have an overbearing and overly dominant impact on the amenities of the occupants in these properties to their detriment. This is therefore contrary to Policies H1 and C38 of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the Council's Supplementary Planning Guidance "House Alterations and Extensions" 2004.

This application is broadly similar in the previously proposed two-storey side extension. However, officers submit there are subtle differences within this proposal; and that there are material considerations that must be taken into account as part of this fresh planning assessment.

9.3.3 Officers have scaled the elevation plans associated to application W/06/02960/FUL, and they indicate that the total width of No 23a would have been approximately 7.42m. The insert plan below left reveals that there would have been a small gap to the side boundary abutting the communal footpath passageway, and would have provided limited scope for accessing the side of the property. As illustrated by the insert below right, under this application, the applicant proposes to retain the existing gated access which provides the occupiers of No. 23 and 23a with side and rear access. The application does not propose to extend up any closer to the boundary and would only extend vertically above the existing lean-to. This is considered a material consideration that should be taken into account as part of the planning balance, whilst appreciating the historic refusal. Mindful of the 2006 reason for refusal (i.e. no. 3 as listed above), officers are satisfied that this application would not result in substantive harm to the immediate neighbouring property occupiers at No 1 and No 3 Baydon Close.



W/06/02960/FUL



Proposed Elevation

9.3.4 In addition to the above, since 2006 there have been substantive changes made to local and national planning policy. Planning applications must have regard to the adopted development plan and the extant policies which are now enshrined within the Wiltshire Core Strategy along with complying with National Planning Policy Framework.

9.3.5 Mindful that each application must be assessed on its own merits, a site's planning history can be a material consideration, but equally, decision makers should be appreciative of the changing policy context as well as acknowledge the site environs. In this particular case, within close proximity to the application subject building, a similar relationship exists between No 9 and No 11 Baydon Close whereby No 11 has a two-storey built form close to the plot boundary as revealed by the site photo below. Having visited these properties as part of the wider site visit for the present application, officers are of the view that the built form relationship between No. 9 and No. 11 is not inappropriate or harmful (in terms of overbearing and with the lack of any gable wall openings, there is no opportunities for overlooking conflicts). Officers are of the view that the occupiers of No. 1 and No. 3 Baydon Close would still benefit from an open southerly aspect without being detrimentally affected by the proposed first floor extension at No. 23a Wiltshire Drive – the rear of which can be seen in the site photograph below.



View of No 9 and No 11 Baydon Close with No 23a in the background

9.3.6 Officers are also mindful that should this application be refused, it would likely be appealed and officers are aware of another case example that members are invited to acknowledge in relation to application E/11/0702/FUL which was pursuant to a similar application proposal at No. 11 Francis Road in Market Lavington for a two storey side extension to replace an existing single storey garage - with the proposed side wall forming the actual garden boundary with the neighbour. The following site photo taken back in 2009 reveals the setback single-storey garage at No. 11 Francis Road and the neighbouring property at No. 1 The Ham.



Relationship between No 1 The Ham and No 11 Francis Road in 2009

9.3.7 The following photo reveals the relationship between the two properties following the construction of the first-floor extension – which was allowed on appeal.



Relationship between No 1 The Harm and No 11 following the allowed appeal

9.3.8 The following mapping inserts illustrate the separation distances between No. 1 The Ham and No. 11 Francis Road.



9.3.9 Application E/11/0702/FUL was refused (again citing a former District Plan) for the following reason:

The proposal would bring the two storey massing much closer to the adjacent property at 1 The Ham; the scale and bulk of the extension and its proximity to the boundary would make it overbearing for neighbouring occupiers and would result in overshadowing. This would be harmful to the reasonable living conditions and residential amenities of neighbouring occupiers, contrary to policy PD1 B.10 of the Kennet Local Plan 2011.

9.3.10 However, the application was allowed at appeal with the Inspector concluding:

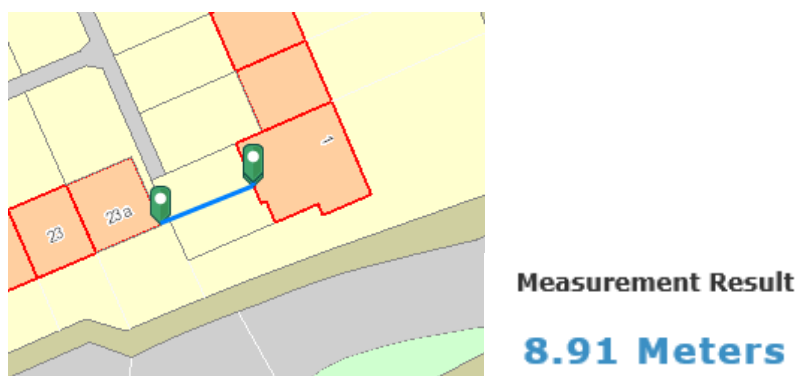
The two-storey extension would be sited to the west of No. 1 The Ham's rear garden and, having regard to the daily path of the sun, it would cause no overshadowing within No. 1 during the morning and early afternoon. It appeared to me that the existing bulk of the

appeal property and its garage already cause some overshadowing of the neighbouring garden during the late afternoon and evening, depending on the time of year.

Having regard to the visual evidence of my inspection; the orientation of No. 1 and the proposed two-storey extension respectively, and the daily positions of the sun at different times of the year, I consider that whilst the proposed side extension would give rise to some additional overshadowing of No. 1's rear garden, I do not consider that the level of additional overshadowing would be so material as to cause harm.

The existing outlook from No 1 westwards is towards the appeal property's two-storey flank wall and the main wall of its single-storey garage. The proposal, in effect, would bring two-storey development closer to No.1, but I do not share the Council's view that the visual impact of the development would prove overbearing for its occupants. Sufficient distance would remain between the two-storey element of the proposals and the windows serving No. 1's rear rooms so as not to give rise to material visual impact. The garden area is already substantially enclosed by walls on its western boundary, so that the level of additional visual impact caused by the side extension would fall within acceptable parameters.

9.3.11 Under this application at No. 23a Wiltshire Drive, the separation distance between No 23a and No 1 Baydon Close is approximately 8.91 metres as demonstrated in the insert below – which is very similar to relationships found at No 11 Francis Road and No 1 The Ham. Moreover, it is necessary to appreciate that in both cases; the application site is positioned to the west of the potentially most affected neighbouring property. No's 1 and 3 Baydon Close will still receive direct sunlight in their rear gardens from mid-morning to mid-afternoon given that No 23a is to the west and there is no immediate built form to the south of their garden boundaries. It would only be in late afternoon and early evening when any overshadowing would be experienced from the new two storey side extension. Just as in E/11/0702/FUL the existing built form of No 23a and its side extension would already cause some overshadowing and loss of natural daylight to both No's 1 and 3 it is not considered that the increase in overshadowing would be harmful enough to warrant the refusal of the application.



Gap between No 23a Wiltshire Drive and No 1 Baydon Close

9.3.12 Officers submit that application E/11/0702/FUL demonstrates the principle that whilst there may be some identified harm, a decision maker must fully assess the level of impact as well as being mindful of the existing arrangements and existing overshadowing levels. As decision makers, the local planning authority would need to be able to fully justify any refusal decision and be able to demonstrate any additional impacts over and above what exists at present to support a recommendation for refusal. A failure to do so, may not only result in a potentially allowed appeal, costs may also be awarded the Council for unreasonable behaviour.

9.3.13 Officers accept that a first-floor extension to No.23a would increase the bulk and mass of the dwelling in close proximity to the boundary to No. 1 and No. 3 Baydon Close, and that it would result in some additional overbearing impact, however, officers argue it would not be sufficient to warrant a refusal (fully appreciative of the extant local and national planning policy).

9.3.14 The existing 8.91m gap would be retained and this would provide a similar and acceptable separation as to that found between No.9 and No. 11 Baydon Close. The living conditions of the neighbouring occupiers of No. 1 and No. 3 would not be adversely affected, which includes an appreciation of the conservatory that exists on the west facing elevation of No. 1. There would be a similar distance to No 3. The proposed rear extension would have no substantive impact on either No 1 or No 3 or any other neighbouring property.

9.4 Impact on Highway Safety

9.4.1 The applicants have provided a revised site plan which demonstrates that each dwelling (No. 23 and No. 23a) has its own garage (and space in front) to be able to park motor vehicles. Whilst this wouldn't meet the required two off road spaces as required by adopted Wiltshire Council car parking standards, it has to be accepted that this is the existing (and approved) parking arrangement for these two properties. This application proposal seeks to increase the number of bedrooms within No 23a from 2 to 3, which according to the Council's adopted Transport Plan does not trigger any additional car parking requirement. On this basis, no highway based objection can be justified.



Garages for each dwelling

9.4.2 Officers have also checked the collision records for the last 10 years to 31 May 2019 and can confirm there are no recorded injury accidents reported by the Police within Baydon Close or at the Junction with Wiltshire drive.

9.5 Other Considerations

9.5.1 The neighbour consultation raised issues regarding the proposed tenants and past problems on the site, however, these are issues outside of the Council's control and are not material planning considerations and they should be influence the determination of this application.

10. S106 / Developer Contributions

No S106 financial contributions are sought for this site, but CIL would apply.

11. Conclusion (The Planning Balance)

This application proposal seeks to add a two-storey side extension to No. 23a. The proposal would maintain the existing gap to the neighbouring properties at No. 1 and No. 3 Baydon Close and officers argue that the first floor extension would not cause adverse harm through overbearing and /or overshadowing in which to warrant the refusal of the application. The proposed extension is smaller than the previously refused application (submitted under reference W/06/02960/FUL) and after appraising the relevant policies and being mindful of a similar relationship found between other neighbouring properties (No. 9 and No.11 Baydon Close), officers conclude that this proposal is acceptable in planning terms.

RECOMMENDATION: - Approve with the following conditions

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

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

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

Revised Site Location Plan, Revised Existing Elevation Plan and Revised Proposed Elevation Plan – all received on 9 October 2019

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north eastern side elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

INFORMATIVE TO APPLICANT:

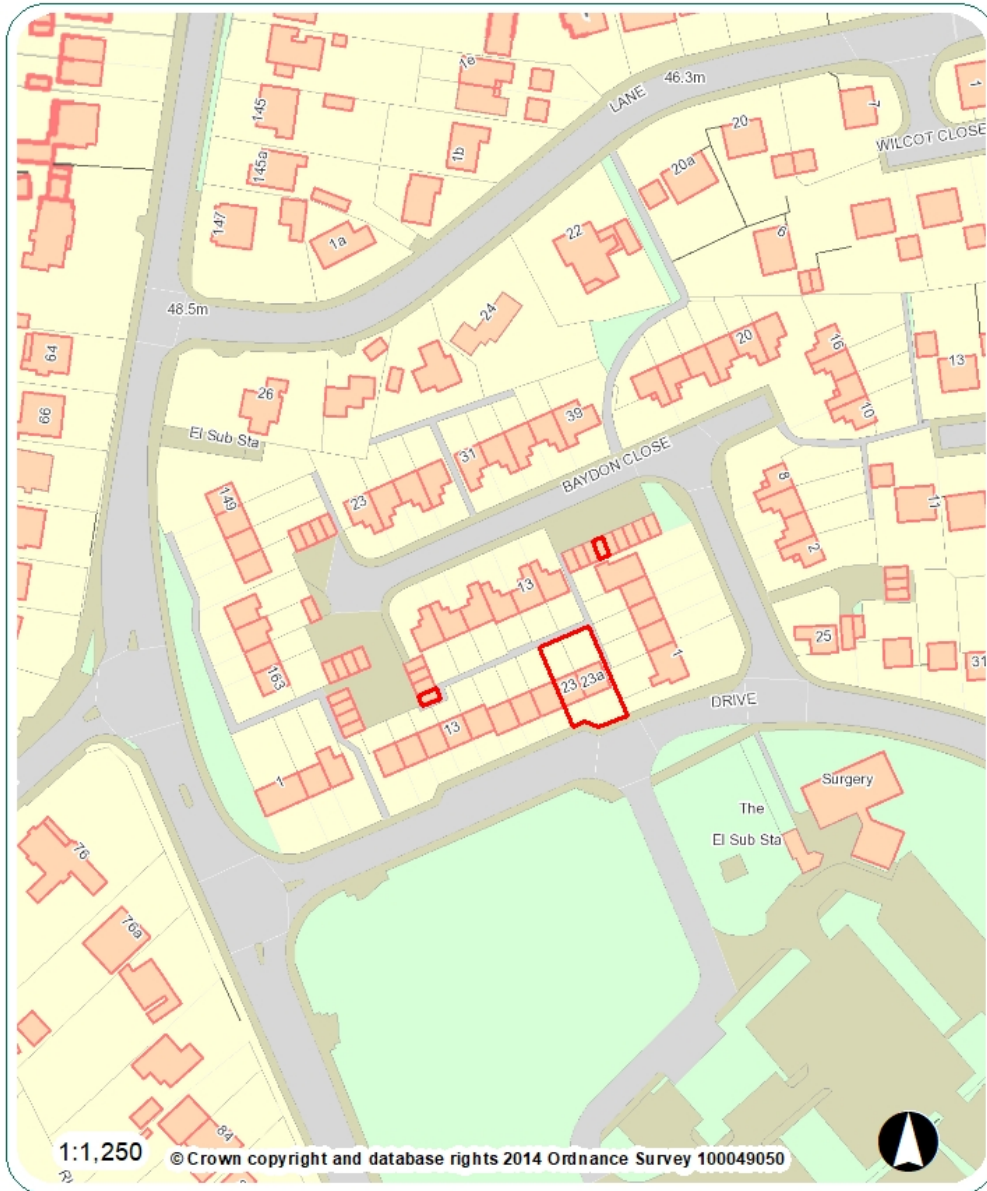
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please

submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

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19/06545/FUL
23 & 23A Wiltshire Drive
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BA14 0RR



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