

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber - Council Offices, Browfort, Devizes
Date: Thursday 23 June 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Chris Marsh, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713058 or email chris.marsh@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 Jane Burton
Cllr Peggy Dow
Cllr Nick Fogg
Cllr Richard Gamble
(Vice – Chairman)

Cllr Charles Howard (Chairman)
Cllr Chris Humphries
Cllr Laura Mayes
Cllr Jemima Milton
Cllr Christopher Williams

Substitutes:

Cllr Nigel Carter
Cllr Peter Colmer
Cllr George Jeans
Cllr Simon Killane
Cllr Jerry Kunkler

Cllr Francis Morland
Cllr Christopher Newbury
Cllr Jeffrey Ody
Cllr Jonathon Seed

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Changes to Committee Membership**

To note the addition of Councillors Simon Killane and Francis Morland as substitute Members of the Committee, and removal of Councillor Lionel Grundy OBE as a substitute, as resolved at the meeting of full Council held on 17 May 2011.

3. **Minutes of the Previous Meeting** *(Pages 1 - 6)*

To approve and sign as a correct record the minutes of the meeting held on 21 April 2011 (copy herewith).

4. **Declarations of Interest**

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

5. **Chairman's Announcements**

6. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

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

To receive any questions from members of the Council or members of the public 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 above (acting on behalf of the Director of Resources) no later than 5pm on (4 clear working days, e.g. Wednesday of week before for a Wednesday meeting). Please contact the officer named on the first page of the 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.

7. **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **E/11/0168/FUL** (Pages 7 - 24)

Ashwyns, Kingsbury Street, Marlborough, Wilts SN8 1JA – Demolition of existing house and garage and their replacement with a new dwelling; studio space to rear lowered courtyard; extension of front boundary wall.

7b **E/11/0169/CAC** (Pages 25 - 26)

Ashwyns, Kingsbury Street, Marlborough, Wiltshire SN8 1JA – Demolition of existing house and garage to be replaced with a new dwelling.

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

9. **Enforcement Report - 21 Avon Square** (Pages 27 - 32)

To consider the attached Enforcement Report of the Area Development Manager, in respect of land at 21 Avon Square, Upavon, Wiltshire.

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 APRIL 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Peter Colmer (Substitute), Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman),
Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jemima Milton,
Cllr Jeffrey Ody (Substitute) and Cllr Christopher Williams

Also Present:

Cllr Brigadier Robert Hall

129. **Apologies for Absence**

Apologies were received from Cllr Jane Burton, substituted by Cllr Jeff Ody, and
Cllr Peggy Dow, substituted by Cllr Peter Colmer.

130. **Minutes of the Previous Meeting**

The minutes of the meeting held 31 March 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

131. **Declarations of Interest**

Councillor Laura Mayes declared a personal interest in application refs.
E/10/1562/FUL and E/10/1563/LBC, Yew Tree Cottage, Huish, Marlborough,
owing to her knowing the architect to the applicant, Mr Alex Oliver.

132. **Chairman's Announcements**

The Chairman announced that the next meeting of the Eastern Area Planning
Committee, scheduled to be held on 12 May 2011, had been cancelled due to
lack of business.

133. **Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would proceed.

134. **Planning Applications**

135. **E/10/1632/FUL**

This item was withdrawn, due to outstanding issues in respect of the Economic Impact Assessment of loss of Ivy House Hotel in Marlborough, found at Appendix 1 to the officer report in the agenda pack. Date of consideration of this item to be confirmed.

136. **E/11/0174/FUL**

Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB – Proposed double garage with garden and log store and PV panels on roof.

The following people spoke against the proposal:

Mr David Stirling, agent for the immediate neighbour to the site.
Mr Adrian Flook, immediate neighbour to the site.
Mr Simon Holt, of Urchfont Parish Council.

The following people spoke in favour of the proposal:

Mr Benjamin Richards, agent.
Mr Keith Ewart, applicant.

The Committee receive a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval, and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

In the discussion that followed, Members noted that the proposal was little different from that included in the previous application for a house extension and new detached garage, in respect of which they had asked that the garage be removed from that proposal before permission was granted for the house extension. It was suggested that the garage was large, un-neighbourly, intrusive and would have an unreasonable adverse impact on the neighbouring property at Gaddon House, which is at a lower level and has windows facing towards the proposed garage. It was suggested that there was room on the site for it to be sited further away from the neighbouring property where the impact would be

reduced, and that moving it 0.5 metre from its previous proposed position whilst keeping the design the same was insufficient to alleviate the adverse impact. The question was raised as to why the store attached to the garage could not be sited at the other end of the structure.

Following this discussion it was,

Resolved

To refuse planning permission for the following reason:

The proposed building would have an adverse impact on the amenity of the adjacent dwelling at Gaddon House due to its size, design and un-neighbourly proximity to the windows at the rear of Gaddon House. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan 2011.

137. **E/10/1562/FUL**

Yew Tree Cottage, Huish, Marlborough, Wilts SN8 4JN – Demolish the existing lean-to extensions to the rear of nos. 1 and 2 and replace with new symmetrical brick extensions (resubmission of E/10/0342/FUL).

The following people spoke in favour of the proposal:

Mr Jack Torrens, of Huish Parish Council.
Mr Alex Oliver, architect.
Mr James Roberts, the property owner.

The Committee received a presentation from the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended refusal, and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

After discussion regarding:

- The impact of the proposed structure on the character and appearance of the listed building,

And upon hearing the views of the divisional Member, Cllr Brig. Robert Hall, it was,

Resolved:

To grant planning permission for the following reason:

The proposed extension will not have an adverse impact on the character and appearance of the listed building, due to its sympathetic design, location at the rear of the building, leaving the front unaffected and the benefit of removing the poor quality existing rear extension. The proposal therefore accords with policy PD1 of the Kennet Local Plan and to central government planning policy set out in PPS5.

And subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years of 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. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

Plans ref. PL04A, PL05B and PL010, all received 18/11/10.

138. E/10/1563/LBC

Yew Tree Cottage, Huish, Marlborough, Wilts SN8 4JN – Demolish the existing lean-to extensions to the rear of no's 1 and 2 and replace with new symmetrical brick extensions. Minor alterations to the cottage interiors (resubmission of E/10/0343/LBC).

The Committee received an introduction to the application from the Area Development Manager, noting that the Committee had approved the application for planning permission for the proposed alterations on the grounds that they would not have an unacceptable impact on the listed building.

After a short discussion regarding this information and the impact of the proposal upon the character and appearance of the listed building, it was,

Resolved:

To grant listed building consent for the following reason:

The proposed extension will not have an adverse impact on the character and appearance of the listed building, due to its sympathetic design, location at the rear of the building, leaving the front unaffected and the benefit of removing the poor quality existing rear extension.

And subject to the following conditions:

- 1. The works for which listed building consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2. Before the development hereby approved is commenced, samples of the bricks and natural slate to be used for the external walls and roofs shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON:

In the interests of the character and appearance of the building.

- 3. Before the development hereby approved is commenced, large scale joinery details for all new windows and external doors shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

REASON:

In the interests of the character and appearance of the building.

- 4. Before the development hereby approved is commenced, details of any new flues and vents shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

REASON:

In the interests of the character and appearance of the building.

- 5. Before the development hereby approved is commenced, structural details of the works to the roof and the cutting in and support of the existing and new roof structures shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include how the thatch will be made good. Development shall be carried out in accordance with the approved details.**

REASON:

In the interests of the character and appearance of the building.

6. The rooflights to be inserted in the development hereby permitted shall be of the "conservation" type, fitted flush to the roof.

REASON:

In the interests of the character and appearance of the building.

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

Plans ref. PL04A, PL05B and PL010, all received 18/11/10.

139. **Urgent items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.15 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line (01225) 713058, e-mail chris.marsh@wiltshire.gov.uk

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

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	23 June 2011
Application Number	E/11/0168/FUL
Site Address	Ashwyns, Kingsbury Street, Marlborough, Wilts SN8 1JA
Proposal	Demolition of existing house and garage and their replacement with a new dwelling; studio space to rear lowered courtyard; extension of front boundary wall.
Applicant	Mr T Rupp
Town/Parish Council	MARLBOROUGH
Grid Ref	418880 169296
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called to committee by the local division member, Cllr Fogg.

1. Purpose of Report

To consider the recommendation that the application be approved subject to conditions.

2. Report Summary

The main issues to consider are:

- Whether the replacement dwelling is acceptable in principle;
- Whether the scale and design of: (i) the proposed dwelling, and; (ii) the proposed office/studio are acceptable, particularly in relation to the historic context of the site;
- Whether the proposed extended wall to the front of the site is appropriate;
- Whether the scheme would give rise to an adverse impact in respect of neighbour amenity;
- Whether the scheme would have an adverse impact upon the structural integrity of listed buildings and walls;
- Whether the scheme would prejudice highway safety;
- Whether the loss of the trees to the front of the site is acceptable.

3. Site Description

Ashwyns lies within the historic core of Marlborough, situated approximately 90 metres past Marlborough Town Hall on the right hand side of Kingsbury Street. The site lies within the designated conservation area and is surrounded by numerous listed buildings as well as buildings noted as being significant unlisted buildings within the conservation area statement.

Ashwyns is a house of later 20th century date (approved in 1962). It is a two storey dwelling, built from facing brick with a tiled roof. Unlike most of the buildings along the street, it is set back from the road and so has little presence in the street scene until almost immediately facing it with the trees presently at the site partially softening views. The front of the dwelling faces onto Kingsbury Street and relates to the surrounding largely residential dwellings just beyond the retail centre of the High Street. The rear of the dwelling and its garden, however, face towards listed properties of Silverless Street, whose rear elevations overlook the proposal site.

Plate 1 below is a location map of the site and plate 2 contains photographs showing the context of the site.

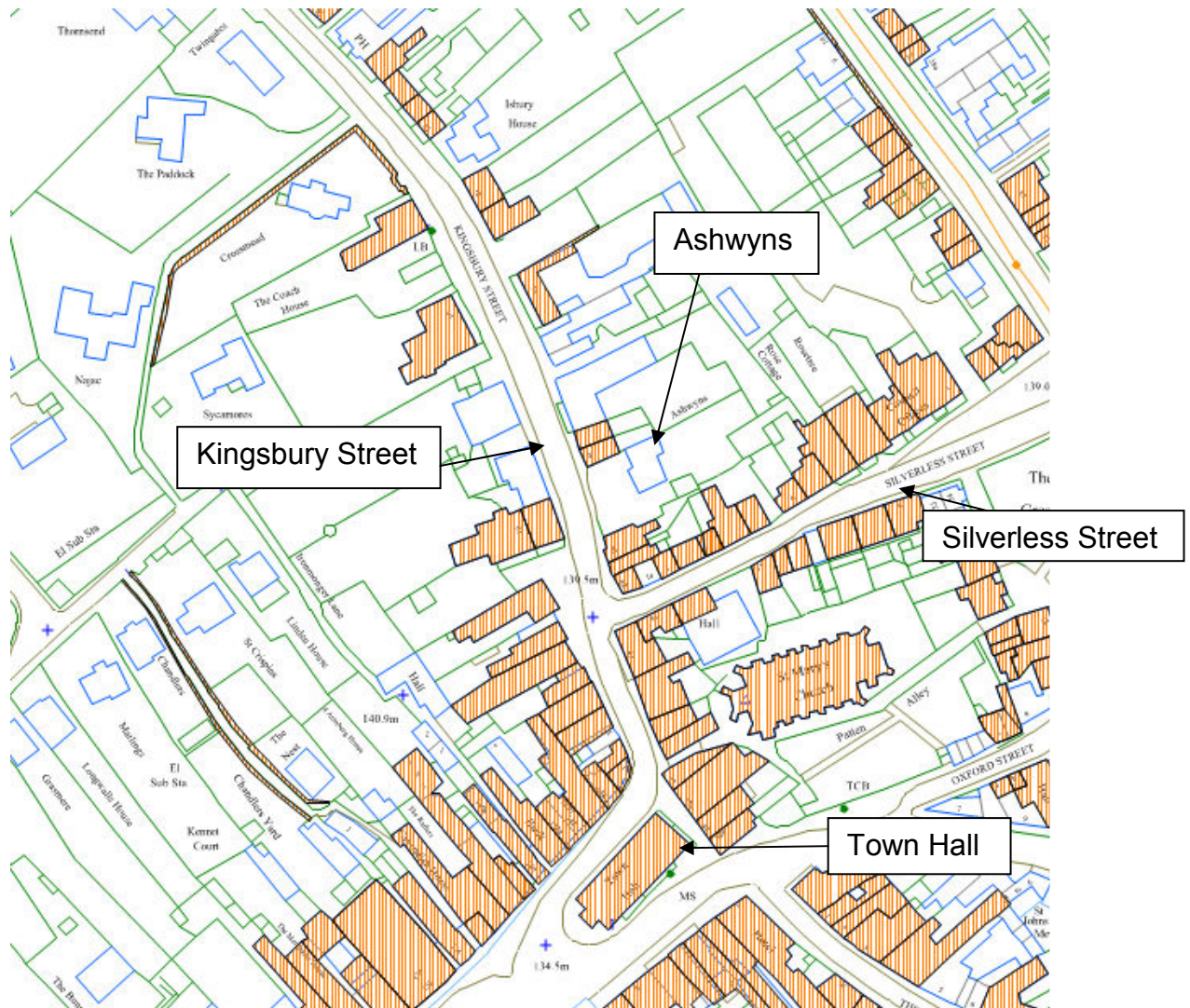


Plate 1: Location plan (not to scale). Shaded properties are listed buildings.



Front elevation facing Kingsbury Street (site hidden)



View from bottom of Kingsbury St (site hidden)



View of site and adjacent listed buildings



View of part of the rear elevation

4. Planning History

E/11/0169/CAC - is the accompanying conservation area consent application to the application under consideration here for the demolition of the dwelling.

E/10/1004/FUL and E/10/1005/CAC - for the demolition of existing house and garage; erection of replacement dwelling and detached garage (similar proposal to that now being considered) were withdrawn in September 2010 because of officer concerns relating to neighbour amenity, design and impact upon the conservation area and listed buildings as well as concerns about the impact upon the structural integrity of adjacent listed buildings.

1549/776 – this was the original consent for the dwelling now at the site, approved in 1962.

5. The Proposal

This application comprises three main elements:

1. Demolition of existing house/garage and their replacement with a new dwelling.
2. The erection of a “sunken” office/studio building in the rear lowered courtyard.
3. Extension to the front boundary wall abutting Kingsbury Street.

The removal of trees at the front of the site also forms part of this application.

A proposal for the erection of a store building to the front/side of the house has been withdrawn from the scheme following negotiation. Negotiations have also resulted in the removal of the initially proposed front projecting gable and associated design changes to the appearance of the front of the proposed dwelling.

6. Planning Policy

Kennet Local Plan - The site lies within the centre of Marlborough where new residential proposals (including replacement dwellings) are assessed against policy PD1 (general development principles) of the local plan. Relevant central government planning policy is set out in Planning Policy Statement 1: 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing' and Planning Policy Statement 5: 'Planning for the Historic Environment'. The Marlborough Conservation Area Statement (2003) is a material planning consideration.

7. Consultations

Marlborough Town Council –

Supports the application, but would urge the Conservation Officer and applicant to liaise further with regard to reaching a resolution on any contentious issues.

Wiltshire Council Archaeologist–

The sunken area of the site could have been a racquets or fives court used by Marlborough College. If this is the case, then it is a significant feature of the local historic environment. The remaining walling and any layer lying beneath the current concrete surface therefore needs to be recorded prior to any works going ahead. An archaeological condition is required to deliver this.

Wiltshire Council Conservation Officer –

The conservation officer has provided 3 sets of detailed comments on the application which can be viewed on the planning file in the offices or on line. She has expressed concerns regarding the following main aspects of the proposal:

1. Design and appearance of the replacement dwelling (namely the height, projecting gables and eaves height). The projecting rear gable introduces complexity and massing into the design. However the omission of the originally proposed front projecting gable is welcomed and reduces the mass of the dwelling by a certain degree. Overall, the proposal as now amended will preserve the setting of the neighbouring listed buildings and also the character and appearance of the conservation area.
2. The height of the sunken office/studio within the garden. The building should be reduced in height so that it sits below the height of the boundary walls. The building as proposed would harm the setting of adjacent historic buildings.
3. The impact of the various elements of the scheme upon the structural integrity of adjacent listed buildings and walls. However following clarification being received that the existing foundations would be used for the replacement dwelling and that any new foundations would be sensitively excavated, she is satisfied that it would be unlikely that there would be any impact. The Building Regulations and the Party Wall Act also provide safeguards.

The walls to the south and west of the sunken garden may be listed. Repairs to the

west wall would be beneficial but the extent proposed is unclear and it is a possibility that significant repairs / partial rebuilding may require the submission of a listed building consent application (and possibly planning permission) if the wall is listed.

Wiltshire Council Arboricultural Officer –

No objection to the application. He considers that the trees to the front are either of limited quality or poorly sited specimens, which are not worthy of Tree Preservation Order protection and that a suitable landscaping scheme comprising two appropriately sized trees with shrubs to the front could help offset any loss of amenity, soften the proposed building and ensure tree stocks within the immediate vicinity are maintained. The use of a root protection barrier could be used on the southern side of this front planting area to help contain root development within this zone. It is also recommended that the usual tree protection measures are applied to the significant Yew (protected by a Tree Preservation Order) located off site to the north, although this is some distance away from the proposed new build.

Wiltshire Council Highways Officer –

The existing lowered kerbs will need extending to properly cater for the access position proposed. No highway objection subject to the roadside kerbs being lowered and raised as necessary to suit the revised levels.

Wiltshire Fire & Rescue Service –

No objection – generic fire safety advice provided.

8. Publicity

A site notice has been posted and neighbour notification has taken place. Letters of objection have been received from 16 properties (3 of which are located outside the former Kennet area) and letters of support have been received from 7 properties. The occupier of no.39 (the neighbour to the north) has stated that whilst the application is viewed without enthusiasm, no objections are raised to the scheme. Full copies of all representations received can be viewed on the planning file contained at the offices or viewed online.

The main concerns expressed by the objectors can be summarised as follows:

1. The demolition is inappropriate in a conservation area. Wasteful to buy a house and then knock it down.
2. The existing dwelling is typical of the 1960's style and architectural heritage of this period.
3. The Council in the 1960's must have thought the size and position of the original dwelling appropriate for the area, what has changed since this time?
4. Concern about the size of the project. The existing building area is increased by more than 60%. If the argument runs on the footprint principle, the increase is still 42% and will have a severe impact upon the area.
5. The idea of a conservation area is to preserve the environment and the status quo.
6. The demolition and rebuild will damage historic houses (mostly listed buildings) that surround it and listed walls as these properties do not have foundations as we now know them. In the past, even modest work to the ground has caused vibration to surrounding properties and cracks occurred at 9 Kingsbury Street from the construction of a garage at no.10. Demolition and deep excavation will endanger the properties.

7. Concern that the vibrations and increased heavy on site traffic will damage old fragile listed/historic properties. A Vibration Impact Assessment should be required
8. No. 40 Kingsbury St, the adjacent neighbour, is a listed timber property and the occupants of this property are concerned around stress, noise, disturbance and disruption which could span a six month period of demolition and rebuild. Building works, heavy machinery, lorries and vans will be grinding around just a few feet away on soft land from the northern side of no.40. Professional advice sought has confirmed that the sunken position of no.40 in relation to Ashwyns would place its fabric and structural integrity and very old, fragile walls at high risk.
9. Objection to the impact of the construction process in terms of noise, dust and movement of machinery in a small residential street.
10. The house proposed is architecturally incongruous and would have no place in the Kingsbury Street setting; it is more appropriate to an out of town setting or a business park.
11. The proposed 3 storey building is too high and does not fit in with the landscape. It is of no architectural merit. Viewed from the south it presents a very imbalanced elevation.
12. The new dwelling, by virtue of its height and upper windows, will overlook surrounding properties and gardens and privacy will be harmed. Rooflights would lessen the impact.
13. The proposed taller and bulkier dwelling will be oppressive and overbearing and will reduce sunlight to surrounding properties and gardens.
14. The rear extension and sunken room leave very little garden at the site.
15. The application refers to the construction of the studio/office room in the garden in a rear courtyard. It appears that this may have been used for racket sports and this should be investigated to establish if it has any special architectural or historic interest. The previous owner of the site who constructed the house has confirmed this to be the case and that the court must be well over 100 years old and was built for the boarders of Marlborough College who resided at Rosetree Cottage.
16. Concern that the intention is to use the new building in the sunken garden for a business use. It is far too big for a standard work from home office and seems to be an office development requiring a change of use.
17. The office/studio in the sunken garden will be built in very close proximity to three listed walls. Sunken from Ashwyns point of view but on level ground for neighbours. These listed walls do not benefit from foundations of modern standards and are very fragile and will not withstand heavy construction machinery and digging of new foundations right next to them. There is a great risk of an accident and walls collapsing.
18. The sunken room has a WC marked on the plans but the main drainage will have to run uphill, similarly for rain water to reach the soakaway which is also uphill.
19. The studio/office block is big and unsightly. It would be situated far too close to the historic walls in Silverless Street (just 1m away) and would be too high compared to them. From the first floor windows of properties on Silverless Street the roof will appear as an ugly raised grass/sedum platform which will blight the conservation area.
20. The silver birch trees at the front of the site to be removed are perfectly good mature specimens. All photo simulations show the front elevation hidden by smaller replacement trees – these pictures are nonsense as any new trees will take years to mature.
21. An archaeological survey should be required.

22. If more surfaces are to be tarmaced – where will the water flow – into the cellars of Silverless Street.
23. The footprint of the current hardsurfacing should not be increased or ensure that the gradient is amended so that rainwaters do not flood basement of no.40 which runs along the north wall.
24. The proposed change to the front boundary wall is unattractive and out of keeping. It will conceal the north facing gable of the listed 40 Kingsbury Street, to the detriment of the street scene.
25. The proposed works to the front boundary wall may impact the historic pillbox in the street outside the property.

The letters of support can be summarised as follows:

1. The current house is at odds with neighbouring properties. Therefore pleased to see an application to substantially improve and enhance this plot and streetscene. The architecture of the proposed property is much more in keeping with the surroundings and will significantly improve this area of Kingsbury Street.
2. The proposed footprint is about the same size and location of the existing house and therefore it should have no impact on surrounding properties.
3. The gardens at Ashwyns are larger than those experienced by neighbouring properties and the proposal is therefore modest when taking this into account.
4. The house and gardens have been neglected for years and the house rebuild is of modest proportions and the design cleverly reflects neighbouring houses.
5. The design and location of the office/studio is carefully hidden in an unused section of the garden.
6. Off-street parking is retained.

9. Planning Considerations

9.1 Principle of the Development

The existing dwelling was constructed in the 1960s, an era not renowned for its architectural quality. It displays little architectural merit and is out of character with the more historic dwellings which surround it. It does not make a positive contribution to the character of the conservation area. There is therefore no objection to the principle of demolishing and replacing the existing dwelling, subject to the details of the proposed replacement satisfying relevant local and national planning policies.

9.2 The design and scale of the proposed dwelling

The existing dwelling is two storeys with four bedrooms with a ridge height of 7.6m. It is constructed of brick and tile and has a flat roofed single garage attached to its northern end. It is situated around 11m back from the road, with a small section of red brick wall partially defining the front boundary. The site lies within Marlborough Conservation Area.

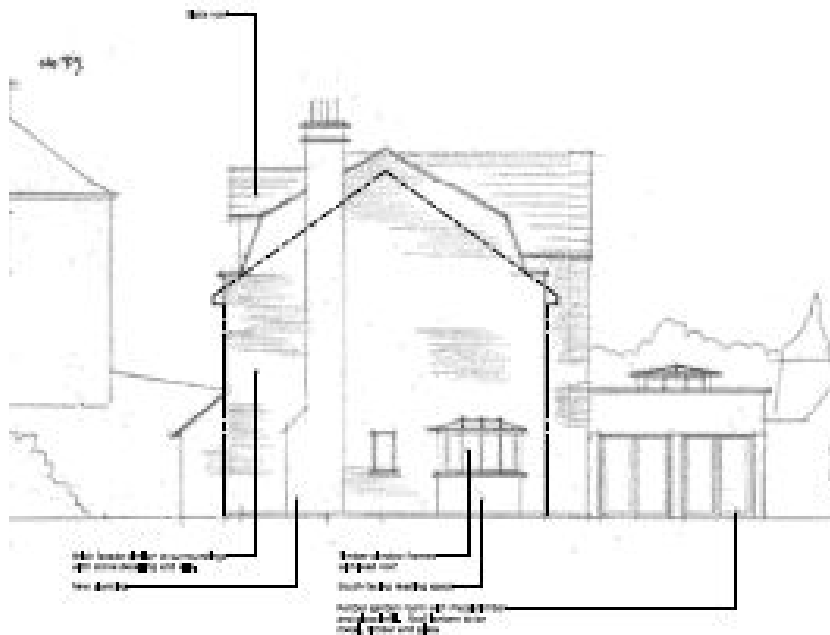


The proposed dwelling would be situated on approximately the same footprint as the existing, the main differences being a 1m ground floor projection and a single storey rear garden room extension. It would be 8.3m high, providing accommodation over three storeys, with the second storey accommodation being provided within a mansard roof with dormer windows which is set behind a parapet. There would be a projecting gable to the rear over the three storeys. A corresponding projecting gable to the front has been omitted from the scheme following negotiation. The main part of the dwelling would be constructed of facing brick with stone detailing and cills, with a slate roof. The garden room would be finished in render with a flat roof and parapet, with a glass roof lantern.

The increase in ridge height of 0.7m is comparatively modest, with the majority of dwellings in the vicinity (including the adjacent no. 39) having higher ridge heights. Given the extent to which the property is set back from the road, it will not significantly impact on the street scene. Furthermore Kingsbury Street is on a hill, and when viewed from the front, the property will step down appropriately in comparison with the adjoining properties.

Proposed Rear Elevation





Proposed Southern Side Elevation

Now that the front projecting gable has been removed, the design of the property is considered acceptable and will be a vast improvement on the existing dwelling. It is acknowledged that when viewed from the south the proposed dwelling would have a greater scale and visual impact than the current situation, principally owing to the rear projecting gable. However this particular view will not be evident from the wider conservation area, so whereas officers sought to negotiate away this gable, the reluctance of the applicant to amend this aspect of the scheme is not considered sufficient grounds to refuse the application.

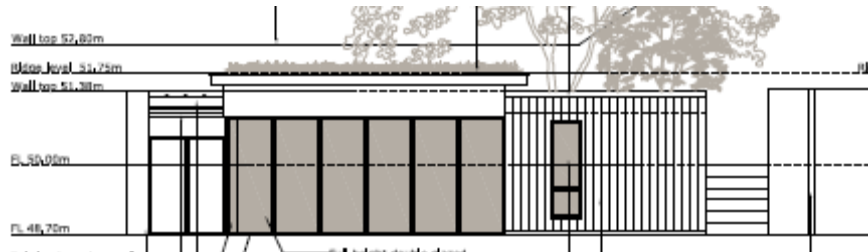
It was originally proposed that the property would be finished in render. However now that brick is being proposed for all except the garden room, the materials are considered to be acceptable.

Overall, the proposed dwelling would preserve the setting of the neighbouring listed buildings and would preserve the character and appearance of the conservation area.

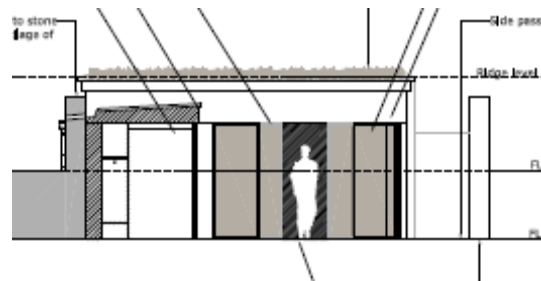
9.3 The design and scale of the proposed office/studio

Within the rear garden is a sunken area of hardstanding which is situated around 1.3m below the main garden. This is surrounded by red brick walls on three sides and a wooden fence on the fourth. It is understood to have formerly been used as a racquets / fives court in association with Marlborough College. Some of these walls may be listed.

It is proposed to erect a flat roofed office/studio building within the sunken area, to be used as a home office by the applicants as they are self employed. It would be constructed of a steel frame and be encased in timber and glass. The higher central section of the roof would be of zinc with a grass/sedum cover, having a height off the floor of 3.05m. Two slightly lower sections of roof would have pebbles laid over rubber. The building would abut the northern boundary wall of the sunken area. It would be accessed from the higher garden area by two new sets of steps. The higher section of roof would project 0.37m above the level of the surrounding boundary walls.



Office/Studio – South Elevation



Office/Studio – West Elevation

The design of the proposed building is imaginative and is considered acceptable. It would bring an underused and physically detached part of the garden into a worthwhile use. A planning condition could ensure that the use of the building is limited to uses incidental to the residential use of the main house. A further condition could ensure that a thorough archaeological investigation is undertaken to excavate and record the former racquets / fives court prior to building works taking place.

Concern has been expressed that the building would project above the surrounding walls, being visible from neighbouring gardens and from Silverless Street. Indeed, officers have sought to negotiate a reduction. However the projection (0.37m) is relatively insignificant, being only visible to the general public through the gap between nos. 5 and 6 Silverless Street. This gap does not feature prominently in the overall street scene of Silverless Street, which allied to the fact that the proposed building would be set well back within the gap and with the majority of it being obscured by the existing boundary walls, can only lead to the conclusion that the proposal would not be detrimental to the character and appearance of the wider conservation area.

9.4 The extended boundary wall to the front of the site

It is proposed to extend the existing brick front boundary wall by around 5m, with a new pillar on the end. It is considered that this would enhance the setting of the property and no objection is raised.

9.5 Impact on neighbour amenity

The site is situated within a dense urban area where there is already a high degree of mutual overlooking of properties and gardens. The proposed dwelling has rooms in the roofspace and hence affords views from higher up. However there would be no material worsening of opportunities for overlooking compared to the existing situation, and with no first floor windows being proposed in the side elevations.

The increased ridge height, the profile of the mansard roof and the addition of a projecting rear gable combine to make the proposed dwelling bulkier than the existing, and this would be detrimental to the outlook of those properties which lie to the south of it compared to the existing situation. However these impacts are not

considered likely to be materially detrimental to the living conditions of the occupiers of those properties and on balance a refusal of planning permission on these grounds is not warranted.

9.6 Impact on the structural integrity of listed buildings and walls

All of the surrounding properties are listed and concerns have been expressed that the demolition and construction processes will jeopardise the stability of neighbouring buildings and walls.

Clarifications sought from the agent indicate that the foundations of the existing dwelling will be re-used and any new foundations will be sensitively excavated. It therefore seems unlikely that the foundations of nos. 39 and 40 would be affected by these works.

The office/studio building will not rely on any of the historic walls for structural support. The agent has confirmed that building would be formed from a steel frame which will limit works to the ground, the structure to be supported on pad or piled foundations to minimise any possible disruption to local structures. Whilst the information provided does not provide any definite clarification on how the walls will be affected, it does suggest that the digging of foundations will be carried out sensitively.

Building regulations and the Party Wall Act should provide the necessary assurance that the proposed development will not impact on the structural integrity of any nearby walls.

The suggestion that the applicant should be required to submit a Vibration Impact Assessment is beyond the scope of planning, and it would be unreasonable to require one.

9.7 Highway Safety

The replacement of one dwelling for another will lead to no net increase in traffic generation. The proposed office/studio is to be ancillary to the main house and hence raises no highway concerns. The highway authority has no objection to the proposal subject to a condition requiring the revision of the roadside kerbs in association with the revisions to the access position resulting from the extension to the front boundary wall.

9.8 Landscaping

The existing trees to the front of the site are of limited quality and no objection is raised to their removal. Two smaller trees are proposed to replace them, together with small planting beds. Details of the proposed planting can be conditioned.

10. Conclusion

No objection is raised to the principle of replacing the existing dwelling, which is of little architectural merit. The design and scale of the proposal as amended is considered to be acceptable, and would preserve the setting of neighbouring listed buildings and preserve the character and appearance of the conservation area. The design of the proposed office/studio is acceptable. Whilst it would be preferable for its roof not to project above surrounding walls, the proposal would not be detrimental either to the character or appearance of the wider conservation area or to the living conditions of Silverless Street residents. The proposed dwelling would not materially harm the living conditions of surrounding residents.

The agent has indicated that construction works will be undertaken with care and local apprehension that the proposed works could impact on the structural integrity of neighbouring listed buildings and walls is not grounds to withhold planning permission.

RECOMMENDATION

That planning permission be granted for the following reasons and subject to the conditions set out below:

The proposal will not cause any significant harm to interests of acknowledged importance, including the amenity of residents of nearby properties and road safety. It would preserve and enhance the appearance of the conservation area and would accord with policy PD1 of the Kennet Local Plan and with national guidance in PPS5.

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 take place until details (including samples) of the materials to be used for the external walls and roofs (including details of the colour and type of render to the summer room) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 3 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and dormers have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 4 No development shall commence on site until details of the bricks, bond, mortar, capping and termination of the extended front boundary wall have been submitted to and approved in writing by the local planning authority. Furthermore a sample wall panel shall have been constructed on site, inspected and approved in writing by the local planning authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 5 Prior to commencement of development, assessment of the listed status of the boundary walls of the sunken garden is to be made and presented

to the local planning authority. Full details of proposals for works of repair or rebuilding to any existing boundary wall to the sunken garden wall, including details of new bricks, bond, mortar and capping are to be submitted to and approved in writing by the local planning authority in advance of these works being undertaken. Rebuilding works will involve the re-use of the existing bricks where these are in good condition and shall be carried out in accordance with the approved details.

REASON: To secure the upkeep of these historic walls, in the interests of preserving the character and appearance of this part of Marlborough Conservation Area.

- 6 Prior to commencement of development, the applicant shall advise the local planning authority of results of investigations into depth of foundations of existing historic boundary walls and buildings on the site (in relation to the need to meet building regulations and the Party Wall Act) and advise of any consequential works required to secure the structural integrity of such structures due to the construction of the new development.

REASON: Such details do not form part of the application.

- 7 Notwithstanding the indicative details shown on the submitted plans, no development shall take place until there has been submitted to and approved by in writing by the local planning authority a fully detailed scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

REASON: To ensure a satisfactory landscaped setting for the development.

- 8 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development.

- 9 The office/studio building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house.

REASON: To define the extent of the permission and given the residential character of the neighbourhood.

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

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings shall be inserted above ground floor ceiling level in the northern or southern side elevations of the dwelling hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 12 Prior to the dwelling hereby permitted being first occupied, the roadside kerbs shall have been lowered and raised as necessary to suit the revised access width, with the footway being resurfaced as necessary to suit the revised levels.

REASON: In the interests of highway safety.

- 13 No development shall commence within the area indicated [proposed development site] until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 14 INFORMATIVE TO THE APPLICANT:

The applicant should note that the costs of carrying out the required archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred. The work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by the County Archaeologist.

15 INFORMATIVE TO THE APPLICANT:

Listed building consent may be required for any repairs to the boundary walls of the sunken garden. This should be obtained before any works commence.

16 INFORMATIVE TO THE APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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

9041-50-02, 9041-100-01, 9041-100-03, 10085(L)011B and 10085(L)012B, all received 07/02/11

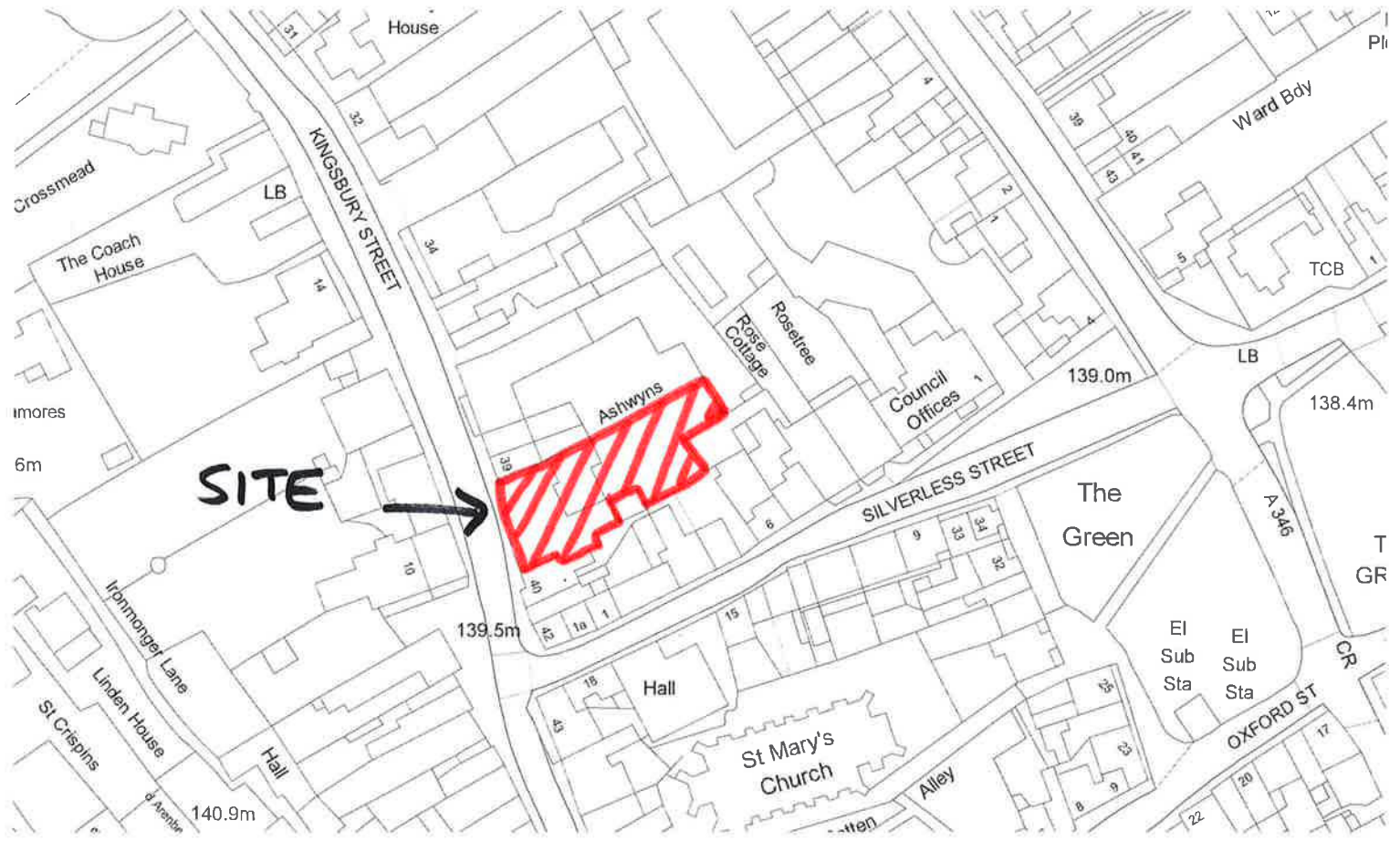
10085(L)010C received 08/04/11

10085(L)006F, 10085(L)007G, 10085(L)008D, 10085(L)009B, 10085(L)013B, 10085(SK)023B and 10085(SK)024A, all received 31/05/11

10085(L)005D received 01/06/11

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E/11/0168/KUL & E/11/0169/CAC - ASHWYNS, KINGSBURY ST, MARLBOROUGH.



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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	23 June 2011
Application Number	E/11/0169/CAC
Site Address	Ashwyns, Kingsbury Street, Marlborough, Wiltshire SN8 1JA
Proposal	Demolition of existing house and garage to be replaced with a new dwelling
Applicant	Mr T Rupp
Town/Parish Council	MARLBOROUGH
Grid Ref	418880 169296
Type of application	Conservation Area Consent
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called to committee by the local division member, Cllr Fogg.

1. Purpose of Report

To consider the recommendation that the application be approved subject to conditions.

2. Report Summary

The main issue to consider is whether the demolition of the existing dwelling would harm the character and appearance of Marlborough Conservation Area.

3. Site Description

See the report on E/11/0168/FUL, the previous item in the agenda.

4. Planning History

See the report on E/11/0168/FUL, the previous item in the agenda.

5. The Proposal

To demolish the existing dwelling and to replace it with a new dwelling.

6. Planning Policy

Central government planning policy regarding conservation areas is set out in PPS5 'Planning for the Historic Environment'.

7. Consultations

See the report on E/11/0168/FUL, the previous item in the agenda

8. Publicity

See the previous item in the agenda

9. Planning Considerations

The existing dwelling was constructed in the 1960s, an era not renowned for its architectural quality. It displays little architectural merit and is out of character with the more historic dwellings which surround it. It does not make a positive contribution to the character of the conservation area. There is therefore no objection to the principle of demolishing and replacing the existing dwelling,

10. Conclusion

RECOMMENDATION

That conservation area consent be granted, for the following reasons and subject to the conditions set out below:

The demolition of the house and garage will not have an adverse impact on the character and appearance of the conservation area.

- 1 The works for which conservation area consent is hereby granted shall be begun within three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

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

9041-50-02, 9041-100-01, 9041-100-03, 10085(L)011B and 10085(L)012B, all received 07/02/11

10085(L)010C received 08/04/11

10085(L)006F, 10085(L)007G, 10085(L)008D, 10085(L)009B, 10085(L)013B, 10085(SK)023B and 10085(SK)024A, all received 31/05/11

10085(L)005D received 01/06/11

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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