

## AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Browfort, Devizes  
**Date:** Thursday 4 August 2011  
**Time:** 6.00 pm

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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](mailto:chris.marsh@wiltshire.gov.uk)

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

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### 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

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### 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

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# AGENDA

## Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** *(Pages 1 - 12)*

To approve and sign as a correct record the minutes of the meeting held on 14 July 2011 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **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.

6. **Planning Applications**

To consider and determine planning applications in the attached schedule.

6a **E/11/0293/FUL** (*Pages 13 - 22*)

Land adjacent to no.7 & no.9 Bayntun Close, Bromham, Chippenham Wiltshire SN15 2JG - Erection of detached dwelling and associated driveway (resubmission of E/10/1172/FUL).

6b **E/11/0721/FUL** (*Pages 23 - 32*)

Whatcombes, The Street, Conock, Devizes, SN10 3QQ – Replacement dwelling and garage and enlargement of garden (resubmission of E/10/1313/FUL).

7. **Urgent items**

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

**Part II**

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

None

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## **EASTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 JULY 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.**

#### **Present:**

Cllr Jane Burton, Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman),  
Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jemima Milton and  
Cllr Jonathon Seed (Substitute)

#### **Also Present:**

Cllr Nigel Carter, Cllr Lionel Grundy OBE and Cllr Jeffrey Ody

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#### 151. **Apologies for Absence**

Apologies were received from Cllr Chris Williams, substituted by Cllr Jonathon Seed, and Cllr Laura Mayes.

#### 152. **Minutes of the Previous Meeting**

The minutes of the meeting held 23 June 2011 were presented and it was,

#### **Resolved:**

**To approve and sign the minutes as a correct record.**

#### 153. **Declarations of Interest**

Councillor Jane Burton confirmed that although a Member of Devizes Town Council, which had considered application E/11/0057/FUL, The Wharf, Devizes, she had abstained from debate and had not voted on the item, and would be considering the application with an open mind.

Councillors Peggy Dow and Nick Fogg confirmed that they would be considering application E/10/0632/FUL, Ivy House Hotel, Marlborough, with an open mind.

154. **Chairman's Announcements**

There were no Chairman's announcements.

155. **Public Participation**

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

156. **Planning Applications**

157. **E/10/1632/FUL**

Ivy House Hotel, 43 High Street, Marlborough, SN8 1HJ – Change of use from Hotel (C1) to Boarding House (C2). Internal and external alterations.

**The following people spoke in objection to the proposal:**

Mr G Olson, a local businessman

Miss Julia Peel, on behalf of residents of River Park, Marlborough

Lady Julia Hiscox, the wife of, and on behalf of, the High Sheriff of Wiltshire

Mr Richard Pitts, of Marlborough Town Council

**The following people spoke in support of the proposal:**

Mr Michael Douch, the hotel owner

Miss Suzie Willis, the agent

The Committee received a presentation from the Area Development Manager (South Wiltshire) which set out the main issues in respect of the application. He explained the background to the application and clarified that the Committee could not determine the application, which was subject to appeal to the Planning Inspectorate, but could express whether it supported or objected to the proposal. He introduced the report, which recommended that the Committee support the application's approval by the Inspector, subject to conditions, 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 detailed above, expressing their views regarding this planning application.

The Chairman invited advice from the Wiltshire Council Solicitor, who submitted that:

- The value in planning terms of an existing use of land is clearly a material consideration in determining a planning application unless there

is no possibility that a refusal would result in its retention. The test is to ask whether there is a fair chance that if permission were refused, the existing use would continue rather than stand empty. But that test should be applied while balancing the planning significance of the existing use.

- PPS4 policy EC7 deals more with the way in which local planning authorities should prepare their development plans, than individual planning applications. However the guidance overall may be relevant.
- Policy ED18 is relevant - the criteria to apply are whether the application (so far as relates to the part of the building that is within the primary shopping frontage):
  - a) makes a positive contribution to the vitality and viability of the centre or
  - b) is necessary to secure the future of a Listed Building at Risk or other building is important to the street scene; and that
- It is also of some relevance and a factor to weigh in the balance, that the existing use is a town centre use recognised as such for the purposes of PPS4 while the proposed use appears not to be such a recognised use, and one not made explicit in the officer's report.

After lengthy discussion regarding:

- The principle of change of use from hotel to boarding house;
- The impact on the character of the area (including its status as a conservation area);
- The impact on the listed building;
- The impact on highway safety; and
- The impact on residential amenity.

And upon hearing the views of the local Member, Cllr Nick Fogg, it was,

**Resolved:**

**That the Council advise the Planning Inspectorate that is objects to the proposal, for the following reason:**

**The proposal would result in the loss of an important tourist facility within the Marlborough area. This would be detrimental to the vitality and viability of the area as a consequence of lost local employment and tourism related spend, and so is contrary to the broad principles of Planning Policy Statement no. 4 (Planning for Sustainable Economic Growth) and Policy ED18 of the Kennet Local Plan 2011.**

158. **E/11/0057/FUL**

Former gasholder site, land adjacent to The Wharf, Devizes – Redevelopment for 39 retirement apartments for older people including communal facilities, car parking and associated landscaping.

**The following people spoke in objection to the proposal:**

Mr Tony Sedgwick, transport advisor to the Trust for Devizes  
Mr Ted East, on behalf of the Trust for Devizes  
Mr Rick Rowland, a local resident  
Mr Gary Tomsett, Wiltshire Council Environmental Control and Protection Team Manager (South and East)  
Mr John Kirkman, Chair of CPRE Kennet District Group  
Mr Kelvin Nash, of Devizes Town Council

**The following people spoke in support of the proposal:**

Mr Matthew Shellum, the agent

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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

After lengthy discussion regarding:

- The principle of residential development;
- Density considerations;
- Design and impact upon the conservation area and setting of the Kennet & Avon Canal;
- Recreation provision;
- Affordable housing;
- Contaminated land;
- Ecology;
- Archaeology;
- Adequacy of car parking;
- Highways (including access, servicing, footpath link, and cycle and mobility scooter parking);
- Impact upon residential amenity;
- Renewable energy; and
- Relationship to draft Planning Brief for Devizes Wharf,



And upon hearing the views of the local Member, Cllr Nigel Carter, and those of the Member for the adjacent division, Cllr Jeff Ody, it was,

**Resolved:**

**To refuse planning permission for the following reason:**

- 1. The design of the scheme and its proximity / relationship to the Crown public house and the adjacent brewery's barrel handling yard is likely to result in noise nuisance for future occupants of the development. This would conflict with policy PD1 (B.10) of the Kennet Local Plan 2011 and government policy contained in PPG24: 'Planning and Noise'.**

**The conflict between land uses may result in the Council having to take enforcement action for statutory nuisance under the Environmental Protection Act 1990; such action would threaten the future viability of Wadworths brewery and its role as an important local employer and generator of local economic wealth. This would be contrary to the Government's overarching objective for sustainable economic growth as set out in PPS4 'Planning for Sustainable Economic Growth'**

- 2. The proposed development, by virtue of its design, scale, bulk, height and massing, would fail to preserve or enhance the character or appearance of the conservation area and would harm the setting of the Kennet & Avon Canal. The development fails to make a positive contribution to the character and local distinctiveness of the historic environment, contrary to policy HE7 of PPS5, and fails to take the opportunities available for improving the character and quality of the area contrary to PPS1. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan 2011 and Supplementary Planning Guidance contained in the Devizes Conservation Area Statement and Devizes Town Centre Design Code.**

**159. E/11/0297/FUL**

Carina, Uphill, Urchfont, Devizes, Wiltshire SN10 4SB – Erection of a 3 bedroom dwelling and single garage.

**The following people spoke in support of the proposal:**

Mr Simon Holt, of Urchfont Parish Council

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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

After lengthy discussion regarding:

- The principle of development;
- Impact upon the setting of the listed building;
- Design; and
- Impact upon residential amenity,

And upon hearing the views of the local Member, Cllr Lionel Grundy, it was,

**Resolved:**

**To refuse planning permission for the following reasons:**

- 1. The proposed dwelling would, by virtue of its backland siting and poor design, harm the setting of Carina, a Grade II listed building. The proposal is therefore contrary to policies PD1 and HC22 of the Kennet Local Plan 2011 and government policy contained in PPS1 and PPS5.**
- 2. The comings and goings associated with the new dwelling would cause noise and disturbance for the occupiers of Carina, thus harming their residential amenities. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan 2011.**

**160. E/11/0190/FUL**

Land adjacent to Haxon Dairy, Everleigh Road, Haxton, Salisbury SP4 9PT –  
Erection of dwelling and garage.

**The following people spoke in objection to the proposal:**

Mrs O'Neil, immediate neighbour to the site  
Mr John Cherrett, of Fittleton Parish Council

**The following people spoke in support of the proposal:**

Mr Simon Lock, the agent  
Mrs Valerie Oldrey, the applicant

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended approval.

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

After discussion regarding:

- The impact of the proposal upon neighbour amenity,

And upon hearing the views of the local Member, Cllr Charles Howard, it was,

**Resolved:**

**That planning permission be granted for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any material harm to the amenities of neighbouring occupiers, the character and appearance of the area or highway safety. As such, the proposal is considered to comply with policies PD1 & HC24 of the Kennet Local Plan 2011.**

- 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 until the following have been submitted to and approved in writing by the Local Planning Authority:**

- a) Samples of the bricks to be used for the external walls / boundary wall;**
- b) Samples of the double roman clay tiles to be used for the roofs;**
- c) Samples of the timber cladding to be used for the external walls;**
- d) Details of any stain or preservative to be applied to the timber cladding;**
- e) Details of the stain to be applied to the barge boards and fascias;**
- f) Detailed working drawings of eaves and verges;**
- g) Details of rainwater goods;**
- h) Details of the paint finish to be applied to the windows;**
- i) Details of the timber garage doors and any finish to be applied; and**
- j) Samples of the block paviours to be used for the driveway / turning area.**

**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. The rooflights to be installed in the dwelling hereby permitted shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

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

4. The dwelling hereby permitted shall not be occupied until the sight screens either side of the window serving bedroom 2 have been installed in accordance with the details shown on drawing no. 719-20-07A. The screens shall be retained thereafter in accordance with the approved details.

**REASON:** In the interests of neighbour amenity.

5. 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/extensions to the dwelling hereby permitted.

**REASON:** In the interests of neighbour amenity and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions.

6. The dwelling hereby permitted shall not be occupied until the access, driveway and turning area have been completed in accordance with the details shown on the approved plans. These areas shall be maintained for use in connection with the development at all times thereafter.

**REASON:** In the interests of highway safety.

7. Before the dwelling hereby permitted is occupied the first 4.5 metres of the access serving that dwelling (measured from the edge of the carriageway) shall be resurfaced in a well bound consolidated material (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

8. Any gates serving the access for the new dwelling shall be set back 5.0 metres from the edge of the carriageway, such gates to open inwards only.

**REASON:** In the interests of highway safety.

9. 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.

a) Application Form, Drawing no. 719-20-01 & Phase 1 Habitat Survey received on 11th February 2011.

b) Environmental Risk Assessment dated (March 2011) received on 4th April 2011.

c) Drawing nos. 719-20-02B, 719-20-03B, 719-20-04B, 719-20-05B, 719-20-06B & 719-20-07A received on 31st May 2011.

161. E/11/0654/FUL

Park Farm, Clench Common, Marlborough, Wiltshire SN8 4DU – First floor extension to bungalow to create two storey dwelling, erection of porch to east elevation (resubmission of E/11/0365/FUL)

**The following people spoke in support of the proposal:**

Mrs Alex Fox, the applicant  
Mr Michael Fowler, the agent

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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

After discussion regarding:

- Whether the proposed extension would be harmful to the character and appearance of the property; and

- Whether the proposed extension would be harmful to the character and appearance of the wider area,

And upon hearing the views of the local Member, Cllr Jemima Milton, it was,

**Resolved:**

**That planning permission is granted for the following reason:**

**The proposed development would improve the appearance of the existing bungalow and the appearance of the area. Furthermore, the proposal would not cause any harm to the amenities of the North Wessex Downs Area of Outstanding Natural Beauty or the residential amenities of neighbouring occupiers. As such, the proposal complies with the requirements of policy PD1 of the Kennet Local Plan 2011 and government policy contained in PPS7.**

**And 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 until samples of the materials to be used for the external walls and roofs 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 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.**

**Application Form, Planning Design & Access Statement and Drawing nos. 110210-01, 110210-105 & 110210-106 received on 19th May 2011.**

162. **E/11/0691/FUL**

Avenue Farm House, Winterbourne Monkton, Swindon SN4 9NW

**The following people spoke in support of the proposal:**

Mr Paul Oakley, the agent

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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

After discussion regarding:

- Whether the proposal is tantamount to the creation of a new dwelling in the countryside and therefore contrary to long standing national and local countryside planning policies; and
- Whether the proposal would be detrimental to the character and appearance of the area, including to the setting of the Avebury World Heritage Site.

And upon hearing the views of the local Member, Cllr Jemima Milton, it was,

**Resolved:**

**That planning permission is granted for the following reason:**

**That by virtue of its nature as an ancillary building proportional in scale to Avenue Farm House, the proposed development would not constitute a new dwelling in the countryside. In this location, the proposal would not harm the appearance of the North Wessex Downs AONB nor the setting of the Avebury World Heritage Site. As such, the proposal accords with policy HC26 of the Kennet Local Plan 2011 and central government planning policy contained in PPS7. The proposal also accords with Kennet Local Plan policies PD1 and HH3 and to central government planning policy contained 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 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 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.

**Plan Ref. 561/1J received 26/05/11**

- 4 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated as of the date of completion of the above agreement.

163. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.25 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](mailto:chris.marsh@wiltshire.gov.uk)

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



## REPORT TO THE AREA HUB PLANNING COMMITTEE

<b>Date of Meeting</b>	4 <sup>th</sup> August 2011
<b>Application Number</b>	E/11/0293/FUL
<b>Site Address</b>	Land adjacent to no.7 & no.9 Bayntun Close, Bromham, Chippenham Wiltshire SN15 2JG
<b>Proposal</b>	Erection of detached dwelling and associated driveway (resubmission of E/10/1172/FUL).
<b>Applicant</b>	Ms Karen Morgan-Davies
<b>Town/Parish Council</b>	BROMHAM
<b>Grid Ref</b>	396179 165078
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Karen Guest

### Reason for the application being considered by Committee

This application is being brought to Committee at the request of the Division Member, Cllr Bryant.

#### 1. Purpose of Report

To consider the recommendation that planning permission be refused.

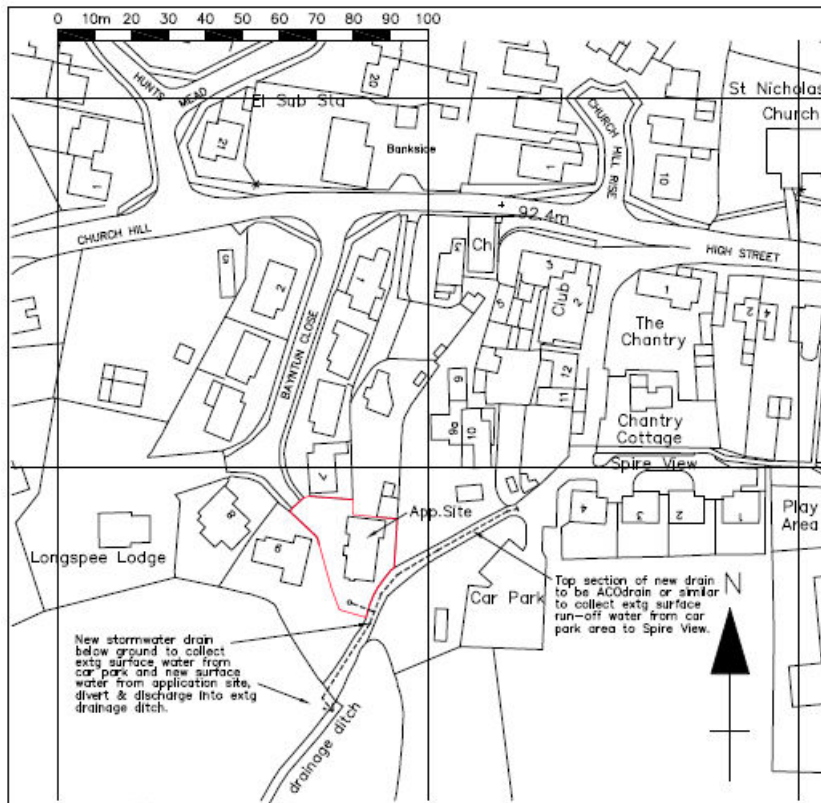
#### 2. Report Summary

The main issues in this case are:

- a) Principle of development
- b) Impact on the streetscene
- c) Impact on residential amenity
- d) Impact on flooding
- e) Other matters

#### 3. Site Description

The application relates to an elevated, sloping parcel of land in Bayntun Close, a cul-de-sac of 9 properties, the majority of which are modest bungalows. The site can be reached by taking the left hand turning off the A342 Chippenham road which is signposted for Bromham then following the road through the village. Upon reaching the village shop on the left-hand side of the road, it is necessary to take the next turning on the left into Bayntun Close. The site lies at the far end of the cul-de-sac. It would be accessed via the left-hand turning head between numbers 7 and 9 Bayntun Close. The site is immediately to the rear of no. 9 Bayntun close. It has been completely cleared of trees and vegetation.



**Location Plan**

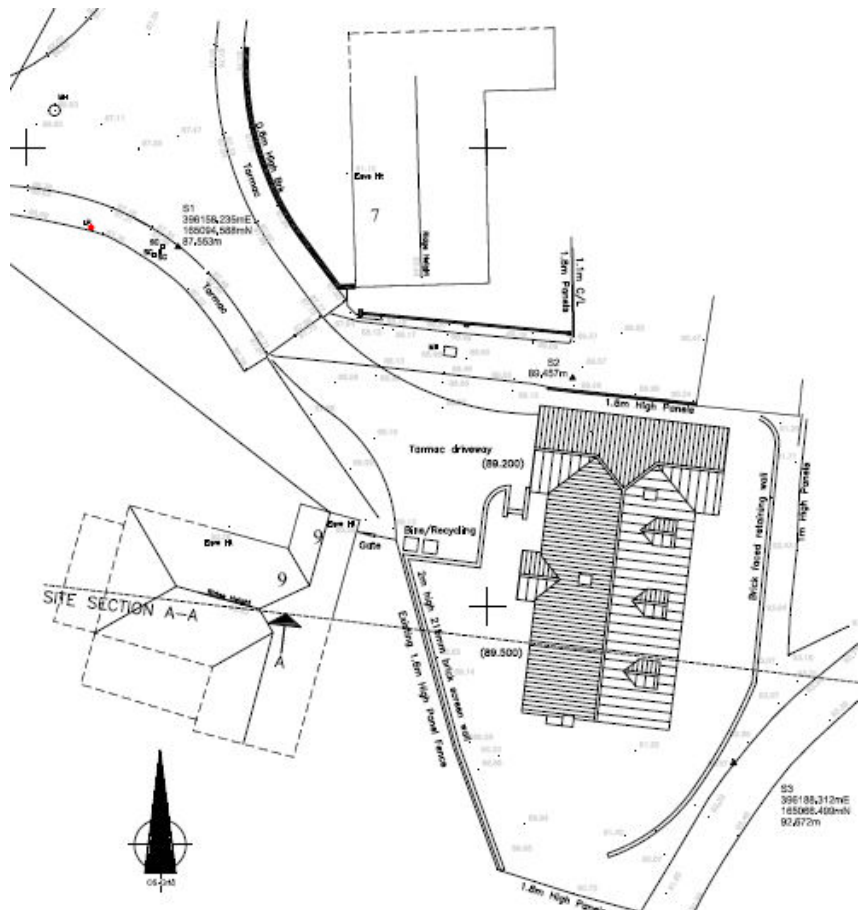
#### **4. Planning History**

The submitted design and access statement states that planning permission was granted for the construction of 10 bungalows in 1967, although this cannot be confirmed as the Council's records do not go back this far. The plan attached to the submitted statement shows the proposed layout of the 10 bungalows. It should be noted that only 9 dwellings were built and that the current layout does not accord with the submitted plan (the space for the tenth dwelling was effectively closed up to form a complete cul-de-sac).

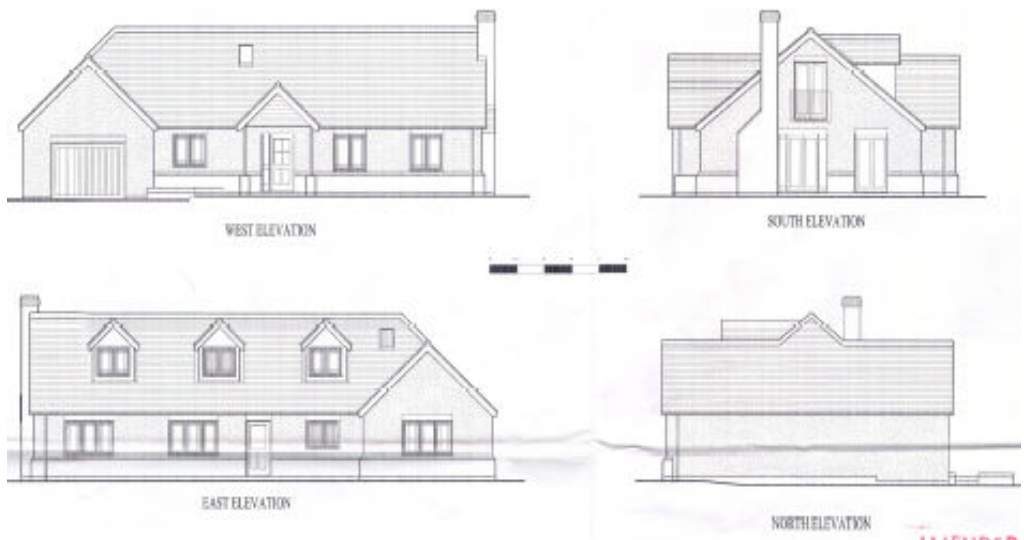
E/10/1172/FUL - application for detached dwelling and driveway, withdrawn on 1 November 2010.

#### **5. The Proposal**

The application proposes the erection of a 3 bedroom detached dwelling with integral garage on an elevated sloping parcel of land to the rear of no. 9 Bayntun Close. It is essentially the re-submission of E/10/1172/FUL, which was withdrawn due to concerns about the impact of the proposed dwelling on the streetscene and upon neighbour amenity. In response to these concerns, the ridge height was reduced and the design simplified, through the removal of the four dormer windows on the front elevation. A computer generated image was submitted by the applicant to illustrate how the scheme might look in the context of the neighbouring properties. Officers then requested a section drawing providing levels details and comparative ridge heights to enable a full assessment to be made of the likely impact of the proposed development on both the streetscene and the occupiers of the neighbouring properties. Further to this, the scheme was amended again, with the ridge height reduced by an additional 0.61 metres (to 6.1 metres) and the proposed use of render in lieu of brick. An amended elevations and section drawing have been submitted, however, the computer generated image has not been amended. The original image will therefore not be included in this report.

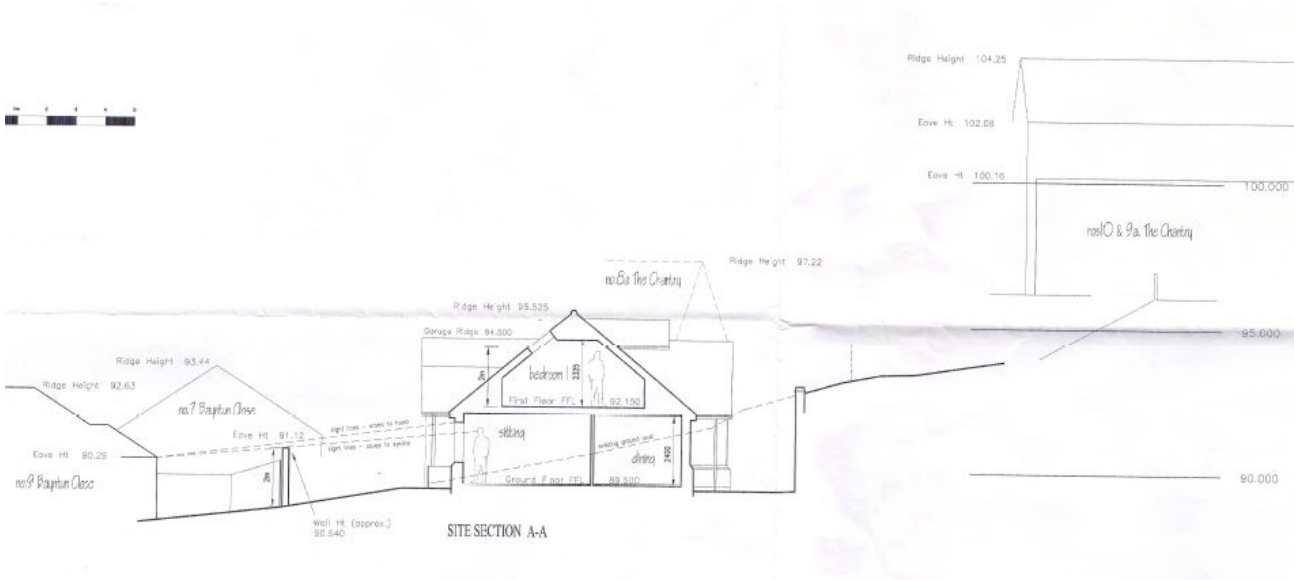


**Block Plan**



**Elevations**

**AMENDED**



**Section Drawing**

## 6. Planning Policy

Policies PD1 & HC22 of the Kennet Local Plan 2011 are relevant to the consideration of this application.

## 7. Consultations

Bromham Parish Council – supports the original and amended proposals, as the dwelling will enhance its surroundings. Also comments that a drainage condition should be considered.

Wiltshire Council Highways Officer – has made the following comments on the application:

'I have no highway objections subject to planning conditions to cover the following points:-

1. The surfacing of the first 2 metres of the access in a well-bound consolidated material (not loose stone or gravel).
2. The provision of a channel cut-off drain at the rear edge of the public highway area across the driveway so that surface water from the driveway shall not discharge out onto the public highway.

Please inform the applicant of the following, both now, and on any grant of permission:

A claim for a right of way has been made which would affect this site. It passes through the NE section of the site, including through the NE part of the proposed house. While this has been turned down by Wiltshire Council, the applicant has the right to appeal and there is the possibility that the Secretary of State could require Wiltshire Council to make an order to record the right of way. Were the house to be built it is possible that the part of the house on the line would be required to be demolished unless an application for a diversion was submitted and was successful. The applicant is strongly advised to contact Wiltshire Council's rights of way section before beginning any development on this site.'

Wiltshire Council Archaeologist – no conditions required.

Wiltshire Council Drainage Engineer – a condition should be imposed stating that before any works on the development, the full details for the surface water and flood risk assessment must be agreed by the drainage team, this would include the calculations, outlining any Suds (Sustainable Urban Drainage Systems) with full infiltration testing results for any soakaways. As the retaining wall as outlined in the application will be supporting a right of way, our structures team may need to be

consulted and the calculations and design specification checked and verified prior to the start of any construction. This should be conditioned.

Wessex Water – no objection.

## **8. Publicity**

The application has been publicised by site notice and neighbour letters.

Seven objections were received in respect of the original plans, which raised the following key concerns:

- The proposed dwelling would have the appearance of a house not a bungalow, as approved under the 1967 consent. The roofline should accord with the existing bungalows in Bayntun Close. There is no precedent in the vicinity for buildings taller than the neighbouring properties.
- The proposed dwelling is too large for the plot.
- The proposed dwelling would be overbearing and block light to the windows of no. 7 and no. 9 Bayntun Close.
- The proposed wall may not prevent overlooking of no. 9 Bayntun Close.
- The taller dwelling in Bayntun Close (Longspee House) should not be used for comparison purposes, as it is set down at a lower level and therefore its ridge height appears lower than that of the adjacent bungalows.
- Drainage is an issue of concern. There have already been issues with flooding. The drainage issues may be result of surface water run-off or as a result of rising springs. The application form states that there are no watercourses within 20 metres, which is untrue if there are rising springs. The drainage problem has been exacerbated by the removal of trees and vegetation on the site.
- There are concerns that the level of excavation works required could increase the possibility of a landslip occurring.
- The proposed 2 metre wall would be affected by the roots of the conifers on the boundary with no. 9.
- The volume of construction traffic is a concern. The exit from Bayntun Close into Church Hill is blind looking both left and right and is therefore hazardous for vehicles and pedestrians.
- One local resident has requested that if approval is given, conditions are imposed requiring:
  - The construction and retention of the wall adjacent to no.9 Bayntun Close prior to the construction of the dwelling.
  - No further changes to the elevations should be allowed, to protect the neighbour's (no.9) privacy.
  - Drainage details should be submitted and agreed and installed prior to the construction of the dwelling.

Four objections have been received in respect of the amended plans, which raise the following additional concerns (the objectors have requested that their original comments still stand):

- The computer generated image does not give a true indication of the height of the proposed roof or the levels to the new driveway (the existing driveway to 8 The Chantry has a slope). The proportions do not appear to be accurate, for example, the windows are a third of the size and the relationship between the length of the garage and the ridge does not appear to be in proportion. It is also difficult to assess the proposal accurately as it is obscured by trees on the image. The image omits views of the south elevation and there are concerns that there will be overlooking from the French doors and balcony towards no. 9's garden.
- The proposed dwelling is still too large.
- The owners of the plot have agreed to deal with drainage, although detailed plans are awaited.

## **9. Planning Considerations**

### **a) Principle of development**

The site lies within the Limits of Development defined for Bromham in the Kennet Local Plan 2011. Policy HC22 of the local plan would permit residential development, providing that it is in harmony with the village in terms of its scale and character. It is considered that the proposal would comply with the first part of this policy as the site lies within the defined Limits of Development for Bromham. The issue of scale and character will be considered in the next section of the report.

### **b) Impact on the streetscene**

The design of the dwelling has been simplified and the materials have been changed. The removal of some of the overly fussy features and the use of render in lieu of brick is welcomed, as the existing properties in Bayntun Close typically have a simple, unfussy design and have been constructed of similar materials. Notwithstanding this and despite the amendments submitted to date, it is considered that the proposal still fails to respect the scale and character of surrounding development, as required by policy HC22 of the Kennet Local Plan 2011 and would detract from the streetscene. The submitted section drawing demonstrates that the ridge height of the proposed dwelling would still be 2.9 metres taller than the tallest part of the modest bungalow immediately in front of it (no. 9) and 2 metres taller than the similarly modest bungalow to the side (no.7). The bungalows in Bayntun Close have a uniform appearance, are positioned at a similar level, have similar heights and have a proportional relationship between their roofs and walls. In contrast, the proposed dwelling would be significantly taller, would have a larger expanse of roof and would be positioned at a higher level. As a consequence, it is considered that the proposed dwelling would appear incongruous and unduly prominent in the context of the other bungalows in the close.

The agent attaches weight to the original planning permission for 10 bungalows in 1967 in the design and access statement. The Council no longer holds records of this. It is considered that little weight should be attached to this decision as it pre-dates current planning policy. Notwithstanding this, it is understood that the extra dwelling was intended to be a bungalow of the same size and appearance to the ones that have been constructed, not a significantly taller and less well-proportioned building like that proposed.

Reference has also been made in the design and access statement to the fact that there is a precedent for two and three storey properties on the north-east side of the plot higher up the slope and lower down the slope in Bayntun Close itself. There are taller properties further afield, however, the proposed dwelling would very much be seen in the context of the adjacent bungalows and not the properties further away. The two-storey dwelling in Bayntun Close is set back from the road and is sited at a much lower level. Consequently, its ridge sits well below that of the neighbouring bungalows.

Members may wish to note that there have been two recent appeal decisions involving either new dwellings or an extension to an existing dwelling which would have been significantly taller than adjacent bungalows. Both of these appeals have been dismissed and in both cases, the inspector considered that the height difference was such that the proposals would be out of keeping with the adjacent bungalows. The first case at 2 Chapter Close, Marlborough (reference E/10/1081/FUL) was for the replacement of an existing bungalow with two 2 storey dwellings, which at 8.3 metres tall were considered by the inspector to be out of keeping with the nearby bungalows in Chapter Close. Application reference E/10/1567/FUL, which was for the raising of the roof of an existing bungalow in Willis Close, Great Bedwyn, is considered to be even more relevant. The ridge height of the extended bungalow would have been 1 metre taller than the adjacent bungalows. The inspector commented that the existing bungalows have a uniform appearance, a broadly similar height and a proportional relationship between walls and roof. On this basis, she considered that the proposed raising of the roof would result in it being significantly higher than others in Willis Close, a much steeper pitch and a radically different proportion of roof to wall. She therefore

concluded that the proposal would appear incongruous in its immediate context. It is considered that the issues raised in this particular appeal are directly comparable to those relevant to this application. If anything, the impact would be greater as the proposed dwelling would be 1.9 metres taller than the appeal proposal.

### **c) Impact on residential amenity**

Although the ridge height of the proposed dwelling would be 2.9 metres taller than no.9 Bayntun Close and 2 metres taller than no.7 Bayntun Close, it would be in excess of 10 metres away from no.9 and 3.5 metres away and set back from no.7. In addition, the roof would slope away from both properties. For these reasons, it is not considered that the proposal would have an overbearing impact on the occupiers of the adjacent properties.

It is not considered that reasonable living conditions of the occupiers of the adjacent properties would be compromised by reason of overlooking. A 2 metre high wall is proposed to be constructed to the front of the dwelling which would restrict overlooking of the windows in the east elevation of no.9 and the area beyond that wall and the boundary. The positioning of the rear garden to no.9 and its distance away from the proposed dwelling is such that it could not be readily overlooked. No windows are proposed in the elevation facing towards no.7.

### **d) Impact on flooding**

Local residents have expressed concerns about the potential for flooding as a result of the development. The site does not lie within a designated flood zone, however, the Council's Drainage Engineer has confirmed that there are drainage issues on the site. These in themselves are not considered sufficient to warrant the refusal of planning permission, particularly as in the event that planning permission were to be granted, conditions could be imposed requiring the submission and approval of surface water details and a flood risk assessment prior to the construction of the dwelling.

### **e) Other Issues**

Local residents have raised a number of other issues, including the potential for landslip, the likelihood of tree roots affecting the foundations of the proposed wall and the risks to pedestrians and vehicles of construction traffic exiting Bayntun Close. The first two issues are considered to be private matters. With regard to the third issue, the highway authority has raised no objections on highway safety grounds and construction traffic would only use the access for a temporary period. It is therefore considered that a refusal on this particular ground could not be substantiated.

## **10. Conclusion**

Officers consider that the height of the proposed dwelling, the elevated nature of the site and the ratio of roof to wall is such that it would be out of character with the bungalows in Bayntun Close. These bungalows have a uniform appearance and are well-proportioned and as a consequence, it is considered that the proposed dwelling would detract from the streetscene.

## **RECOMMENDATION**

Refuse planning permission for the following reason:

1.	The proposed dwelling, by virtue of its height, elevated position and ratio of roof to wall, would appear incongruous and unduly prominent in the context of the bungalows in Bayntun Close, which have a uniform, well-proportioned appearance. It would therefore detract from the streetscene and consequently would be contrary to policies PD1 and HC22 in the Kennet Local Plan 2011.
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**Appendices:**

None

**Background Documents Used in the Preparation of this Report:**

The application file and history file and the appeal files referred to in the report.



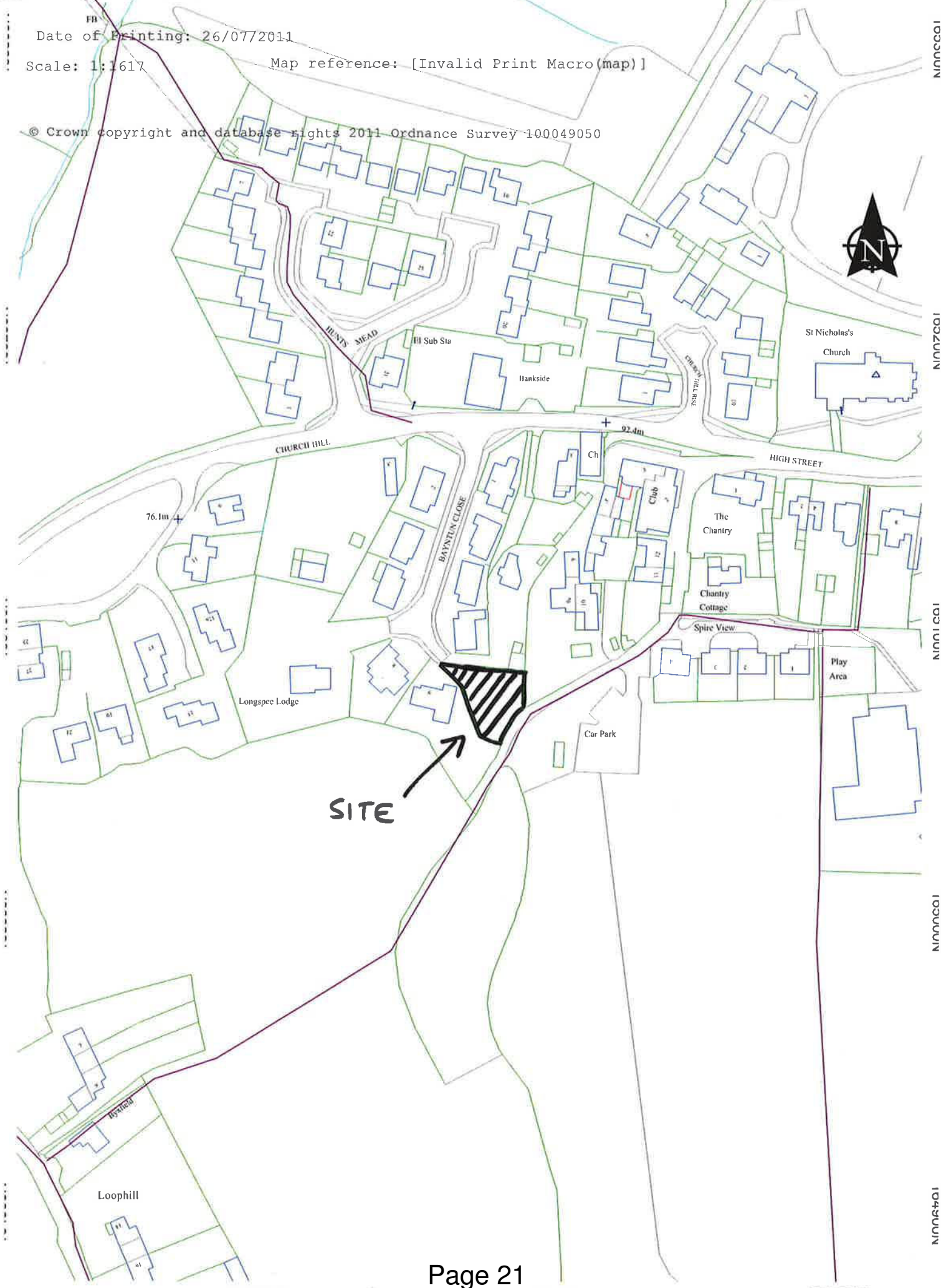
# E/11/0293/KUL - LAND ADJACENT 7 & 9 BAYNTON CLOSE, BROMHAM

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## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	4 <sup>th</sup> August 2011
<b>Application Number</b>	E/11/0721/FUL
<b>Site Address</b>	Whatcombes, The Street, Conock, Devizes, SN10 3QQ.
<b>Proposal</b>	Replacement dwelling and garage and enlargement of garden. (resubmission of E/10/1313/FUL)
<b>Applicant</b>	Mr Anthony Hues
<b>Town/Parish Council</b>	CHIRTON
<b>Grid Ref</b>	406785 157214
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rachel Yeomans

### **Reason for the application being considered by Committee**

This application has been brought to Committee at the request of Division Member, Cllr Brigadier Hall.

### **1. PURPOSE OF REPORT**

To consider the recommendation that planning permission be refused.

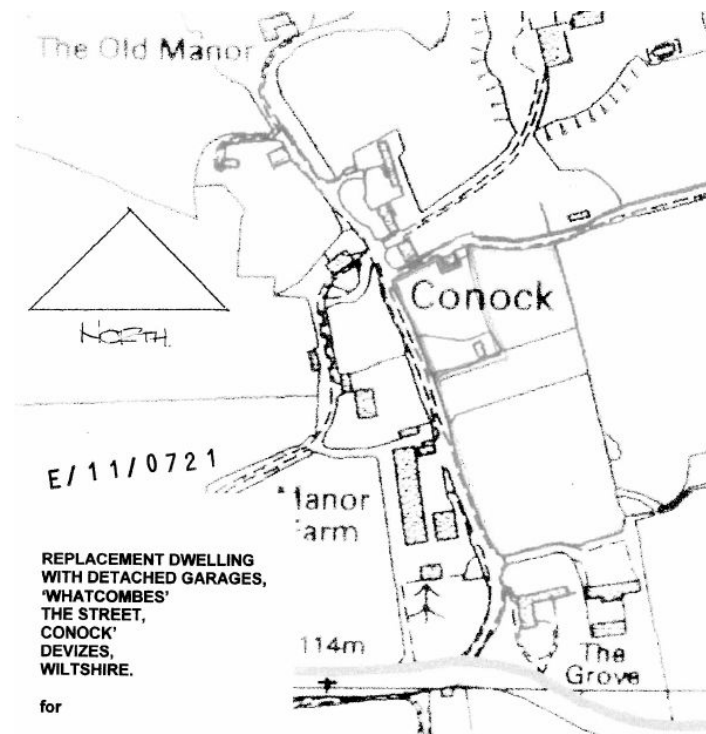
### **2. REPORT SUMMARY**

The main issues in this case are:

- a) Principle of development and the 'fallback' situation
- b) Impact upon the listed Historic Park and Garden
- c) Design and visual impact

### **3. SITE DESCRIPTION**

The application relates to a property known as 'Whatcombe's Cottage' in Conock. Proceed south west from Devizes on the A342 towards Rushall. After passing turnings for Urchfont on the right hand side, proceed for approximately ¼ mile and take the left turning signed Conock. The application site can be found a few hundred yards on the right hand side, opposite Manor Farm. Access to the site is via an existing driveway.



#### 4. RELEVANT PLANNING HISTORY

E/10/1313/FUL – Replacement dwelling and garage and enlargement of garden.

This application was withdrawn on 9<sup>th</sup> November 2010 following officer concerns regarding the scale and design of the proposed buildings and the extent of the garden enlargement.

E/11/0390/FUL – Replacement dwelling and garage and enlargement of garden.

Planning permission was granted on 20<sup>th</sup> May 2011 following extensive pre-application negotiations to achieve a dwelling of more suitable scale, aspect, traditional proportions and more sympathetic design. The applicant's requirements for living space, garden room and farm office, car port structure and extended garden were taken into account and suggestions made as to how these could be accommodated whilst achieving a scale and design of dwelling which did not jar with its sensitive surroundings. Even though it was considered that the final design was not especially reflective of the local vernacular, it was nevertheless deemed inoffensive and its impact was not considered to result in significant harm so as to warrant refusal of planning permission (subject to the carefully negotiated details).

A change to the footprint was also permitted in order to enable the applicant to remain in occupation in the existing property until the new one was constructed. It was made clear to the agent and applicant at this time that this previous scheme was considered the very maximum scale of dwelling that was achievable under policy HC25 which requires that replacement dwellings in the countryside are not 'significantly larger' than existing. In the case of this previous application, it was considered that the impact of the dwelling could just about be justified in the context of this policy, backed up by the particular circumstances of the applicant.

Officers have previously been advised that the applicant farms a significant local holding and owns the farm buildings opposite at 'Manor Farm'. He is keen to accommodate the needs of his family and business which have outgrown the existing dwelling but without moving out of the village because of the need to remain close to the farm buildings/land.

However, it is understood that the applicant is not seeking a farmhouse tied to the farm buildings. The current dwelling is not agriculturally tied but is an open market dwelling.

### 5. THE PROPOSAL

The application proposes the erection of a replacement dwelling with 3 large bedrooms plus additional guest bed/sit, 2 en-suites and family bathroom to the upper floor, substantial lounge, dining room, separate garden room, snug, large utility room together with separate double car port and attached farm office and stores, and the extension of the domestic curtilage.



EAST (REAR) ELEVATION



NORTH (SIDE) ELEVATION



WEST (FRONT) ELEVATION



SOUTH (SIDE) ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

## 6. PLANNING POLICY

The following policies are relevant to the consideration of this application:

- Policy HE3 of the Wiltshire and Swindon Structure Plan 2016 which states that *'Historic Parks and Gardens and their settings should be protected from inappropriate development, having regard to the scale and location of any development proposals and their impact on the character and features of these sites'*;
- Government policy contained in Planning Policy Statement 5: 'Planning for the Historic Environment'; and
- Policies HC25 (Replacement of Existing Dwellings), PD1 (Development and Design) and NR7 (Protection of the Landscape) of the adopted Kennet Local Plan 2011.

## 7. CONSULTATIONS

Parish Council – No objections.

Garden History Society (Statutory Consultee) – recommend refusal of planning permission. Key elements of their response include:

Conock Manor has been identified by English Heritage as a designed landscape of special historic interest in the national context, and has been included on the *Register of Parks and Gardens of Special Historic Interest at Grade II*. Government Planning Guidance contained in PPS 5 indicates that the historic environment comprises various intimately linked elements, of which historic designed landscapes such as Conock Manor are a key component.

The current application proposes an increase in the scale of the proposed house and the addition of a garden room thereby significantly increasing the scale and bulk of the dwelling. The Society is concerned that the proposed dwelling would be considerably larger than the existing one, and the one which has recently been granted planning permission, thereby making it very prominent in this historic landscape.

PPS 5 requires that new development should make a positive contribution to the character and local distinctiveness of the historic environment and that any harm which would result to designated heritage assets should be justified in terms of the public benefit. We would advise that the proposed larger dwelling on such a prominent site would have an adverse impact on the character and appearance of the historic designed landscape.

We would ask that this application be refused on the grounds that the design of the proposed building is inappropriate in terms of design, bulk and scale, and that the development would not preserve or enhance this heritage asset.

Highways – no objection subject to a condition to require any gates to be set back at least 4.5 metres from the carriageway edge and opening inwards only.

Conservation Officer – has provided a clear and detailed response setting out why the application conflicts with legislation and national and local planning policy and recommends that the application should be refused planning permission.

No further representations have been received in respect of this application at the time of writing this report.

## **8. PUBLICITY**

The application has been publicised by way of a site notice erected at the site and by letters sent to adjoining neighbours and the parish council.

## **9. PLANNING CONSIDERATIONS**

### **a) Principle of the development**

Planning permission has recently been granted for a similar scheme on the same site; the permission remains extant and must therefore be considered as a realistic 'fallback position'. This established the principle of a replacement dwelling on the site of a similar form to that now being proposed albeit of a smaller scale, and a very similar garage / farm office building. It also established the acceptability of the proposed extension of the domestic curtilage, the loss of trees and vegetation (subject to a suitable landscaping scheme) and the access and driveway. In view of the distance to neighbouring properties, it is not considered that the proposals would adversely affect residential amenity.

Consequently, the main issue to be considered is simply the larger scale and resulting design of the amended house in relation to b) and c) set out below.

### **b) Impact on the Historic Park and Garden, and c) Design and impact on visual amenity**

The existing dwelling dates from the mid C20 but is traditionally scaled with a narrow gable span, low eaves and ridge. The mansard roof and gable ends are slate hung, with a brick ridge stack and low walls clad in timber shingles. Although this is not an historic building its scale, proportions and materials create an overall impression which does not challenge the character of surrounding historic development. The mature garden which surrounds the dwelling also makes a contribution to the informal and bucolic character of the area overall and, with the relatively drab coloured materials of the house itself, allows that the building is not especially prominent within its surroundings.

The site occupies an extremely prominent location within the village and the Registered Historic Park and Garden of Conock Manor, being highly visible from the road serving Conock and from public rights of way which extend across the north and to the east of the application site.

The acceptability of the previously negotiated scheme relied heavily upon its scale and design to ensure that the replacement dwelling was not 'significantly larger', as stipulated in policy HC25, did not appear unduly prominent nor had a detrimental impact on the grade II listed Historic Park and Garden, its setting or the visual amenities of the area. Furthermore, the proportions and design details were discussed at length to achieve a high quality design reflective of more traditional properties to result in a design scheme fitting for this sensitive location.

The survey drawing provided shows the footprint of the existing dwelling extends to approximately a 9 metre frontage with a narrow span of c. 6.5 metres. From previous submissions, the existing property measures 7.5 metres to the ridge and the approved design was requested not to exceed this height. A height of 7.8 metres for the previous proposal was accepted on the basis that the slab level would be dug in by 300mm to ensure it appeared no taller in the landscape.

The application under consideration is for a broadly similar design to that previously negotiated and granted planning permission, however with scaled up dimensions and the addition of a garden room. For comparison, the main scale differences can be



summarised as follows; the height of the proposed dwelling is nearly half a metre taller than the approved scheme at 8.25 metres; the span of the dwelling is proposed to increase from 7.0 m to c. 8.090m. The rear wing is also proposed to be increased by over a metre together with an additional garden room measuring some c. 4.7 metres by 4.2 metres in place of the modest lean to previously approved.

The result of these cumulative increases in dimension is a substantial increase in the bulk and massing of the development which result in a design which appears too large for this sensitive and prominent position. The proportions appear ‘over-stretched’, creating a squat and bulky design when viewed from the side which does not respond to its traditional context but is more symptomatic of modern volume housebuilding. The proportions of the dwelling have been fundamentally altered and the generally vertical emphasis of the original design lost.

The design of the proposed garden room is also at odds with the generally traditional style employed for the remainder of the design concept. This significant structure will be prominent across the fields from public viewpoints and is an incongruous addition to the proposed dwelling.

It is true that upon first sight of the plans, the differences between the approved scheme and the current application are not easily apparent. However, what must be considered is that the cumulative difference in relatively small measurements on a scaled plan can result in significant differences to the overall impact of the as-built scheme, when constructed. The impact of such all-round increases in scale must be carefully considered, especially where scale is such a pertinent issue in this sensitive and visually prominent location. For any site, there will be a limit to the scale of dwelling that can be accommodated which will relate to the constraints of the site. For the forgoing reasons, it is considered that the proposed dwelling has exceeded this limit and results in significant harm.

**10. CONCLUSION**

The previously approved dwelling was at the absolute margins of what could be considered acceptable in this sensitive location. The significant increase in the proportions of the property would undoubtedly result in a dwelling which cannot be considered to comply with the ‘not significantly larger’ requirement set out in policy HC25 of the Kennet Local Plan. It would appear unduly prominent, bulky and excessively large in scale in this sensitive location and would therefore be harmful to both the listed Historic Park and Garden and the visual amenities of the area. Furthermore, the design of the proposed garden room is considered an incongruous addition to this style of dwelling set within this historic and traditional setting.

**RECOMMENDATION**

Refuse planning permission for the following reason:

1	The proposed dwelling by reason of its large scale, bulk and poor design in this sensitive and prominent location within a Grade II listed Historic Park and Garden, would be detrimental to the setting of the Historic Park and Garden and result in significant harm to the visual amenities of the area. The proposal is therefore contrary to national Planning Policy Statement 5: ‘Planning for the Historic Environment’, Policy HE3 of the Wiltshire and Swindon Structure Plan 2016 and policies HC25, PD1 and NR7 of the adopted Kennet Local Plan 2011.
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**Appendices:** None  
**Background Documents Used in the Preparation of this Report:** The application file and history files.



# E/11/0721/FUL - WHATCOMBES, THE STREET, CONOCK, DEVIZES

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