

## AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Browfort, Devizes  
**Date:** Thursday 6 January 2011  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Chris Marsh, of Democratic and Members' 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 Chris Humphries      |
| Cllr Peggy Dow              | Cllr Laura Mayes          |
| Cllr Nick Fogg              | Cllr Jemima Milton        |
| Cllr Richard Gamble         | Cllr Christopher Williams |
| Cllr Charles Howard (Chair) |                           |

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### Substitutes:

|                        |                          |
|------------------------|--------------------------|
| Cllr Nigel Carter      | Cllr Jerry Kunkler       |
| Cllr Peter Colmer      | Cllr Christopher Newbury |
| Cllr Lionel Grundy OBE | Cllr Jeffrey Ody         |
| Cllr George Jeans      | 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**

To approve and sign as a correct record the minutes of the meeting held on (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.

6. **Planning Appeals** *(Pages 1 - 2)*

To receive a quarterly report detailing completed and pending appeals (copy herewith).

## 7. Planning Applications

To consider and determine planning applications in the attached schedule.

- 7a. E/10/0714/FUL - Yew Tree Farm, Wilsford, Pewsey, Wilts SN9 6HB - (i) Change of use from agriculture to private equestrian; (ii) Retention of new access/gates and access track (to be seeded with grass); (iii) Erection of 2m cob type wall and 5 bar gate (to replace existing unauthorised close board fencing and gates); (iv) Erection of 6m high wind turbine; (v) Construction of horse walker; (vi) Retention of metal shipping container (in different position between barns); (vii) Removal of manure pit (Pages 3 - 16)
- 7b. E/09/1613/FUL - Yew Tree Fields, The Street, Wilsford, Pewsey, Wiltshire SN9 6HB - Erection of stable block (Pages 17 - 24)
- 7c. E/10/1461/FUL - Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB - Proposed two storey extension with proposed new entrance link and two storey annex, along with internal alterations to existing property. Double garage with parking and provisions for a turning circle (resubmission of E/10/0665/FUL) (Pages 25 - 38)

## 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

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

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# Agenda Item 6

## Appeals Determined 01/10/2010 – 31/12/2010

| Reference     | Parish              | Location                    | Description   | Committee/<br>Delegated | Decision  |
|---------------|---------------------|-----------------------------|---|-------------------------|-----------|
| E/09/1671/FUL | Marlborough         | 44, St<br>Margarets Mead    | Single dwelling                                     | Delegated               | Dismissed |
| E/10/0152/FUL | Milton<br>Lilbourne | Vale View, Old<br>Severalls | Single dwelling                                     | Delegated               | Dismissed |
| E/09/1332/FUL | Pewsey              | Land at 9-11<br>Ball Road   | Single<br>dwelling                                  | Delegated               | Dismissed |
| E/10/0023/OUT | Ludgershall         | Malabar,<br>Andover Road    | Three<br>Dwellings                                  | Delegated               | Allowed   |
| E/10/0396/FUL | Shalbourne          | Harding<br>Severalls        | 6.5 metre wind<br>turbine                           | Committee               | Allowed   |
| E/10/0708/FUL | Devizes             | East Lodge<br>Old Park      | Conversion of<br>stable to tourist<br>accommodation | Delegated               | Allowed   |

### Notes:

The Council was awarded its costs (£160) involved in attending a site visit in connection with the appeal at Ball Road Pewsey, where the appellant's agents failed to attend, causing the Inspector to have to rearrange the visit.

There were no cost awards in any of these appeals against the Council.

Copies of the Inspector's decision letters are automatically sent to the relevant Division Member by the Council's Planning Administration Team and are published on the Council's public web site. Copies are available for any other Councillor on request.

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## REPORT TO THE EAST AREA PLANNING COMMITTEE

|                            |   |
|----------------------------|---|
| <b>Date of Meeting</b>     | 6 <sup>th</sup> January 2011  |
| <b>Application Number</b>  | E/10/0714/FUL   |
| <b>Site Address</b>        | Yew Tree Farm, Wilsford, Pewsey, Wilts SN9 6HB  |
| <b>Proposal</b>            | (i) Change of use from agriculture to private equestrian; (ii) Retention of new access/gates and access track (to be seeded with grass); (iii) Erection of 2m cob type wall and 5 bar gate (to replace existing unauthorised close board fencing and gates); (iv) Erection of 6m high wind turbine; (v) Construction of horse walker; (vi) Retention of metal shipping container (in different position between barns); (vii) Removal of manure pit and associated bunding; (viii) Recladding of existing barn; (ix) New storage shed; (x) Relocation of existing close board gates to position of existing metal 5 bar gate adjacent to the Old Dairy. |
| <b>Applicant</b>           | Mr James Lucas  |
| <b>Town/Parish Council</b> | WILSFORD  |
| <b>Grid Ref</b>            | 409940 157250   |
| <b>Type of application</b> | Full Planning   |
| <b>Case Officer</b>        | Rob Parker  |

### Reason for the application being considered by Committee

This application is before Committee at the request of the Division Member, Councillor Brigadier Robert Hall.

### 1. Purpose of Report

To consider the recommendation that the application be approved.

### 2. Report Summary

The main issues in this case are:

- The principle of private equestrian development.
- Whether the proposals would preserve or enhance the character or appearance of the conservation area.
- Whether the proposals would preserve the setting of adjacent listed building(s).
- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty.
- Impact upon neighbour amenity.
- Impact upon highway safety.

### 3. Site Description

The application site is split into two parcels. The first parcel lies on the south side of the main village street, between 20 & 21/22 Wilsford. It covers an area of 4.7 hectares and includes a number of former agricultural buildings including a concrete block building (known locally as The

Old Dairy) and two barns. The second parcel of land lies to the north-west of the village and is slightly larger at approximately 7.7 hectares. There are no buildings on this parcel of land.



*Site location plan*

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

E/09/0630/FUL – Retrospective change of use from agricultural to equestrian and training; re-cladding of existing barn, new storage shed and new access & driveway. The application was placed on a committee agenda but it was taken off the agenda by officers on the day of committee. The application was subsequently withdrawn. This course of events resulted from the applicant's last minute decision to make significant changes to the proposals.

E/09/1613/FUL – Erection of stable block. This application is reported later on this agenda.

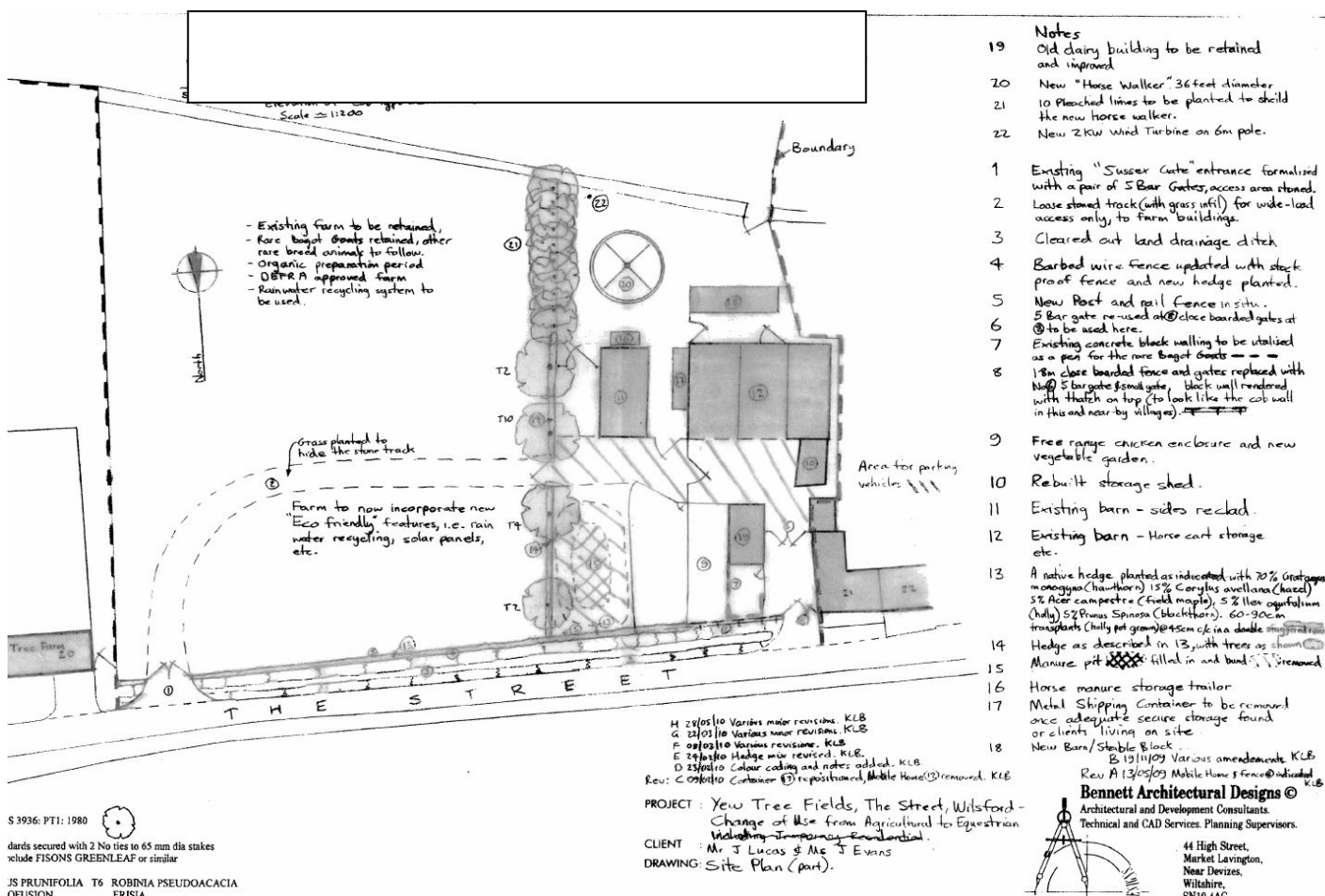
#### **5. The Proposal**

This application has been amended during the course of its consideration (see officer comments below). The following list summarises the proposal now for consideration:

- (i) Change of use from agriculture to private equestrian;
- (ii) Retention of new access/gates and access track (to be topsoiled and seeded with grass);
- (iii) Retention of timber entrance gates and a section of fence (the gates and retained section of fence combined would measure 8m in length) with a further 19m section of unauthorised fencing to be removed;
- (iv) Erection of 6m high wind turbine;
- (v) Construction of horse walker;
- (vi) Retention of metal shipping container (in different position between barns);
- (vii) Removal of manure pit and associated bunding;
- (viii) Recladding of existing barn (retrospective); and
- (ix) Retention of storage shed.



Members will be aware that an earlier planning application for the site (E/09/0630/FUL) was withdrawn in April 2009. Since that time the applicant has purchased the neighbouring property (21/22 Wilsford) and therefore there are no longer any proposals to site a mobile home on the land. The applicant has also decided that he is no longer seeking planning permission for a commercial equestrian use and is proposing that it be for private use. Earlier proposals for the site did not include provision for a horse walker or wind turbine, both of which are new additions to the scheme.



Site block plan

## 6. Planning Policy

Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011 are relevant to the consideration of this planning application. Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy is also a material planning consideration.

The site lies within landscape nationally designated as an Area of Outstanding Natural Beauty. Government guidance contained in PPS7: *Sustainable Development in Rural Areas* states that AONBs have the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in development control decisions in these areas.

Government policy contained in PPS4 (paragraph EC6.2g) states that in rural areas local planning authorities should "where appropriate, support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character".

The site also lies within the Wilsford Conservation Area. Government policy contained in PPS5: *Planning for the Historic Environment* is relevant to the consideration of this application. Supplementary Planning Guidance contained in the Wilsford Conservation Area Statement is a

material planning consideration.

## 7. Consultations

**Wilsford Parish Council** – The parish council has no objections in principle to the change of use from agricultural to private equestrian but has major concerns on the following points:

- The gateway and track are incongruous and out of keeping with the rural character of the village. The field and fence should be reinstated as they were originally.
- The Conservation Officer has eloquently highlighted the concerns about the cob “type” wall. The parish council considers that the previous proposal, which was agreed with the applicant, whereby a mixed native hedge was to be planted completely along the roadside up to the entrance, with a five bar gate across the entrance, would be acceptable, as long as the horizontal close board fencing is not the predominant feature along the roadside.
- The trade-off in order that the applicants produce a small amount of green energy would be an unacceptable visual intrusion in an AONB. Solar panels should be considered as an alternative. In the event that permission were granted, the application should be subject to a condition that the applicants commission a bat survey by a suitably qualified bat expert, and obtain a Habitats Regulation licence before any work commences.
- The horse walker introduces yet more sprawl into the field and would be a most unattractive feature in the AONB. Were permission to be granted it should be conditioned that extensive landscaping be undertaken with native species, deciduous and evergreen, to a depth of approximately 10m, from the roadside running south and west along the back of the barns.
- The steel storage container, no matter where it is sited, is prominent and utilitarian in appearance. It detracts from the character and appearance of the area, neither preserving it nor enhancing its status in a conservation area and an AONB. The container also detracts from the adjacent and nearby listed buildings.
- No proposal for the removal of horse and goat manure has been provided, the latter being subject to controlled waste regulations and conditions. This must be subject to conditions in order that there is no environmental impact for neighbouring properties.
- Photographs are submitted which demonstrate the unacceptable appearance of the multi-coloured plastic and starkness of the ‘Onduline’ metal cladding in an AONB. The barn to the east should be clad in uniform material, of one colour, from ground to eave height. Should the applicants wish to introduce light, then clear panels should be inserted into the roof, and thus avoiding the internal arc lighting causing light pollution in the village.
- The barn to the west should have the plastic cladding removed, which was originally to give light for a proposed mobile home, no longer the subject of an application, and replaced with materials more in keeping with those existing.
- There must be a condition to ensure that no work is to be undertaken to The Old Dairy until detailed plans are submitted and approved, and/or any work is subject to a separate application.
- Any permission granted should be conditioned for private use only as stated in the planning application.
- Certain points are not included in the application and must therefore be secured by negotiation or condition to avoid disturbance to neighbouring properties and adverse

impact upon the environment:

- a) There is no lighting plan.
- b) There are no hours of business.
- c) No detail of the number of horses to be kept on the site.
- d) No details of the number of movements of large livestock lorries to and from the site.

**Wiltshire Council Archaeologist** – The field abutting the larger of the two development areas (i.e. the field to the north-west of Wilsford House) is awash with important buried prehistoric archaeology. Any ground works, of any kind, in the 'development area' field would require pre-application evaluation. Disturbance can include, for example, the creation of gallops or tracks, not just upstanding structures. If there is to be any such development in this field, then a requirement for a separate planning application in the future would be welcome.

**Wiltshire Council Conservation Officer** –

- Concerns are raised with respect to the proposed “cob type” wall (this has since been deleted from the application). The unauthorised close boarded fencing and gates are wholly out of character in this rural area and detract both from the bucolic character of the lane and setting of the adjacent listed building. No objection would be raised to the siting of a standard agricultural gate in this location and the continuation of a mixed native hedge to the gate would offer a far better solution.
- The new vehicular access and track across the field and increased areas of hardstanding generally (including the particular aggregate used) are out of character with the low key rural character of the village and area.
- The cladding of the existing hay barn, which increases the solidity and prominence of this 20th Century building, and the consolidation of this non-traditional group with additional buildings, the horse walker and wind turbine is regrettable. Whilst the existing buildings are nominally part of the area's agricultural legacy and their continuing use could not be objected to, the 20<sup>th</sup> Century group is generally unattractive and the area would now benefit more from their removal rather than any increase in development. The proposed new structures are equally standard modern utilitarian structures which, whilst perhaps not objectionable within the context of an established traditional or more enclosed farmstead, will in this location appear as prominent and stark features in the landscape which will contribute nothing to the character or appearance of the area or to local distinctiveness.
- It is difficult to make an informed assessment of the likely impact of the proposed change of use on the character or appearance of the conservation area. There is no information provided in relation to the number of animals to be kept or the likely number of vehicles or visitors to the site or the times of day when there will be activity. Questions such as whether there will be need for further stabling, fencing, external lighting, surfaced exercise areas etc. are not answered.

**Wiltshire Council Ecologist** - While the turbine is small and the buildings within the site appear generally unsuitable, its location within a hedgerow could result in impacts upon local populations of foraging / commuting bats using this feature. The impacts of micro-turbines upon bats are still somewhat unclear, however recent research by Long et al (2009) indicates that they affect bat's echolocation calls and there is also anecdotal evidence of bat mortalities caused by barotrauma around micro-turbines, and this is the subject of ongoing research at Stirling University. At present we would advocate a risk based approach to the installation of such turbines to minimise the potential harm to bats; this should involve the careful siting of micro-turbines away from:

- woodland, hedgerows and water (particularly linear features)
- known or potential roosts e.g. old buildings, mature trees

- areas known to be important for bats (as indicated by records)

There are records of whiskered and long-eared bats roosting in the village, and given the quality of the surrounding landscape for foraging bats and suitability of properties for roosting it is likely that a local bat population is present. It is therefore recommended that the turbine be relocated elsewhere within the applicant's landholding, preferably at least 10m from linear vegetated features likely to be used by commuting / foraging bats. The current location may be suitable if the applicant can demonstrate that the hedgerow is not used by foraging / commuting bats - i.e. through a bat activity survey.

**Wiltshire Council Environmental Health Officer** – The only concern for this department is the installation of the Aeolus 2000 wind turbine and potential effect on sound levels in the local area. After giving due consideration to the information supplied it is not considered that the noise from the wind turbine will contribute significantly to the acoustic environment of the local area at any wind speed. Accordingly, no objections are raised. Conditions are required to control manure storage and the burning of animal bedding and other waster matter.

**Wiltshire Council Highways** – No objections. The traffic generation along the lanes leading to the site will be similar in type and scope to the traffic generation of the permitted agricultural uses of the land and buildings.

## 8. Publicity

The application has been publicised by site notice, press advert and neighbour notification. No representations from local residents have been received, but CPRE have made the following comments:

This revised application no longer contains some of the concerns raised in CPRE's earlier letter of representation for E/09/0630/FUL, but attention is drawn to the following extract from the officer report for that application: "It will be important to ensure that the equestrian use preserves the character and appearance of the conservation area and the scenic qualities of the AONB". CPRE believes that strict enforcement of conditions will be essential.

Any new buildings should be grouped with existing buildings. Sprawl of buildings into the fields should be avoided. Fencing should be post and rail, appropriate to the countryside. There should be no built development in the 20-acre part of Yew Tree Fields.

CPRE supports the draft conditions attached to the previous report for E/09/0630/FUL. However, the following concerns remain.

1. The hours of movements of large livestock lorries to and from the site should be conditioned, to protect the residential amenity of neighbours.
2. Parking of vehicles should be prohibited in the field adjacent to the complex of buildings, including on the new grassed driveway, at any time.
3. No objection is raised to the proposal to install a small-scale Aeolus 2000 wind turbine, but some of the noise readings in the specifications seem very high. The Council's Environmental Health Officer should be asked to comment on the acceptability of the quoted levels, and the need for mitigation.

## 9. Planning Considerations

Equestrian uses can often be an acceptable alternative to agriculture in countryside locations. Government policy contained in PPS4 encourages local planning authorities to support equine enterprises that maintain environmental quality and countryside character.

The land and buildings at Yew Tree Fields were formerly in agricultural use, albeit relatively low key in recent years. The principle of equestrian use as an alternative to agriculture is

considered to be acceptable; this would secure the re-use of existing buildings and comply with government policy contained in PPS4.

Earlier proposals for the site were focused around the breeding, training and selling of polo ponies. This would have included hiring the ponies out for chukkas and providing riding lessons and polo instruction. The applicant's intentions have now changed and the current proposal is for private equestrian use only.

It will be important to ensure that the equestrian use preserves the character and appearance of the conservation area and the scenic qualities of the AONB. The applicants have already carried out various physical works on the main site within the village, to facilitate the equestrian use. Some of these works are considered to be unacceptable in planning terms and therefore officers have secured the following negotiated solution:

- Horizontal close board fencing has been erected along a section of the site frontage, together with matching gates. These works are visually incongruous and harmful to the character and appearance of the conservation area and the setting of the adjacent listed building. The applicants have agreed to remove a 19m section of fence, leaving the gates and a short section (approx 3m) of fence to provide security for the entrance. The retained section (including the gates) would measure approximately 8m in length. The removed section of fence would be replaced with a new post and rail fence and a mixed native hedge. The hedge would continue in front of the retained section of fence. Officers consider that, on balance, the retention of the gates and a short section of fence would not cause material harm to the street scene, the conservation area or the setting of the adjacent listed building.
- The walls of one of the barns have been re-clad with mushroom coloured profile sheeting, with translucent panels at high level. The resulting building is more prominent due to the nature of the materials used. However, the works are not considered to be harmful to the amenities of the area, the character or appearance of the conservation area or the scenic value of the AONB. The visual impact will be further mitigated by the planting of a mixed hedge and native trees along the western boundary of the paddock. This landscaping will also create additional containment for the main built-up part of the site where the majority of day-to-day equestrian activities will be taking place.
- A manure pit has been dug behind the roadside boundary, and the resultant spoil has been used to create a bund. The proposal is to remove the bunds, fill-in the pit and restore the land to its original condition. A manure storage trailer would be sited to the rear of one of the barns. This will improve the appearance of the site, minimise the risk of odour nuisance for neighbouring residential occupiers and help to prevent pollution of nearby watercourses.
- A new gated access has been created onto the village street, together with a stone track across the paddock. At the time of the previous application the track was considered to be an incongruous feature which was out of character with the low key rural character of the village. Since that time, grass and weed growth have started to soften the impact and the applicant has agreed to add a layer of topsoil to the track and seed it with grass. This will mitigate the visual impact whilst maintaining a surface suitable for occasional use by horse transporters.
- A metal shipping container has been sited to the rear of the existing barns, for the purposes of secure storage. The container is extremely visible from public vantage points to the south and it is considered that its retention in the current position would be inappropriate in this conservation area and AONB location. The applicant has agreed to relocate the container to a position between the barns, and this is considered to be a less prominent (and therefore more acceptable) location.
- A new storage shed has been constructed on the western boundary, adjacent to one of the barns and alongside the boundary with 21/22 Wilsford (which is now owned by the

applicant). The design of the structure is considered to be acceptable. It is screened from the neighbouring property by fencing and associated planting along the boundary. There is no harm to amenity.

The proposed horse walker is considered to be acceptable in planning terms. It would be viewed in the context of the existing barns (and the stable block proposed under E/09/1613/FUL) when viewed from the village street and the public right of way to the south. Additional landscaping has been negotiated for the adjacent boundaries (immediately to the south and east of the horse walker) so that the equestrian paraphernalia is visually contained. The parish council has requested a 10m wide landscaping strip but this is considered to be an excessive requirement.

The proposed wind turbine would be sited not far from the existing barns and adjacent to the proposed horse walker. The turbine would be 6m in height which is not dissimilar to the existing barns. Although it would be set slightly apart from the existing buildings, the turbine would be well related to the built-up part of the site.

The parish council has raised the issue of bats and believes that, should permission be granted, there should be a condition requiring the applicant to commission a bat survey and obtain a Habitats Regulation licence. Advice has been sought from the Council's ecologist who advocates a risk based approach to the installation of micro-turbines to minimise the potential harm to bats; this should involve the careful siting of micro-turbines away from:

- woodland, hedgerows and water (particularly linear features)
- known or potential roosts e.g. old buildings, mature trees
- areas known to be important for bats (as indicated by records)

The ecologist recommends that the turbine be located at least 10m from linear vegetated features likely to be used by commuting / foraging bats. The proposed siting for the turbine meets this criterion as there are no significant trees or hedgerows in the immediate vicinity. It is not considered that it would be reasonable to require the applicant to carry out a bat activity survey as this would be disproportionate to the level of risk.

There are no proposals for physical development on the second parcel of land (to the north-west of the village) and the intention is for change of use to private equestrian only, to facilitate the riding and exercising of horses on the land. There are no planning objections to this proposal which would not materially affect the appearance of the site or the amenities of the AONB. It is recommended that a condition be attached to any planning permission to enable the Council to retain control over the erection or placement of barrels, poles or other forms of horse jumps on the land.

The Council's Highway Officer has not objected to the proposals, and as such it is not considered that a refusal of planning permission could be substantiated on highway grounds. The Highway Officer comments that the traffic generation along the lanes leading to the site will be similar in type and scope to the traffic generation of the permitted agricultural uses of the land and buildings. This "fallback" position is relevant when considering the application.

Overall, officers consider that the proposals (as amended) would preserve the character and appearance of the conservation area, the setting of adjacent listed buildings and the scenic qualities of the AONB. The development secures the re-use of redundant agricultural buildings and may also have positive economic spin-offs in terms of additional employment (albeit relatively small with a private equestrian use). The development would comply with local planning policy and government policy.

The parish council and CPRE raise a variety of issues and concerns. Many of the points (such as the position of the shipping container and the visual impact of the re-clad barn, new access and close board fencing) are addressed by the amendments and landscaping scheme negotiated by officers. Other issues (such as external lighting and manure storage/disposal arrangements) are covered by appropriately worded planning conditions.

Consultees have made reference to the lack of information in the application regarding the number of horses to be kept on the site, the number of vehicle movements and the hours of business. It would not be reasonable to impose conditions placing limits upon these aspects of the scheme, and such conditions would be unenforceable in any event. A private equestrian use is unlikely to generate large numbers of vehicle movements and there is considered unnecessary to limit horse numbers or hours of operation for this type of use.

## **RECOMMENDATION**

### **Approve for the following reasons: -**

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following:

- (a) Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011.
- (b) Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy and Wilsford Conservation Area Statement.
- (c) Government policy contained in PPS4, PPS5 & PPS7.

### **And subject to the conditions set out below:**

- 1 The development hereby approved shall be used solely for the private equestrian use of the landowner and shall not be used for any commercial use, including livery, equine training or as a riding school, without the further grant of planning permission by the Local Planning Authority.

REASON: The use of the site for commercial purposes may give rise to other planning issues, such as increased traffic, that would need to be considered in a fresh planning application.

- 2 There shall be no burning of waste material or animal bedding on the site.

REASON: To protect the amenities of the area.

- 3 No barrels, poles or any other form of horse jump shall be placed, erected or stored on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 4 No external lighting shall be installed on the site without the prior written approval of the Local Planning Authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and thereafter it shall not be modified without the Local Planning Authority's prior written consent.

REASON: In the interests of visual and neighbour amenity.

- 5 Within 3 months of the date of this decision the section of horizontal close boarded fencing identified for removal on the approved plans (Drawing no. 1092/02J received on 3<sup>rd</sup> November 2010) shall be permanently removed and replaced by a post and rail fence to match that already erected along the remainder of the site frontage. The post

and rail fencing shall be retained as such thereafter.

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

- 6 Within 3 months of the date of this decision the manure pit shall be filled in and the associated bunding levelled and/or removed from the site, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

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

- 7 Within 3 months of the date of this decision details of the manure storage facility and details of disposal arrangements shall be submitted to and approved in writing by the Local Planning Authority. Manure shall be stored and disposed of in accordance with the approved details and no manure shall be stored on any other part of the site.

REASON: In the interests of visual and neighbour amenity.

- 8 Within 3 months of the date of this decision the stoned access track (labelled as number 2 on approved Drawing no. 1092/02J received on 3<sup>rd</sup> November 2010) shall be covered with a 50mm deep layer of clean and uncontaminated topsoil and seeded with grass.

REASON: In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 9 Within 3 months of the date of this decision the existing metal shipping container shall be relocated to the position shown on Drawing no. 1092/02J received on 3<sup>rd</sup> November 2010.

REASON: In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected on the site without the prior written approval of the Local Planning Authority. Any request for fences, gates, walls or other means of enclosure submitted pursuant to this condition shall include details of their design, height and location. The fences, gates, walls and other means of enclosure shall be erected in accordance with the approved details and thereafter they shall not be modified without the Local Planning Authority's prior written consent.

REASON:

In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 11 There shall be no storage or overnight parking of any vehicles (including trailers, horseboxes and untaxed vehicles) on the site, other than within a building or within the area hatched in blue on the approved plan (Drawing no. 1092/02J received on 3<sup>rd</sup> November 2010).



REASON:

In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 12 All soft landscaping comprised in the approved details of the landscaping shall be carried out by 31st March 2011. All trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 13 This planning permission relates solely to the Aeolus 2000 wind turbine mounted at 6m in height. No other type of wind turbine shall be installed or erected at the site without a further grant of planning permission from the Local Planning Authority.

REASON:

The planning application has been assessed on the basis of the noise data submitted for the Aeolus 2000. A different type of turbine may have implications for residential amenity and will require separate assessment.

- 14 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, Design & Access Statement, Drawing nos. 1092/01, 1092/03 & 1092/05, Supporting Information, Wind Generator Specification (WFD2KW) and Wind Turbine Noise Test Report (Aeolus 2000) received on 9th June 2010.
- (b) Letter from the agent and Farm Security and Enterprise Viability Assessment (Author: James Miles-Hobbs) received on 17<sup>th</sup> September 2010.
- (c) Drawing no. 1092/02J & Wind Generator Specification (CNCR-2000W) received on 3<sup>rd</sup> November 2010.

- 15 INFORMATIVE TO APPLICANT:

The applicant is advised to note that this planning permission does not authorise any works or physical alterations to the Old Dairy which would materially affect its external appearance. A further grant of planning permission may be required. The applicant is advised to contact the Local Planning Authority for advice on the need for planning permission for any future proposals.

- 16 INFORMATIVE TO APPLICANT:

The applicant is advised to note that this planning permission does not authorise any operational development on the parcel of land to the north-west of the village. A separate grant of planning permission would be required for the erection of building(s) and/or the construction of a manège or similar exercise arena. The applicant would be expected to carry out an archaeological field evaluation prior to submitting any planning application, due to the close proximity of the site to an area of known archaeological

interest. This advice is provided without prejudice to any decision which the Council may make upon any planning application which is subsequently submitted.

**Appendices:**

None

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

The application file, Wilsford Conservation Area Statement, Kennet Landscape Conservation Strategy and government policy contained in PPS4, PPS5 & PPS7.

# E/10/0714 FUL & YEW TREE FARM, WILSFORD, PUSEY, WILTS

E/10/1613/FUL

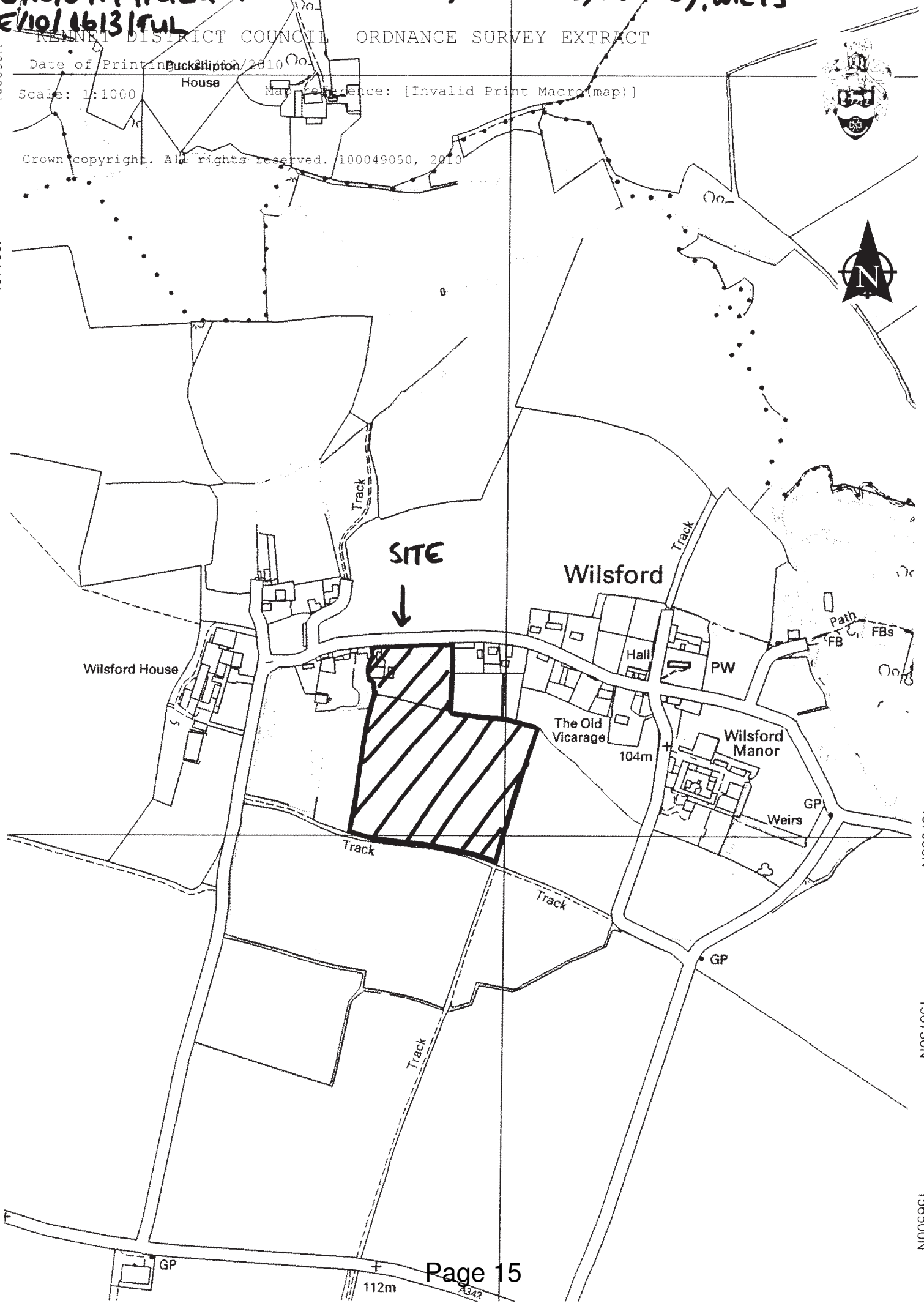
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## REPORT TO THE EAST AREA PLANNING COMMITTEE

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 6 <sup>th</sup> January 2011                                     |
| <b>Application Number</b>  | E/09/1613/FUL  |
| <b>Site Address</b>        | Yew Tree Fields, The Street, Wilsford, Pewsey, Wiltshire SN9 6HB |
| <b>Proposal</b>            | Erection of stable block.  |
| <b>Applicant</b>           | Mr James Lucas   |
| <b>Town/Parish Council</b> | WILSFORD   |
| <b>Grid Ref</b>            | 409912 157096  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Rob Parker   |

### Reason for the application being considered by Committee

This application is before Committee at the request of the Division Member, Cllr Brigadier Robert Hall.

### 1. Purpose of Report

To consider the recommendation that the application be approved.

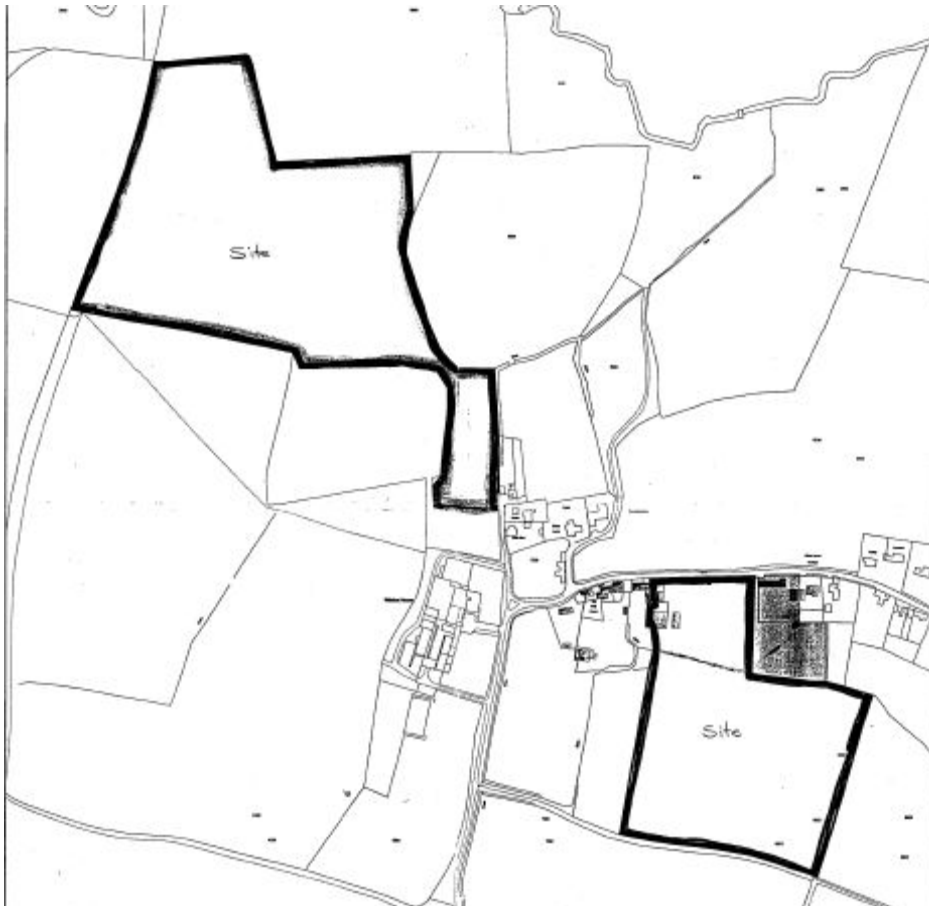
### 2. Report Summary

The main issues in this case are:

- Whether the proposals would preserve or enhance the character or appearance of the conservation area.
- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty.

### 3. Site Description

The application site is split into two parcels. The first parcel lies on the south side of the main village street, between 20 & 21/22 Wilsford. It covers an area of 4.7 hectares and includes a number of former agricultural buildings including a concrete block building (known locally as The Old Dairy) and two barns. The second parcel of land lies to the north-west of the village and is slightly larger at approximately 7.7 hectares. There are no buildings on this parcel of land.



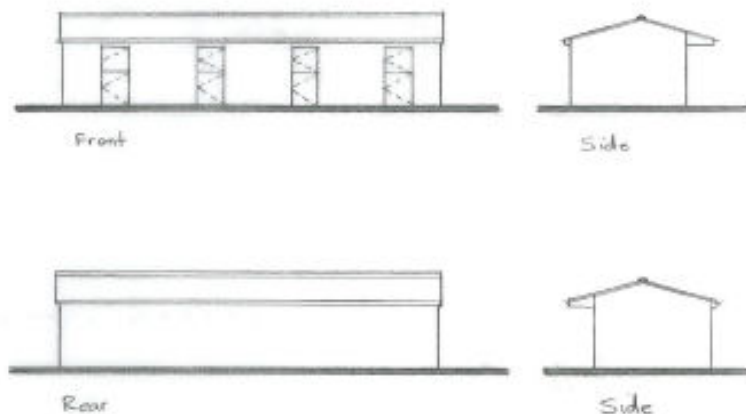
#### 4. Planning History

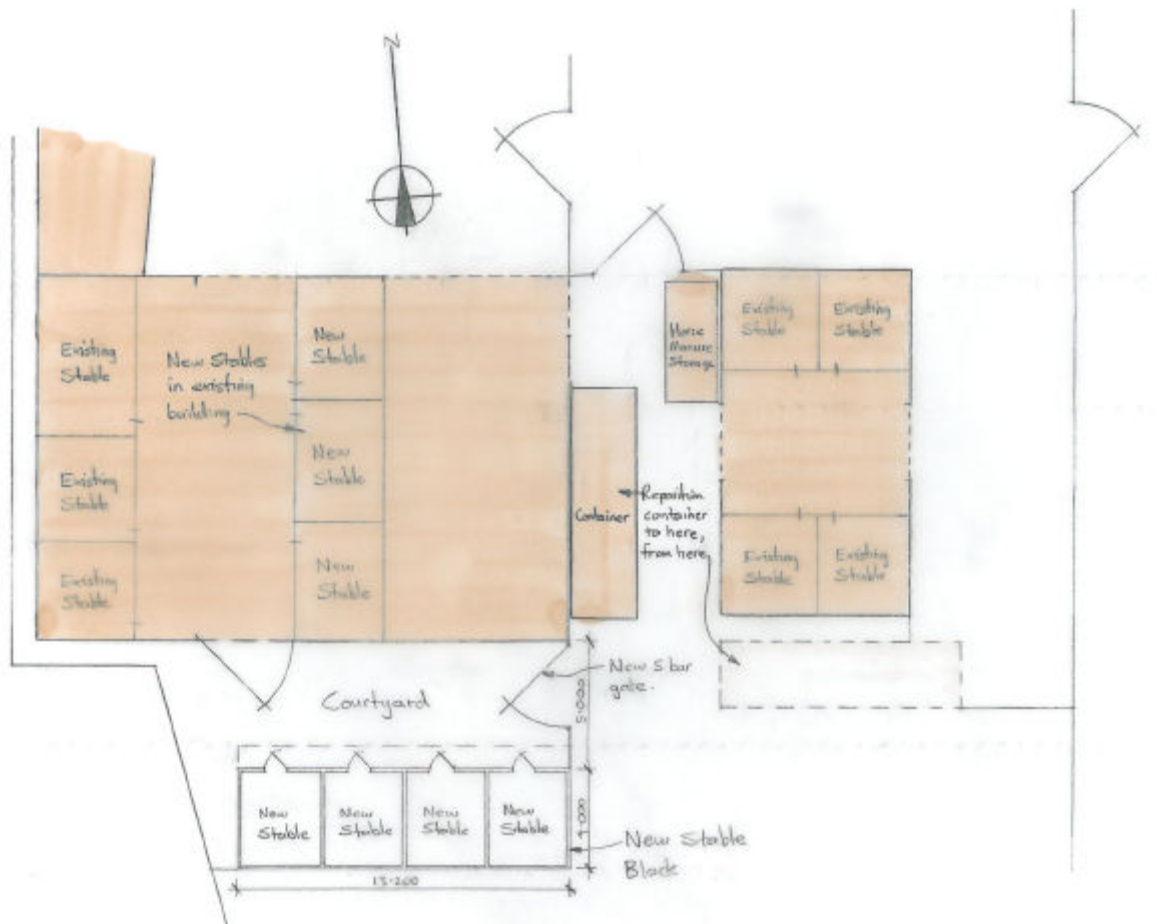
This report should be read alongside the report for E/10/0714/FUL which is also on this agenda.

#### 5. The Proposal

The proposal is for a stable block to be sited behind the existing barns. The stable would provide additional accommodation for horses being kept in connection with the applicant's private equestrian use which is being applied for under E/10/0714/FUL.

The stable block would be built on a footprint of 13.2m x 4.0m with a maximum height of 3.2m. Its walls would be constructed of concrete block with a shiplap boarding finish. The roof would be brown Onduline sheeting.





## 6. Planning Policy

The site lies within countryside designated as Area of Outstanding Natural Beauty, and within the Wilsford conservation area.

Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011 are relevant to the consideration of this planning application. Supplementary Planning Guidance contained in the Wilsford Conservation Area Statement and Kennet Landscape Conservation Strategy is also a material consideration.

Government policy contained in PPS4, PPS5 & PPS7 is relevant.

## 7. Consultations

Wilsford Parish Council – The parish council makes a lengthy representation, a copy of which is available to view on the working file. In summary, the parish council believes that the planning application should be considered alongside E/10/0714/FUL which is reported earlier on this agenda. The parish council considers that the stable block would be unduly prominent in this flat, low-lying location, thereby detracting from the character of the landscape. It believes that none of the materials would preserve the character or appearance of the conservation area. [The latter comments were provided prior to amendment of the plans to include shiplap boarding for the walls]

Wiltshire Council Rights of Way Officer – no comments.

## 8. Publicity

The application has been publicised by site notice, press advert and neighbour notification.

Three representations of support have been received.

Four representations of objection have been received. The following issues are raised:

- a) Any additional stabling should be positioned within the original footprint of the existing farm buildings and yard. (This objection was received from the owners of 21/22 Wilsford which was subsequently purchased by the applicant)
- b) The proposals would be harmful to the character and appearance of the conservation area and the setting of adjacent listed buildings.

### **9. Planning Considerations**

The proposed siting and design for the stable block are considered to be acceptable in planning terms. The building would not be visible from the main village street, although there would be extensive views from the south, including public rights of way and the lane leading into Wilsford from the A342. From this direction the stables would be viewed in the context of existing agricultural type buildings.

Amendments have been negotiated during the course of the application to secure shiplap boarding for the external walls of the stables (rather than the concrete blocks originally proposed). The resulting building would not look out of place in this rural location and it is not considered that any harm would result to the conservation area, the setting of listed building(s) or the AONB. Additional landscaping to the south and east of the stable block would help to mitigate any visual impact.

### **RECOMMENDATION**

**Approve for the following reasons: -**

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following:

- (a) Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011;

**And subject to the conditions set out below:**

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

REASON:

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

- 2 The development hereby approved shall be used solely for the private equestrian use of the landowner and shall not be used for any commercial use, including livery, equine training or as a riding school, without the further grant of planning permission by the Local Planning Authority.

REASON:

The use of the site for commercial purposes may give rise to other planning issues, such as increased traffic, that would need to be considered in a fresh planning application.

- 3 No development shall commence on site until details of the finish for the shiplap boarding to be used for the external walls of the stable block have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried



out in accordance with the approved details prior to the stable block being first brought into use.

**REASON:**

In the interests of visual amenity and the character and appearance of the conservation area.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the stable block or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

- 5 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, Design & Access Statement and Drawing no. 1092/01 received on 9th December 2009.

(b) Drawing no. 1092/04A received on 8th February 2010.

(c) Drawing no. 1092/02J received on 3rd November 2010.

- 6 **INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the planning permission reference E/10/0714/FUL and dated 6th January 2011.

**Appendices:**

None

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

The application file, Wilsford Conservation Area Statement, Kennet Landscape Conservation Strategy and government guidance contained in PPS4, PPS7 & PPG15.

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# E/10/0714 HUL & YEW TREE FARM, WILSFORD, POUSEY, WILTS

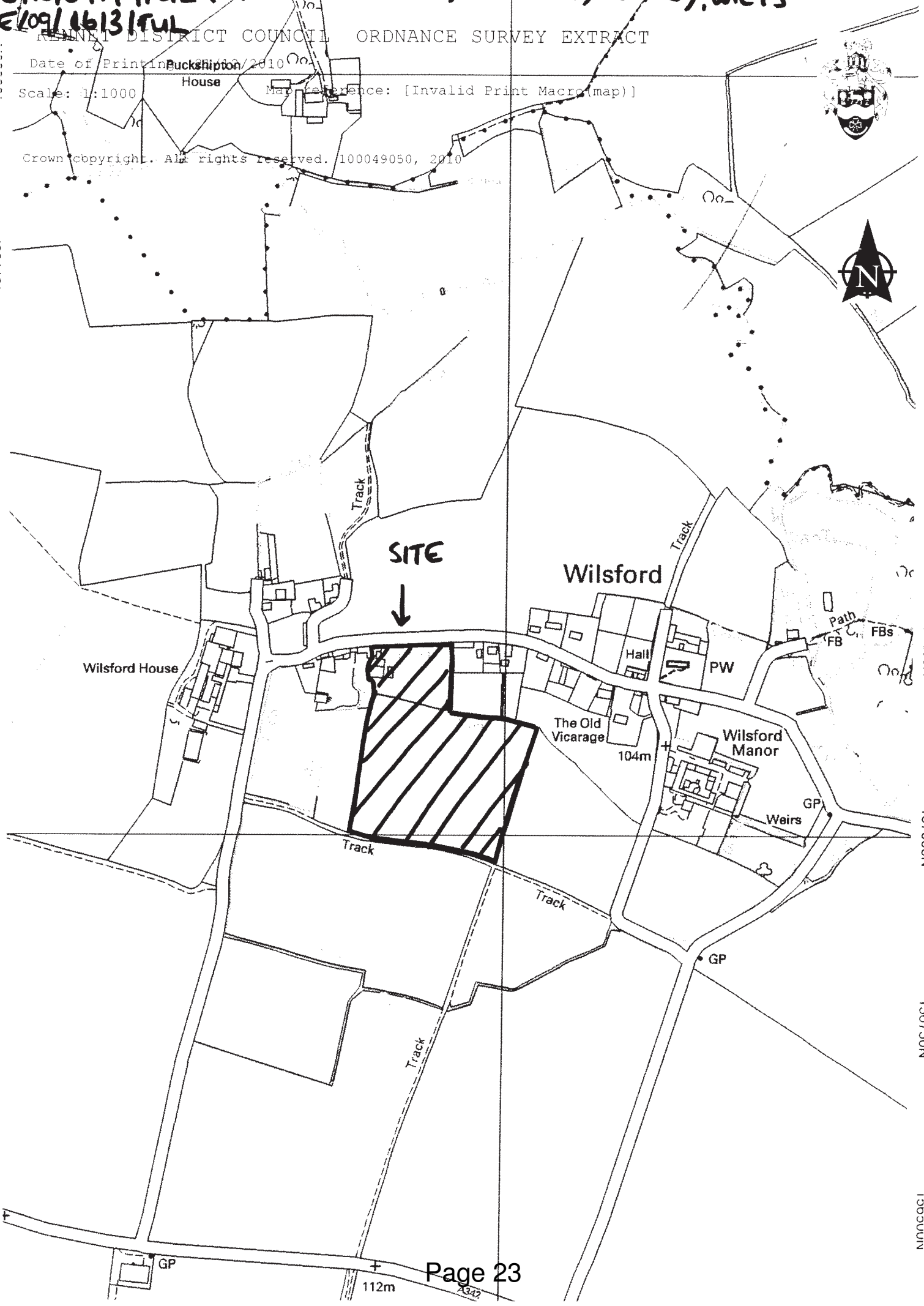
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Date of Printing: 10/03/2010

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## REPORT TO THE EAST AREA PLANNING COMMITTEE

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 6 <sup>th</sup> January 2011   |
| <b>Application Number</b>  | E/10/1461/FUL  |
| <b>Site Address</b>        | Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB  |
| <b>Proposal</b>            | Proposed two storey extension with proposed new entrance link and two storey annex, along with internal alterations to existing property. Double garage with parking and provisions for a turning circle (resubmission of E/10/0665/FUL) |
| <b>Applicant</b>           | Mr Keith Ewart & Miss Leanne Lewis   |
| <b>Town/Parish Council</b> | URCHFONT   |
| <b>Grid Ref</b>            | 404399 157506  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Rob Parker   |

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

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

#### **1. Purpose of Report**

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

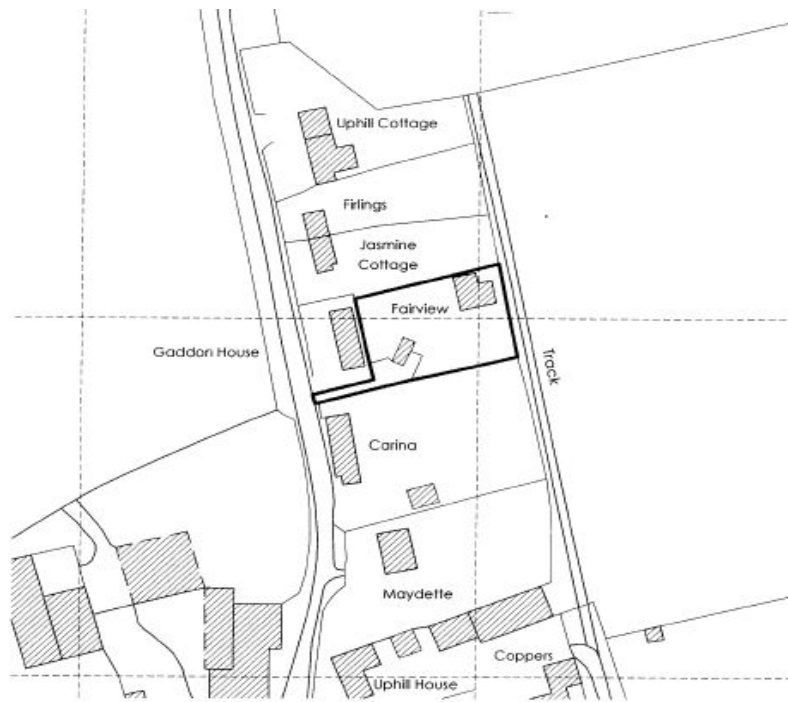
#### **2. Report Summary**

The main issues to consider are the impact on the amenity of the neighbouring property and the impact on the character and appearance of the area of the extension and garage building.

#### **3. Site Description**

The application relates to a property known as 'Fairview' in Uphill, Urchfont. Starting from the village pond take Friars Lane (to the right of the pond) and follow this lane through The Bottom and this leads to Uphill. The site lies on the right hand side, immediately to the rear of the thatched property known as 'Gaddon House'. Access to the site is via a narrow driveway to the right of Gaddon House and alongside its single garage.

The property is a detached brick built house. Although constructed more than 100 years ago, it would appear to have been built in what was then the rear garden of Gaddon House. As a result, it does not have its own road frontage, but is accessed along a track to the south of Gaddon House.



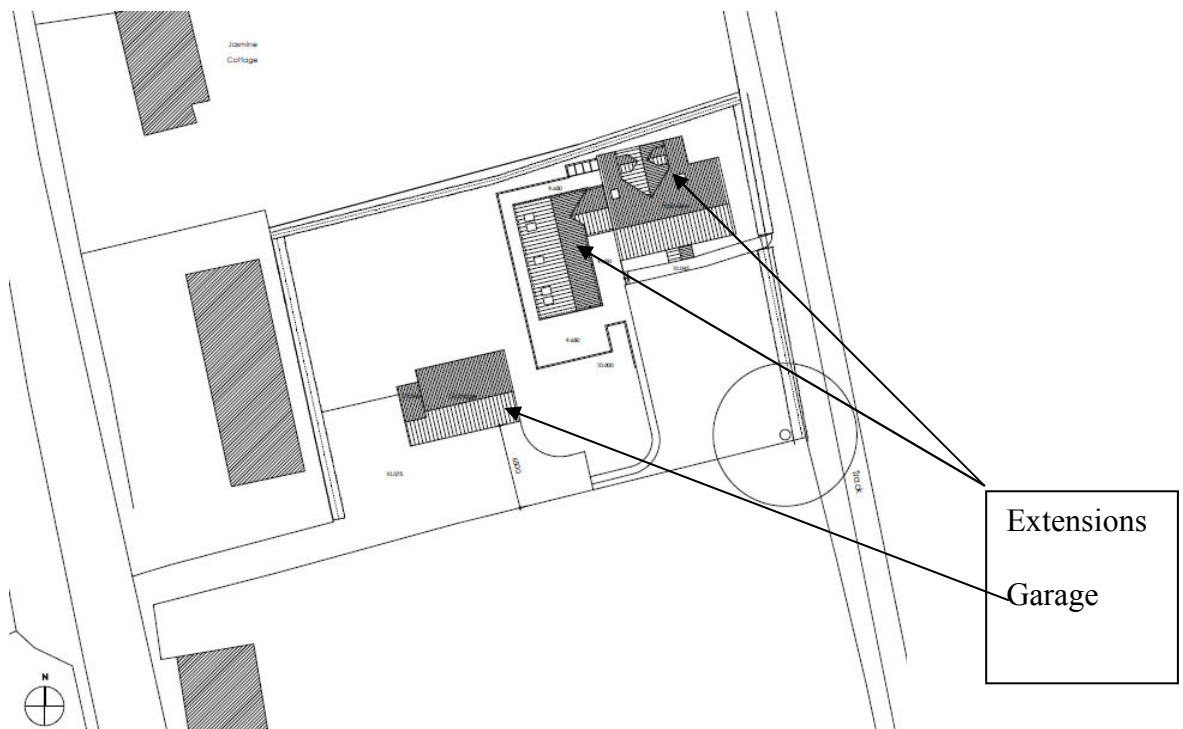
*Location Plan*

**4. Planning History**

E/10/0665/FUL – Two storey rear extension; new entrance link & two storey annexe; erection of double garage. Application withdrawn in July 2010.

**5. The Proposal**

The application proposes the construction of a two storey rear extension; a new entrance link; and a two storey annexe, along with internal alterations to the existing property. The scheme also includes the erection of a double garage (to replace an existing single garage) with parking and provision for a turning area.



*Site Plan – Gaddon House to left*



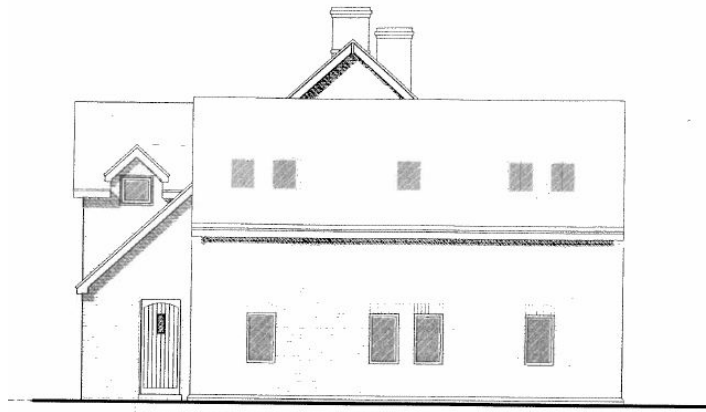
South Elevation

*Proposed Extension and new link to existing house*



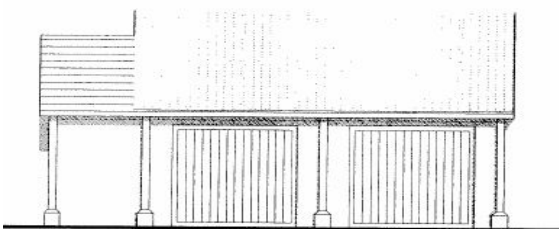
East Elevation

*East side of proposed extension – existing house in foreground*



West Elevation

*West side of proposed extension – side facing towards Gaddon House*



South Elevation



West Elevation

## **6. Planning Policy**

The site lies within the Limits of Development defined for Urchfont in the Kennet Local Plan 2011. Policy PD1 of the local plan is relevant to the consideration of this application, as is Supplementary Planning Guidance contained in the document "Community Benefits from Planning" and government policy contained in PPS1.

The property to the south known as 'Carina' is a listed building. The Council has a statutory duty to have special regard to the desirability of preserving the setting of this building. However, the proposal has no impact on the setting of this listed building

## **7. Consultations**

Urchfont Parish Council – objects on the grounds that the development is overly large in relation to Gaddon House. It also objects to the impact of the house, and in particular the height and position of the garage, on the surrounding properties.

Wiltshire Council Highways – no objection subject to submission of a revised plan showing a re-siting of the garage by 0.6m to achieve at least 6.5m of space for vehicle turning. (Amended plans have been submitted to address this point)

## **8. Publicity**

The application has been advertised with a site notice and neighbours have been notified. Three representations of support have been received, including two from local villagers and a third from the daughter of the former owners who spent most of her childhood at the property.

Two representations of objection have been received, one from the tenants of Jasmine Cottage (which lies immediately to the north of the site) and another from the owners of Gaddon House (which lies immediately to the west). The following concerns are raised:

### **Jasmine Cottage**

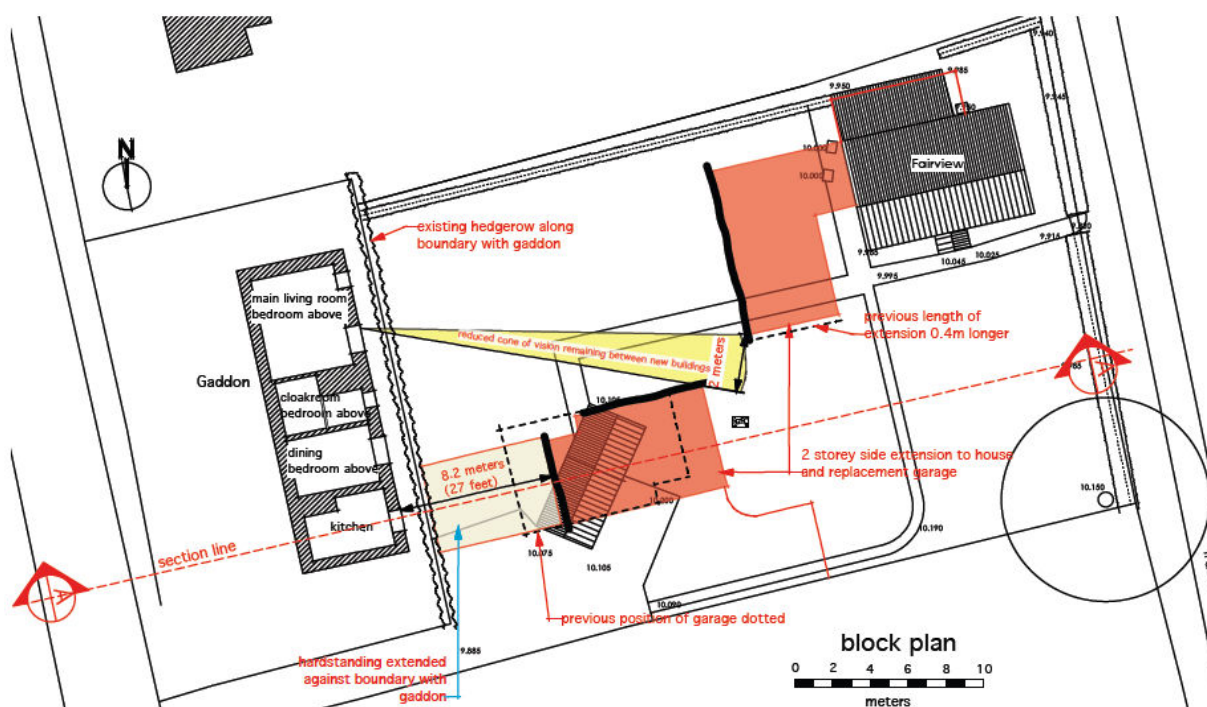
- a) The two storey extension at the rear of the property proposes a door which appears to open straight onto the objector's garden. This would be harmful to privacy.
- b) The two storey extension also features a window which looks straight across the objector's garden. This would be harmful to privacy.
- c) There is an intention to tidy the hedge to assess ownership. This matter should be taken up with the objector's landlord.

### **Gaddon House**

- a) The orientation of the extension would present a long side elevation and mass against the skyline when viewed from Gaddon House. This would reduce the amount of daylight entering the small windows at ground and first floor.
- b) The proposed extension would narrow the gap between Gaddon House and Fairview to around 21 metres. This is the minimum conventional planning separation for amenity and privacy.
- c) The four west facing ground floor windows in the extension would afford uninterrupted views of the first floor bedrooms, resulting in loss of privacy for the objector.
- d) The proposed garage would, as a result of its height and the difference in ground levels, overshadow the ground floor kitchen, dining room and two of the upper floor bedrooms in Gaddon House.
- e) The proposed photo-voltaic panels would add unnecessary height to the garage and result in an assertive and clumsy appearance.



- f) The new hardstanding to the west of the garage would cause noise nuisance and light intrusion from car headlamps into ground floor windows of Gaddon House.
- g) The garage could be used for other uses incidental to the enjoyment of the dwellinghouse (e.g. as a workshop, studio, children's games room or guest accommodation) and these could create noise and disturbance for the occupiers of Gaddon House.
- h) The amendments to the siting of the garage requested by the Council's Highways Officer would exacerbate the overshadowing impact upon Gaddon House.
- i) The extension and garage will add considerable mass to the west side of Fairview's plot; this would directly impinge upon the immediate outlook from Gaddon House. When combined, the two elements would completely dominate the outlook from the objector's property and have an overbearing impact.
- j) The objector believes that the 'cone of vision' between the proposed garage and the extension when viewed from the living room to Gaddon House would be reduced to 2 metres, resulting in the massing of the buildings merging together and creating a sense of being 'hemmed in'. This concept is illustrated on the following plan submitted by the objector:



- k) The extension will be clearly visible from public footpaths to the east (approximately 150m distant) and the B3098 on the approach to Urchfont. The impact of the two storey buildings, which would give the impression of being a seamless structure, would be harmful to the countryside.

**Note:** This is a lengthy six page objection. The above is a summary of the key points. A copy of the full document is available to view on the working file.

The applicants have also submitted a response to the objections received from the owner of Gaddon House. This picks up on what the applicants consider to be factual inaccuracies, false assertions, incorrect calculations, deliberate omissions and missing photographs contained in the neighbour's representation. The response, which is lengthy, can be viewed on the working file. However, the key summary points are as follows:

- The applicants do not deny that Gaddon House has a right to enjoy amenity and they have sought to preserve this whilst at the same time seeking to enhance the privacy between the two properties.
- The plans have been amended since the earlier withdrawn application to push the garage further from Gaddon House and amend the design so that the log store (which has a lower ridge height) is at the end closest to the neighbour.
- The applicants cast doubt upon the accuracy of drawings submitted as part of the objection and supply their own version. The disagreement over these drawings means that it would be inappropriate to include either party's submission as part of this report.
- The applicant asserts that the loss of a view is not a material planning consideration, yet he points out that the objector is justifying his objection using terms such as "outlook", "vista", "cone of vision", "outward views" and "viewed from".
- The photographs supplied by the objector and taken from within Gaddon House are misleading, as they do not represent the normal views from the windows in question, as the heads are low and the overhanging thatch ensures virtually no view when standing up inside Gaddon House. The ground floor windows are almost fully covered by a hedge and present no real view outwards.
- The applicants have no intention to park vehicles in the space between the garage and the boundary and this area will not be laid to tarmac.
- The objector has drawn attention to the situation of the extension forward of the principal frontage of Fairview. The applicants contend that this is not a normal situation and normal suburban planning standards ought not to be applied in these circumstances. These standards generally apply to properties which adjoin a highway or follow a building line.
- The applicants wish to enhance the privacy of **both** properties as their whole plot is presently overlooked by Gaddon House. There are currently two first floor windows in Fairview facing Gaddon House which provide clear views between the first floors of both properties. The proposed extension has been specifically designed to remove this unsatisfactory position and will not contain any first floor windows that directly face Gaddon House. The proposed 20.1m of separation between both properties is still sufficient to maintain amenity in respect of light and overshadowing. The applicants also point out that they have lowered the proposed extension into the ground by 350mm to further enhance the neighbour's amenity.
- The ground floor windows in the extension look out directly at the hedge which obscures the ground floor windows of Gaddon House. It is not physically possible to overlook a first floor window from a ground floor window.

In response to the parish council's concerns the applicants comment as follows:

- The applicants noted the parish council discussions regarding the option of placing the solar panels on the roof of the dwelling, thereby making it possible to design a flat roof garage. However, they consider that this option would make the solar panels visible from surrounding countryside, which is not desirable.
- The applicants do not accept that the size of Fairview in comparison with Gaddon House is an issue.

## 9. Planning Considerations

Fairview is an unusual property in that it is built within the historic garden of Gaddon House, behind the prevailing building line and at odds with the traditional pattern of development in

this part of Urchfont. The detached property is situated in the north-east corner of the plot, presumably to maximise the distance between the properties. The construction of Fairview has left Gaddon House with no rear garden, only a strip of land approximately 2 metres wide wrapping around the rear of the building. A hedge defines the boundary between the two plots (ownership of this hedge is unclear). There is a difference in levels between the two properties, with the ground floor rooms of Gaddon House being at a slightly lower level than the application site.

The main issues for consideration are:

- 1) Whether the development would have an adverse impact upon the residential amenities of neighbouring occupiers; and
- 2) Whether the development would have an adverse impact on the character and appearance of the area



*Fairview, as existing – Gaddon House in rear of picture*

### **Impact upon Amenity**

The representations received from neighbouring occupiers concentrate upon the impact upon residential amenity.

The occupiers of Jasmine Cottage are concerned regarding the impact of a first floor window which would afford views across their garden. This is a legitimate concern which could be addressed by imposing a planning condition requiring the window to be obscurely glazed. The east facing bathroom window could be used to provide ventilation and this window would not offer the same views across the neighbours' garden, hence it could be glazed with conventional glass if the applicants so wish.

The neighbours also raise a concern regarding a door facing the boundary. It is not considered that this door (which serves a utility room) would infringe privacy of the neighbour because it would face towards the existing boundary hedge and this could be reinforced by additional planting or a fence if required.

The strongest objections are raised by the owners of Gaddon House and their concerns are summarised above. It is worth noting that the case officer has taken the opportunity of viewing the application site from within Gaddon House, both at ground and first floor. There are photographs on the history file (E/10/0665/FUL) and in the neighbour's objection letter.

#### *Overlooking / Loss of Privacy*

Whilst it is true that development would bring windows closer to Gaddon House, the intervening distance would remain just in excess of 20 metres. This is very marginally below the Council's minimum 21 metre standard for back-to-back spacing of dwellings set out in Supplementary Planning Guidance on "Community Benefits from Planning".

The existing dwelling has windows in its gable end facing towards Gaddon House at a distance of approximately 27 metres. This situation would be replaced by an extension at a distance of approximately 20 metres with four high level roof lights at first floor (whereby the sill height does not permit casual overlooking) and four ground floor windows serving an open plan kitchen / dining area. The latter windows would face towards the boundary hedge approximately 18 metres away, and at its current height the hedge would completely block any views into the ground floor rooms of Gaddon House.

The objectors are concerned that the ground floor windows in the extension would afford views into their first floor bedrooms. However, it would be difficult to argue that there would be any meaningful views when looking from a ground floor window into a first floor window, particularly one which is cast into shade by a thatch overhang at a distance of 20 metres. In any event, similar views can already be obtained from the applicants' garden.

Overall, it is not considered that a refusal of planning permission could be substantiated on the grounds of loss of privacy for the neighbour.

#### *Overbearing Impact / Loss of Daylight & Outlook*

It is not considered that development would have an overbearing impact upon occupiers of Gaddon House and there would be no material loss of daylight. The separation distance between Gaddon House and the extension would be 20 metres and the extension would be of modest (6.3m) height. There would certainly be a change in view and outlook, but this would not be so significant as to warrant a refusal of planning permission. It is important to note that the loss of a private view is not, in itself, grounds to refuse planning permission.

It is also relevant to consider the particular circumstances of Gaddon House. The majority of rooms in this property are dual aspect and there are windows front and rear serving the main ground floor reception rooms and the two largest of the three first floor bedrooms. Views towards the application site out of the ground floor windows are blocked by the boundary hedge and the low window heads and thatch overhang at first floor make it impossible to gain views out of the property without either stooping or sitting down. The proposed extension would certainly be visible from the first floor of Gaddon House but from this slightly elevated position and at a distance of more than 20 metres it would be difficult to argue that the proposed extension would be overbearing.

The proposed garage would be closer than the annexe, approximately 8.2 metres from Gaddon House, but this structure would be somewhat lower than the extension at 4.5 metres in height. There would be views of the garage from the kitchen window of Gaddon House but it is not considered that the impact would be overbearing and there would be no material loss of daylight. It is relevant to note that the kitchen is a dual aspect room, with an additional window in the south facing side elevation. The impact from first floor would be less pronounced, with views being achievable above and beyond the garage.

#### *Noise & Disturbance*

The neighbours have expressed concerns regarding the potential for noise nuisance and light intrusion from vehicles using the turning area in front of the garage. They are also worried about future uses of the garage harming their amenity.

It is not considered that these are reasonable grounds for refusing planning permission. There is already a garage in the approximate position of the proposed garage and vehicles will be manoeuvring in the same general area. The replacement of the existing situation with a more convenient parking and turning facility is unlikely to result in a material increase in noise nuisance or light intrusion for the neighbours over and above what already exists or that could be carried out under permitted development rights.

With regard to future uses for the building, it is difficult to predict (i) whether such a change of use is likely to occur and (ii) whether such a change of use would be likely to generate noise nuisance. The proximity of Gaddon House is such that its occupiers are just as likely to be affected from the noise of children playing in Fairview's garden as they are from the garage being converted to a children's play room. There is always the potential for the garage to be used as a home workshop, but this is equally true of the existing garage on the site. The Council has powers under Environmental Health legislation to control statutory noise nuisance, should it occur. It would be unreasonable to deny the applicants planning permission for a garage on the grounds that they might use it for an unneighbourly purpose in future.

### **Design & Impact on character and appearance of the area**

The proposal has three distinct elements:

- 1) A rear two storey extension to replace an existing single storey lean-to. This would provide a utility and cloak room at ground floor and a bathroom at first floor. Materials for the extension would be red brick and slate to match the existing dwelling.
- 2) A linked two storey extension to the west of the property. This would measure 4.6m x 9.0m in footprint and 6.3m in height. It would provide an open plan kitchen / dining area at ground floor and an en-suite bedroom with dressing area at first floor. The link would become the main entrance to the property. Materials for the extension and link would be red brick and slate to match the existing dwelling, with large amounts of glazing on the east elevation to take advantage of the countryside views.
- 3) A detached double garage measuring 5.2m x 6.6m in footprint and 4.5m in height with a subservient attached garden store (footprint 3.4m x 1.7m and height 4.0m) at the end closest to Gaddon House. The garage would have timber clad walls and solar photovoltaic panels on the south facing roof slope.

#### *Policy Context*

Policy PD1 requires a high standard of design in new developments, including extensions to existing buildings. All developments are required to adequately address various factors including:

- 2) Scale, height, massing and density of development;
- 3) Relationship to townscape and landscape context;
- 8) Elevational treatment; and
- 9) Building materials, colour and detailing.

#### *Assessment*

The existing dwelling is an attractive double fronted Victorian property, somewhat incongruously sited in the former rear garden to Gaddon House. The property is modestly sized and well proportioned, constructed in brick and slate with traditional fenestration and detailing.

The main part of the proposed alterations to the house is the proposal is to construct a two storey side extension with a two storey link to the main property. The extension would run at

right angles to the host dwelling and it would project forward of its principal elevation. This would afford the occupiers views of the countryside to the east through the heavily glazed walls.

Although the extension is large, the plot within which it is situated is also sizeable, at over 800 metres square, and so can accommodate an extension of this size without dominating its surroundings or adversely affecting the character of this residential area. Most of the public views will be from a distance, from either public footpaths at 150 metres distant, or the B3098, which is even further away. The extension is lower than the existing house and its main bulk is partially obscured from most public viewpoints by the existing house. In these circumstances, it is not considered that refusing the extension on design grounds would be justified.

The rear extension is sympathetic to the design and appearance of the existing house and with a condition requiring the west window to be obscure glazed, is judged acceptable in both design and amenity terms.

Similarly, the garage is domestic in scale and well inset from the public boundaries of the property. It has a pitched roof and would not have an adverse impact on the appearance of the area. It would replace a smaller nondescript single garage.

## **10. Conclusion**

The proposed alterations to the property, together with the extension and new garage, will undoubtedly have an impact on the existing outlook from Gaddon House, but will not have an adverse material impact on the amenity enjoyed by this property or the character and appearance of the area.

### **RECOMMENDATION:**

**Grant planning permission, for the following reasons:**

The decision to grant planning permission has been taken on the grounds that the proposed development would not have any material impact on the amenity of neighbouring properties, due to the position of the buildings; their design and the distance from neighbouring dwellings and would not have any adverse impact on the wider character and appearance of the area, due to the design of the proposed buildings, the size of the plot in which they are located and the distance from nearby public vantage points and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

### **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. The window at first floor level shown on the approved plans in the west elevation of the proposed bathroom shall be glazed with obscured glass and shall be so maintained.

#### **REASON:**

In the interests of the privacy of neighbouring properties.

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 Refs: Job No. 1004 L 001; L002; L008A; D017; D018; D019; D036; D037.

**Appendices:**

None

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

The application file and history file E/10/0665/FUL.

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# E/10/1461/FUL - FAIRVIEW, UPHILL, URCHFONT, DEVIZES, WILTS

KENNET DISTRICT COUNCIL ORDNANCE SURVEY EXTRACT

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