

<b>Date of Meeting</b>	3 February 2016
<b>Application Number</b>	15/09224/FUL
<b>Site Address</b>	212 The Common, Holt, Trowbridge BA14 6QN
<b>Proposal</b>	Two storey rear extension
<b>Applicant</b>	Mr N Tully
<b>Town/Parish Council</b>	HOLT
<b>Electoral Division</b>	HOLT AND STAVERTON – Councillor Trevor Carbin
<b>Grid Ref</b>	386681 162310
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jennifer Allen / Jonathan James

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

Cllr Trevor Carbin requested that this application be reported to the area committee (should officers be minded to support it) to allow members to determine the following matters:

The scale of development, the design - bulk, height and general appearance, the visual impact on surrounding area, and the relationship to adjoining neighbours.

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

Members will no doubt recall that this application was deferred by the Western Area Planning Committee at 16 December meeting to allow for an elected member site visit to take place. Following the cancellation of the 13 January committee meeting, the member's site visit was scheduled for 13:30 on 3 February.

This report outlines the key planning considerations for the elected members to consider.

### **2. Report Summary**

The report outlines the officer's recommendation for permission whilst addressing the concerns raised by third parties.

### **3. Site Description**

The site is located within the Limits of Development (LoD) of Holt, which is a designated large village as defined within the Wiltshire Core Strategy (2015). The site is accessed off the B3107, the main road through the village, and is located on the north-west side of the road leading to Melksham.

The area surrounding the site is predominantly defined by two storey detached Victorian design dwellings set back from the road side with some elevated above the road level. There is a mix of styles and types of properties along The Common ranging from bungalows to detached two storey dwellings and these are also finished in a variety of materials. Properties are primarily constructed from bath stone although there are some examples of render and brick in the vicinity.

Whilst the roof of the host property is finished in slate, there are examples of pan-tiled and concrete tiled roofs nearby.

To the rear of the properties there are various extensions some finished in bath stone, reconstituted (imitation) bath stone and others in render. The properties to the north-west side have typically long rear gardens; however the gardens do not run in a conventional format resulting in some gardens being located behind other/neighbouring properties.

The application site property is elevated above road level with the driveway running along the side of the property leading to a double garage located to the rear. The garage is single storey and finished in render. The dwelling is a detached two storey unit, with an asymmetrical roof design that creates a two storey facade to the front elevation and a one and half storey facade to the rear. The property has been extended in the past by a single storey lean-to located to the rear of the property.

The host dwelling is set at a slight angle to the road and has a long rear garden which replicates the width of the dwelling and driveway combined and runs in a northerly direction away from the dwelling, which results in the garden running behind the neighbours' property (No. 213). Within the garden there are a number of trees, the majority of which are located at the end of the garden. However there are three trees located along the north-east boundary of the site close to the host dwelling. The boundaries of the site are defined by fences approximately 2 metres in height with a hedge along the rear boundary with trees beyond.

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

- W/82/00638/HIS Alteration, improvements and erection of double garage – Approved with conditions;
- W/97/00240/OUT Three houses and garages at 211-212 The Common Holt – Application withdrawn;
- W/97/01210/OUT Erection of two detached houses with two single garages plus one single and one double garage together with associated access drive on land to the rear of 211/212 The Common, Holt – Application refused.

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

The application seeks planning permission for the erection of a two storey rear extension. The extension would replace the existing single storey lean-to and extend it by approximately a further 500mm beyond the existing footprint. Off the northeast corner of the dwelling it is proposed to create a two storey element that extends approximately 2.8 metres creating an infill to this corner and an overall extension that runs the width of the property. The extension would have two gables perpendicular to the main roofline; one with a ridge height that matches the main roof and one slightly lower. The extension would be finished using bath stone at ground floor level and oak cladding around the first floor with slate roof tiles. The first floor windows would be large with "Juliet" balcony's serving the enlarged bedrooms to the rear. The proposal would not increase the number of bedrooms.

#### **6. Planning Policy**

National Planning Policy Framework 2012 namely: Section 7 Requiring Good Design; and Section 11 Conserving and enhancing the natural environment

Wiltshire Core Strategy 2015: Core Policy 1 - Settlement Strategy; Core Policy 2 - Delivery Strategy; Core Policy 7 - Spatial Strategy: Bradford on Avon Community Area; Core Policy 50 - Biodiversity and Geodiversity; and Core Policy 57 - Ensuring high quality design and place shaping

## **7. Summary of Consultation Responses**

Holt Parish Council - No representations received to date of recommendation.

Ecology - No objection subject to a planning informative.

Tree and Landscape Officer – No objection. Provided a verbal response after visiting the site confirming that the trees are not worthy of Tree Preservation Order as do not meet the criteria for protection. The applicant has however confirmed having no intention to remove the trees.

## **8. Publicity**

The application was advertised by site notice/neighbour notification. Expiry date: 19 October 2015. The following is a summary of the points raised:

5 letters of objection have been received. The comments and concerns relate to:

- Proximity of extension
- Loss of privacy to gardens and amenity areas
- Loss of natural daylight into dining room, kitchen and garden room
- Loss of light to gardens
- Greater sense of enclosure and the feeling of hemmed in.
- Roof height causing overbearing
- Unacceptable visual impact on surrounding neighbours
- Materials out of keeping with Victorian property
- Reference to the draft Holt Neighbourhood Plan Policies H3.1 and P20 & 21 in H2.1(a) – Backland development/un-neighbourly development
- Impact on trees
- Impact on ecology
- Impact on highway safety
- Reference to neighbouring site 221 Melksham Road planning application 15/01668/FUL committee decision
- Overbearing
- Plans not sure a true representation of the situation on the ground.
- Request Planning committee site visit

## **9. Planning Considerations**

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

Policies CP1 and CP2 are strategic policies in delivering required development in sustainable locations. This proposal is considered a minor application for a two storey extension to an existing dwelling. Core Policy 7 clarifies that Holt is a large village and that the site falls within the Limits of Development of this village.

Core Policy 57 of the Wiltshire Core Strategy states that *“A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.”* The policy outlines a number of criteria to address. Officers submit that this is the main policy which this development should be assessed against.

Core Policy 50 relating to biodiversity also merits some consideration given the potential ecological impacts.

**Design and Visual Amenity** - The proposed extension has been designed to be a modern addition to what is a modest Victorian detached property. The proposal utilises the existing two storey layout and would enhance the living space of the two first floor rear bedrooms to make them more usable and allow views across the large garden. Officers submit that the development would not represent a disproportionate addition to the dwelling as it would have only a slightly larger footprint than the existing built form.

The ground floor would be finished in bath stone/reconstituted stone, as per its existing form. The enlarged second storey extension would be finished in natural oak cladding and the roof finished in slate. Both the slate and stone are recognised materials used generally within the area and are acceptable. The natural oak cladding is not a recognised material predominantly used within the village/immediate surroundings; however, it does offer a more sustainable option and would create an interesting contrast to the typical traditional materials used within the area. Bath stone tends to have a warm honey colouring; however through weathering this can lose its natural hue. The oak, if allowed to weather naturally, would in time develop a silvery colouring that would soften the development against the natural stonework of the host dwelling.

The second storey element would create a modern but acceptable contrast to the existing dwelling that would respectfully demonstrate its evolution as a dwelling but maintain the predominant Victorian character to the front elevation.

The proposed development is a subservient rear extension offering only fleeting glimpses from the road, as such, it is considered that the timber cladding would reduce the impact of the proposal over time and consequently would not harm the character of the area. A planning condition is recommended to cover the exact materials to be approved prior to work commencing to control the finished look of the development including the finish to the timber cladding.

**Residential Amenity** - Concerns have been raised by local residents at the potential impact on their properties and their amenity space from the proposed development. Objections have been raised from the owner/occupiers of 209, 210, 211 and 213. The concerns raised are that there would be direct overlooking of their gardens and an overbearing impact on their properties to a point that would lead to a loss of light to certain openings.

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



OS Plan down load from SAMS



Extract from applicants Site Location Plan

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

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

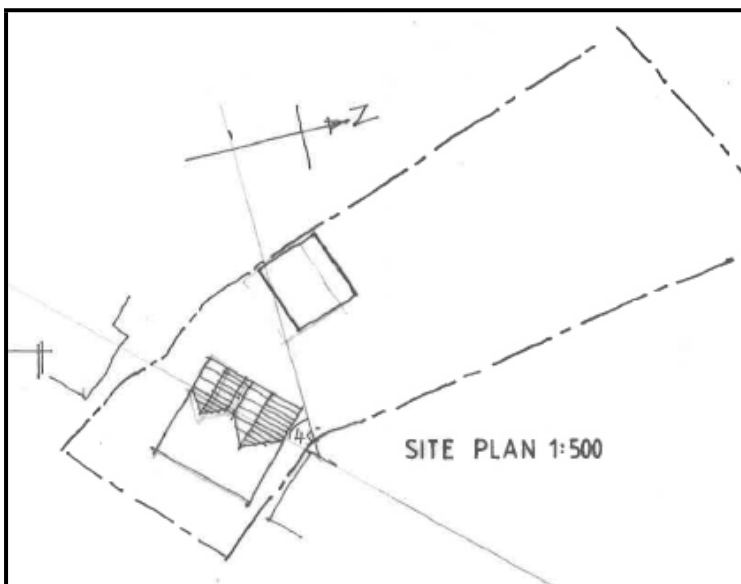
No. 212 has three windows facing out over the applicants garden serving two bedrooms and a bathroom. With this existing arrangement in mind, officers submit that the proposed development would not result in a situation substantially different to what exists at present. It is therefore concluded that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

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



*No. 211 to the rear of the photo*

Officers duly submit that the proposed extension would not create any greater level of harm than what exists at present. Overbearing concerns have also been raised by neighbours. Officers have considered the separation distances between the host property/proposed extension and neighbouring properties (No's 209 and No 210) and submit that there would be no significant impact to warrant a refusal.



*Plan showing the 45 degree rule*

The proposed two-storey extension adjacent to No. 213 would create the biggest change to the built form. Planning guidance offers a general rule of thumb in determining potential impacts on neighbouring properties in these circumstances. With reference to the above plan a line has been taken from a point representing the location of the windows within the neighbouring property at an angle of 45 degrees to the elevation of the dwelling. The general rule of thumb is that if it intersects with a development proposal, then there is the potential for harm. It would then require further assessment on the degree of harm. On reviewing the case it can be seen that the proposed extension accords with the 45 degree test. On balance it is considered that any potential for harm would not be significant to justify a reason for refusal in this instance.

With regards to the potential for impact on No. 211, whilst the owner's outlook would be altered by having a larger structure facing the side door, the outlook would be through the door and not through a window opening. There is no right to a view across third party land and officers would respectfully ask the committee to recognise that within urban locations such as towns and villages, some properties are located close to neighbours and to a certain extent an individual's private outlook may pick up on neighbouring extensions when looking outwards. However, it is important to record that the primary openings of the dwelling at No. 211 are found to the front and rear elevations and would remain unaffected by the proposed development.

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

Officers acknowledge that reference has been made to another case along this street. It should be remembered that all planning applications should be dealt with on their own merits. However, since it has been referenced, the planning application at 221 Melksham Road was for a single storey rear extension which was refused by the planning committee. The application was taken to appeal and the decision was overturned by the planning inspectorate under reference APP/Y3940/D/15/3097738 on 28 September 2015. The main issue discussed was the impact of the proposal on the amenity of the neighbours. The inspector found that the proposal would not result in an undue loss of outlook or loss of privacy as a result of the boundary treatments and the separation distances involved. As such reference to this case does not warrant a reasonable reason for refusal in this instance.

**Trees** - The site contains three field maples along the eastern boundary of the site and additional trees are located the end of the garden. The three field maples would be close to the proposed extension due to the extension extending half a metre beyond the existing footprint. The Council's tree and landscape officer has been out on site to assess these trees and has determined that although the trees have a certain localised amenity value, they are not worthy of



protection as they do not meet the TPO criteria. The applicant has expressed an intention to retain the trees in any case and there is no reason to suggest otherwise.



As can be seen in the image above the branch of the nearest Maple is to the left, the proposed extension would extend beyond the rear elevation by approximately half a metre, this would still leave the rest of the existing patio area stretching into the garden. With due regard to the position of the existing patio area and the nearest tree, it is unlikely that the tree root system would be impacted by the proposed development. It is therefore considered that the additional footprint would not adversely impact on the trees.

**Ecology** - Concerns have been raised by local residents that there may be bats in and around the site and that the proposed development could impact on them. Consequently the Council's ecology team were consulted, who after reviewing the case, raised no objections. They have identified that there is no specific mention of a bat roost within the property and that the presence of foraging bats in the garden around the trees is not necessarily indicative of a roost within the property itself.

The Council's Ecologist considers there to be a low risk of roosting bats. The slate roof appears to be well-maintained and there are few slipped or raised tiles for bats to potentially gain access into the roof void. It is considered unlikely that the rarer bat species (horseshoe bat) would occur at the site due to the characteristics of the property. The proposed extension would be on the north-facing side of the property where there is less likelihood of a significant bat roost being located due to a lack of sunlight and lower temperatures.

Whilst there may be small numbers of common species of bats such as Pipistrelle, Brown long-eared or Serotine bats, present within the area, provision for these species as mitigation could be relatively easily accommodated into the design or through alternative methods, for example by providing a bat box (that does not require planning consent). As identified above there is every intention that the trees would remain undamaged and would continue to provide natural vegetation for any species within the area.



With due regard to the scale of the development proposed, a minor two storey domestic extension, officers submit that it would be unreasonable to require the applicant to submit a bat survey prior to the determination of the application as this would be disproportionate. It is considered that an informative could be attached to any grant of approval. On balance, the proposed development would be acceptable and would accord with the relevant criteria of Core Policy 50 of the WCS (2015) and the NPPF.

**Other Considerations** - During the consultation process, a number of representations were received most of which have been dealt with above. Reference has been made to the emerging Holt Neighbourhood Plan. This document has just finished the consultation process with local residents; however, until the plan has gone through a referendum it will remain un-adopted for planning purposes and does not have full weight in terms of outlining and considering the material planning considerations.

The policies that have been quoted from the draft “Neighbourhood Plan” (H3.1 and H2.1) refer to “new housing” development within the village, which this application is not. The proposal is for an extension to an existing residential property within the village. It is considered that the extension would respect the character of the area and the use of materials would contribute to the character of the dwelling without being pastiche. There does not appear to be any reference within the Neighbourhood Plan restricting minor householder development.

**Highways** – Highway safety concerns have been raised from the construction traffic that the development may likely generate. The proposal would not create any further additional bedrooms and it would remain a four bedroom property. Also the proposed development would not impact on the existing parking and turning areas associated with the proposed development. It is therefore considered that there would be no impact on highways safety from the proposed development. Whilst it is acknowledged that there would be an increase in traffic movements to and from the site during the course of constructing the extension, this would be only for a temporary period and would not result in a significant impact on highways safety; and it is not grounds for refusal.

**Conclusion** - Whilst the extension would be of a different character and appearance from the existing dwelling and the surrounding area, there are no planning policies that require a traditional design approach. It is considered that an acceptable contemporary solution to the issue of achieving additional accommodation whilst minimising the impacts on the surrounding area would be acceptable.

A judgement must be made whether a proposed extension would result in a significant reduction in the level of amenity that an occupier of an adjoining property could reasonably expect to enjoy in a particular neighbourhood. Following a detailed appraisal of the potential impacts, officers submit that the extension would not result in an adverse loss of privacy or create a significant overbearing impact to warrant a reason for refusal.

Considering the proposal and policies contained within the Core Strategy, it is considered that the proposed development complies with the criteria of CP57 and CP50 of the Wiltshire Core Strategy; and planning permission is therefore recommended subject to conditions.

**RECOMMENDATION: Approve subject to 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 the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 3 No paint or stain finish shall be applied to the external timber cladding unless otherwise agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such in perpetuity.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or roof light, other than those shown on the approved plans, shall be inserted in the side elevations and roof slope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 5 The window(s) in the side elevation(s) serving en-suite bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 4 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 6 The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/drawings: Existing site plan, elevations and floor plans and Proposed site plan, elevations and floor plans all received on 16 September 2015

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

Planning Informatives:

1. There is a risk that bats may be present at the development site. The Council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the particular proposals for the site, the Council considers that if bats were found, mitigation

would probably not require further planning permission and a Natural England Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work (e.g. a building assessment to search for evidence of roosting bats internally and externally, which can be carried out any time of year, and inform the need for further bat emergence / re-entry activity surveys). If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact the UK Bat Helpline on 0345 1300 228 (homeowners and churches) or visit [http://www.bats.org.uk/pages/natural\\_english\\_roost\\_visits.html](http://www.bats.org.uk/pages/natural_english_roost_visits.html) for more information

2. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.