

REPORT FOR WESTERN AREA PLANNING COMMITTEE**Report No.1**

Date of Meeting	29 th June 2016
Application Number	16/02681/FUL
Site Address	8 Fulmar Close, Bowerhill, Wiltshire SN12 6XU
Proposal	Proposed new roof to detached garage with ancillary accommodation
Applicant	Mr Omar Abdulshakour
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT SOUTH – Councillor Roy While
Grid Ref	391735 162252
Type of application	Full Planning
Case Officer	Katie Yeoman

Reason for the application being considered by Committee:

Cllr Roy While requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The expressed key issues identified by Cllr While for members to consider are:

The scale of development
The visual impact upon the surrounding area
The relationship to adjoining properties
The design – bulk, height and general appearance

1. Purpose of Report

This application was deferred by the Western Area Planning Committee at 18th May meeting to allow for an elected member site visit to take place.

Following the deferral of the application, the agent submitted revised plans and therefore all interested parties were re-notified and given 14 days to comment.

Following the re-consultation process, this report has been updated and to assist the committee's determination, a member's site visit is scheduled for 13:30 on 29th June.

Melksham Without Town Council – updated comments were received on 07/06/2016 raising objections which are summarised in section 7.

Neighbourhood responses – In total, 10 letters of objection have been received which are summarised in section 8.

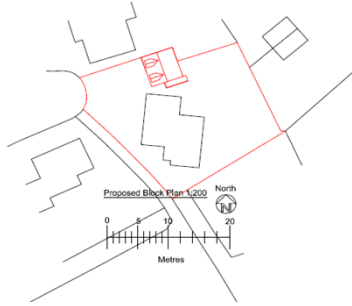
2. Report Summary

The main issues to consider with this application are:

- The impact on the character and appearance of the host dwelling and wider area.
- The impact on neighbour amenity

3. Site Description

The application site relates to a residential property located at the south eastern end of the Fulmar Close cul-de-sac in Bowerhill. The property comprises a two storey detached dwelling constructed of red brickwork under a concrete profile tiled roof. The detached single storey detached garage which is the subject building for this application is located to the north of the dwellinghouse and is illustrated in the block plan and site photograph on the following page.



An area of hardstanding is located to the property frontage with the garden to the rear.

4. Planning History

W/93/00156/FUL	Bedroom and lounge extension	Approved with Conditions
W/02/00610/FUL	Extension	Approved with Conditions

5. The Proposal

This application seeks permission for ancillary accommodation to be provided within the roof space of the existing garage. The applicant proposes to increase the roof height by approximately 450mm (NB: the applicant originally proposed to increase the height by 800mm), install two dormer windows to the front roof slope and one roof light in the rear and construct an external staircase to the south elevation. This would be an ancillary use to the main building.

6. Local Planning Policy

Local Context: Wiltshire Core Strategy (the development plan) relevant policies – CP15, CP57

National Context: The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

7. Summary of Consultation Responses

Melksham Without Parish Council: Updated comments were received on 07/06/2016 stating that following receipt of further information from adjacent residents, the Council objects on the grounds of overlooking and loss of light amenity to the neighbouring properties.

8. Publicity

The public consultation exercise comprised individual letters being sent to neighbours and the display of a site notice. Following receipt of the revised plans, all interested parties were re-notified allowing 14 days for comments. In total, 10 letters of objection have been received which in summary raise the following issues:

- Detrimental design and visual impact.
- There is a similar construction currently being built at the start of the same close (no. 3 Fulmar Close) but the high level doorway overlooks the road and not the surrounding gardens and houses.
- The garage at no. 8 Fulmar Close is already higher than other garages in the vicinity and any height increase would have a significant impact on the residential amenity. In particular, the proposal would adversely impact upon the outlook from these properties, cause loss of light, overshadowing and loss of privacy.
- Concerns regarding the proposed use of the site and future development that would cause noise and traffic concerns.
- The increase in building mass would have an overbearing impact on no. 7 Fulmar Close.

- The proposal breaches Core Policy 57 of the Wiltshire Core Strategy.

9. Planning Considerations

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

9.2 The Principle of Development: The application site is located within the established limits of development where there is a presumption in favour of sustainable development.

9.3 Impact on the character and appearance of the host dwelling and surrounding area: The proposed garage would be increased in height by 450mm whilst retaining the same footprint. In consideration of the modest alterations proposed, the development would continue to represent a subservient addition to the host dwelling that would neither detract from the host dwelling or wider area.

9.4 The proposed front dormers would appear as sympathetic additions to the outbuilding, utilising a satisfactory design and matching materials to the existing dwelling. The proposal would therefore have a limited impact on the character of the host dwelling or cul-de-sac.

9.5 Whilst every application must be assessed on its own merits, members are asked to note that the Council recently approved a similar development at no. 3 Fulmar Close (under application 15/10154/FUL). The revised proposal submitted under this application would have a similar height, footprint and design to that found at no. 3 Fulmar Close thereby respecting the character and appearance of the cul-de-sac.

9.6 Under application ref 15/10154/FUL, permission was granted to create a first floor within the existing garage building. The external works included installing two dormer windows in the roof, erecting an external staircase to the north elevation and increasing the height of the building by 0.2m. The approved outbuilding measures 5.35m (height) x 5.35m (width) x 5.4m (length). Officers concluded that the minor alterations would cause no harm to the character and appearance of the host dwelling or street scene.

9.7 As part of this current application, the development proposal would measure 5.35m (height) x 5.35 (width) x 5.4m (length). The development also proposes installing two dormer windows, erecting an external staircase and increasing the roof height by 0.45m. A roof light would also be inserted into the rear roof slope of the outbuilding. On this basis, officers consider that given the similarities between the approved outbuilding at no.3 and the proposal submitted, the impact on the host dwelling and street scene would also be acceptable.

9.8 Impact on neighbour amenity: Officers appreciate that the existing 4.9m garage to a certain degree, reduces the amount of daylight and direct sunlight entering the conservatory and patio area of no. 7 Fulmar Close at certain times of the day, as illustrated in the aerial google image which is reproduced on the following page. Due consideration has been given to the degree of overshadowing and loss of light already caused to no. 7 at different times of the day and year as well as taking into account the potential increased shadowing impacts. Having reviewed the case and noted the applicants' proposed reduced altered ridge height, officers duly argue that the development would not result in a situation substantially different to what exists at present and the harm to the neighbours would be limited.



9.9 With regards to the potential overbearing effect on no. 7, whilst the owner's outlook from the side of the conservatory and patio area would be altered by having a marginally larger structure on the shared boundary with no. 8, the outlook is already impeded by the existing garage building and the proposal would not significantly exacerbate the situation.

9.10 The proposed dormer windows to the west elevation would not result in harmful overlooking or loss of privacy to the immediate neighbours given the existing arrangement of windows and separation distances between the subject building and neighbouring properties - as illustrated in the site photograph and block plan which are reproduced within section 3 of this report. Furthermore, given the proposed height, scale and positioning on the front roof slope, there would be no significant loss of light and overshadowing to no. 7 Fulmar Close.

9.11 The proposed roof light to the rear roof slope of the building would be positioned 1.85m above the internal floor level therefore any overlooking concerns affecting neighbouring properties would be satisfactorily restricted.

9.12 The proposed upper floor accommodation would be accessed via an external staircase and door positioned on the garage's southern elevation. The proposed staircase would be positioned approximately 10m from the shared boundary with no. 34 and 36 Belvedere Road, with an additional 10-12m to the nearest habitable rooms. This separation broadly meets the standard expected 21m between habitable rooms and on this basis, officers are satisfied that it would not cause unacceptable overlooking or loss of privacy.

9.13 For the reasons above, it is considered that the proposal would cause no significant harm and it is not considered that these impacts are so substantial that permission should be refused.

9.14 Other material considerations: Concerns have also been raised regarding the future use of the proposed outbuilding and potential adverse impacts created by increased noise and traffic that may arise. The conversion of ancillary accommodation into a separate planning unit would require separate planning consent therefore such works would be adequately controlled by the Planning Authority.

10. Conclusion (The Planning Balance)

For the reasons set out above, the revised proposal is considered to comply with CP57, having due regard to the visual impact on the host dwelling and wider area and the impact on the amenities of the existing occupants of neighbouring properties.

On the basis of the above it is assessed that planning permission should be granted subject to conditions.

RECOMMENDATION: Approve with conditions

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

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

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

Existing and Proposed Plans - Drawing No. AH2016/24 sheet (1 of 1) dated 22.05.2016

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

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

REASON: In the interests of residential amenity and privacy.

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

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.