

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>08.12.2010</b>		
<b>Application Number</b>	<b>W/10/03311/FUL</b>		
<b>Site Address</b>	<b>Land Rear Of 11 And 15 St Marys Lane Dilton Marsh Wiltshire</b>		
<b>Proposal</b>	<b>New dwelling</b>		
<b>Applicant</b>	<b>Mr Lindsay Young</b>		
<b>Town/Parish Council</b>	<b>Dilton Marsh</b>		
<b>Electoral Division</b>	<b>Ethandune</b>	<b>Unitary Member:</b>	<b>Julie Swabey</b>
<b>Grid Ref</b>	<b>384976 150035</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Mrs Judith Dale</b>	01225 770344 Ext 5245 judith.dale@wiltshire.gov.uk	

## Reason for the application being considered by Committee

Councillor Swabey has requested that this item be determined by Committee due to:

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties
- \* Design - bulk, height, general appearance
- \* Environmental/highway impact

## 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

### Neighbourhood Responses

The application was advertised by site notice and neighbour notification. Seven letters of objection have been received on the following grounds:

- the inadequacy of the existing road to accommodate additional traffic
- additional parking within the access road
- inadequacy of the current drainage system
- excessive size of the proposed dwelling for the size of plot
- development is out of keeping with others in the area
- development would affect existing property values
- large size of rear windows and consequent loss of privacy
- the applicant has not consulted with adjacent owners as stated
- the footprint is significantly larger than the existing outline consent
- the loss of vegetation and trees
- there is an underground stream within 20 metres of the site

One letter has been received raising no objection to the design of the house but commenting that a 5 bed property is too large and that boundary screening should be retained as far as possible.

A further letter has been received from a local member identifying inaccuracies with the accompanying Design and Access statement, the inefficient use of the site, no reference to the watercourse close to the site; the excessively large size of the proposed dwelling.

## Parish Council Response

The Dilton Marsh Parish Council objects to the development on the following grounds:

“- The proposed building is massive and its design, style and dimensions make it grossly incongruous with the existing properties in that area. It is overdevelopment and would be an alien feature on the landscape.

- The area is prone to flooding and the addition of a new building of that size will exacerbate the existing flooding problem and would, itself, be a casualty.
- The existing sewage drainage system including the local ‘pumping station’ is currently inadequate to deal with present demands – the flooding referred to often contains raw sewage - and a new building will exacerbate the existing problem
- There is a watercourse passing under or close to the site, and there is no information shown in the application as to the route of the culvert through which it runs nor whether it is of sufficient size and depth. Indeed, it is possible that neither the present applicant nor those advising him are even aware of the existence of the culvert in question.
- The removal of trees would destroy the existing woodland on the site – a valuable wildlife area
- There is no Right of Access – putting a gate in a hedge does not give right of access. A gate was erected in the hedge leading to Dutts by the trustees of a/the previous owner a couple of years ago. This does not entitle right of access and the gate has not been used as such, since its erection.
- The highway in Dutts was not built for heavy traffic. In fact it is a narrow access road leading to the homes in this area, with a turning head at the end, in which the residents of the maisonettes have to park their vehicles. The Dutts is neither wide enough nor sturdy enough to cope with construction traffic to such a site.
- There has been no consultation with local residents – although the application suggests otherwise.”

## 2. Main Issues

The main issues to consider are:

- the principle of the development
- design considerations
- highway and access considerations
- impact on adjoining amenity
- landscape considerations
- drainage and other matters

## 3. Site Description

The application site comprises an L-shaped area of land, approx 0.08ha, to the rear of nos 11-15 St Marys Lane. It has a direct frontage of approx 36m onto the Dutts, a modern cul de sac of 2 storey and single storey dwellings which parallels St Marys Lane. The site is generally level and grassed with mature hedging around the boundaries and effectively hidden by a substantial screen of trees behind an existing 2m highway verge.

The site is located within the village boundary limit of Dilton Marsh with no additional planning constraints.

## 4. Relevant Planning History

08/01910/OUT – Erection of new dwelling – Permission – 02.09.08

## 5. Proposal

This application is a detailed scheme for the erection of a detached 5 bed dwelling with attached double garage. The submitted details show a symmetrical 2 storey property with 2 no projecting front gables under pitched gabled roofs and a linked detached garage, also under a pitched roof, to the side. Proposed materials are red brick with a string course detail at garage eaves level, concrete interlocking tiles for the roof areas and uPVC doors and windows.

A new vehicular access to the site is proposed across the existing grass verge and a 24m long, 1.2m wide footpath laid as an extension to the existing footpath along the site frontage. The rear edge of this new path was originally to be delineated by a new low brick wall, but is now to be marked by the existing hedge which is to be retained .

## 6. Planning Policy

West Wiltshire District Plan 1st alteration 2004

H17 Village Policy Limit

H24 New Housing Design

C31 Design

C38 Nuisance

U1a Foul Water Disposal

U2 Surface Water Disposal

PPS1 Delivering Sustainable Development

PPS3 Housing

SPD Residential Design Guide

SPG Design Guidance – Principles

## 7. Consultations

Dilton Marsh Parish council

Objects to the proposal as reported above

Highways

No objection subject to conditions relating to the consolidation of the access, parking area and footway, and a scheme for the discharge of surface water.

Wessex Water

Comments that the developer will need to agree appoint of connection to Wessex infrastructure for the disposal of foul flows, surface water and water supply; the developer should check with Wessex to ascertain whether there may be uncharted sewers or water mains within the site.

## 8. Publicity

See above

## 9. Planning Considerations

9.1 The principle of development

The principle of a development of one single dwelling on this site is clearly acceptable:

- The site is located within the village boundary limit for Dilton Marsh where new housing will be permitted subject to it being in keeping with the character and appearance of the area; it not comprising backland development; it not resulting in the loss of an important open space or a visual gap, it not giving rise to flood risk or highway problems. While these criteria will be examined separately in greater detail, the principle of this development is in accordance with H17

- Outline permission for a single dwelling was granted under 08/019190/OUT and is still extant – although the current application site varies slightly in terms of boundary lines, the substantive development site remains unaltered and there would appear to be no reason to now re-visit the principle of development on this land.

- While the development at approx 13 units per hectare is clearly inefficient in terms of density, the outline permission was granted within the context of PPS3 which, at that time, required development to be at a minimum of 30dph. Notwithstanding that a single dwelling was permitted contrary to that advice, the recently amended PPS3 (June 2010) has now removed these density requirements and there could be no justification for now requiring a higher density in the light of less onerous current guidance.

- While the amended PPS3 now excludes private residential gardens from the definition of previously developed land where there would be a presumption in favour of development, the current site has the benefit of an extant permission and is clearly within the village boundary where the principle in favour of development still remains.

## 9.2 Design considerations

The proposed development is for a 5 bed 2 storey dwelling with double garage, and occupying much of the width of this site. This scale of development has attracted a deal of local objection and is one of the reasons for the application being called to the Committee for determination.

There is no question that the proposed dwelling is large, but in determining the application, the planning considerations must be that the development would either be contrary to policy or would give rise to some form of acknowledged harm. Within that context, the following points are relevant:

- The outline permission clearly indicated a large 2 storey dwelling with an attached double garage on its western side, and an overall width of 20m; the current proposal shows a development of similar form and layout, of identical width.

- The outline permission showed a total ground floor footprint of 141 sq ms, and indicated an overall floor area of 260 sq ms; the corresponding figures for the current scheme are 166 sq ms and 280 sq ms. While the current scheme is therefore larger by comparison, the increase is only in the region of 8% and most of it is accommodated at ground floor level only in the form of a larger garage and an additional rear conservatory.

- The approved outline scheme indicated a 2 storey dwelling with a footprint of 112 sq ms; the 2 storey element of the current proposal is, in fact, smaller at approx 100 sq ms.

- The footprint of the proposed development occupies just over a quarter of the available plot which does not represent an unacceptable pattern of development.

- Both schemes show the proposed development in a similar position relative to the eastern boundary and the immediately adjoining property (2 Dutts)

- The ridge height of the proposed development is approx 7.7m which is within an acceptable norm for 2 storey development.

- The proposed distance between the rear elevation of the new dwelling and no 11 St Marys Lane measures approx 28m, which compares favourably with the 21m generally advised as an appropriate distance between properties to safeguard privacy.

- Proposed first floor windows in the rear elevation must have been anticipated in granting permission for a 2 storey development at the outline stage and, although large, would not materially increase the level of overlooking of adjoining garden areas; no conditions were imposed at that stage relating to the size or positioning of windows to address any identified concern.

- Although the properties opposite the site are single storey, the adjoining property at 2 Dutts is not only 2 storey but has a 2 storey frontage of approx 15m which is wider than the proposed dwelling (11m)- in terms of massing within the street scene, therefore, the proposal would, arguably, have a lesser impact than an existing development.

- In terms of character, there is no one prevailing type within this area, with flats, bungalows, and large and small dwellings all in evidence.

Against this background, and despite the concerns expressed over the scale of this development, it is considered that there are no design reasons for refusing this application. Although larger than a development which was clearly indicated at the outline stage, the scale of the increase is marginal and the impact of that increase would not result in overall harm to either the street scene or the character of the area. The particular design of the dwelling is acceptable in itself, the proposed choice of materials would be in keeping and a reason for refusal based on size and scale would be unsupportable in the light of the 'approved' position.

### 9.3 Highway and access considerations

The Highway officer has no objection to the proposal which largely reflects the outline position. The design and location of the proposed access is acceptable, the level of parking and turning meets required standards and the provision of an extended footpath along the site frontage is as required by condition of the outline permission.

This application does vary from the outline in that the site now includes the highway verge which did not form part of the earlier permission. Although formal notice has not been served on the Highway Authority, it is aware of the proposed works on that land which are required to comply with a condition of approval imposed by the same Highway Authority.

### 9.4 Impact on residential amenity

In terms of neighbouring amenity, the proposed development will have no significantly greater impact than might have been evident at the outline stage when the principle of 2 storey development was accepted on this site. As referred to above, windows at first floor level would have been anticipated in the rear elevation; the distance between rear elevations exceeds the standard generally advised; proposed rooflights in the floor above the garage which might have resulted in an additional degree of overlooking have since been removed from the scheme; the adjoining property to the east has no windows in its side gable elevation which would be affected.

As a result, the details of the proposed scheme raise no additional amenity concerns which could not be addressed by appropriate conditions limiting further window openings.

### 9.5 Landscape considerations

The frontage of the site is currently marked a dense vegetation boundary, mainly leylandii, which was indicated at the outline stage as being retained. This current application now shows this as being removed to accommodate the proposed footpath and boundary wall.

Although of variable quality, this boundary is of some visual importance in the overall street scene and would serve to mitigate against the impact of the proposed development. Its retention would not prejudice the provision of the footpath or impact on the proposed vehicular access and there would appear to be no other reason for the wholesale removal of this screen. The applicant has now agreed to its retention, subject to suitable cutting back, and this can be covered by appropriate condition.

### 9.6 Drainage and other considerations

In the light of an extant outline permission for the principle of a dwelling on this land, concerns over flooding at the site, the inadequacy of the existing drainage system, the inadequacy of the road to accommodate construction traffic, the impact on wildlife and rights of access are all matters which would now be unreasonable to use to resist this current application.

Wessex Water has raised no objection to the drainage aspects of the development which are ultimately a matter to be determined under separate legislation; the Highway Officer has no objection to either the principle or detail of the scheme; there are no planning restrictions on the wholesale removal of vegetation within the site by the landowner separate from any development proposals; while rights of access are not a planning matter, there is a general right of access onto the highway to serve a development. Where relevant, these matters are addressed either as conditions or informatives to the decision.

## Conclusion

Despite the level of concern expressed with regard to the scale of this development, it is only marginally larger than that which was effectively granted through the outline permission, there were no restrictions imposed at that stage in terms of the ultimate scale of the development, and the scheme now being proposed would not, in itself, result in overall harm to either the wider area or adjoining properties. Under the circumstances, a refusal could not be justified or supported at appeal and the application is recommended for permission.

**Recommendation:            Permission**

## For the following reason(s):

**The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and any planning objections have been overcome by conditions.**

## Subject to the following condition(s):

- 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 details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3     No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include
  - \*                    indications of all existing trees and hedgerows on the land;
  - \*                    details of any to be retained, together with measures for their protection in the course of development;
  - \*                    all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - \*                    finished levels and contours;
  - \*                    hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 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 building(s) 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 5 Notwithstanding the details required by condition 3, the existing hedge along the frontage of the site shall be retained except where necessary to create the vehicular access into the site and maintained in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development

West Wiltshire District Plan 1st Alteration 2004 – POLICY: C32

- 6 No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32 and C38

- 7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be \*\*\*\* until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

- 8 The development hereby permitted shall not be occupied until the access, parking area and footway have been implemented in a consolidated surface (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The areas shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted above ground floor level in the rear and side elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

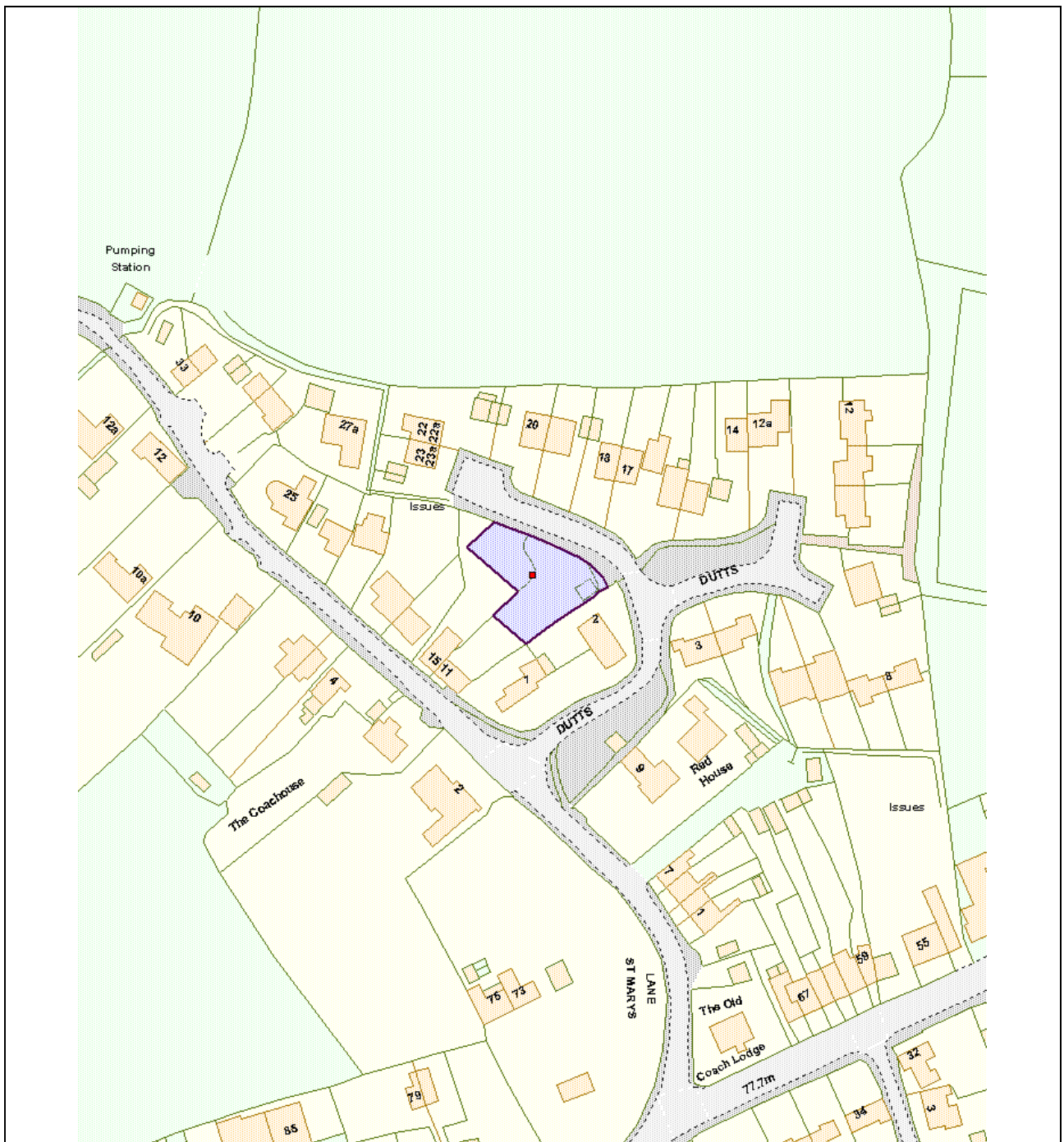
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

**Informative(s):**

- 1 The developer is advised to contact Wessex Water with regard to the connection to Wessex infrastructure for the disposal of foul flows, surface water flows and water supply, and to ascertain whether there may be any uncharted sewers or water mains within or near to the site
- 2 The applicant is advised to contact the Council's Drainage Officer/Environment Agency to satisfy himself that there are no watercourses within or near to the site which might be affected by, or which might prejudice the implementation of, this development
- 3 The applicant is advised that it is an offence under the Wildlife and Countryside Act 1981 to disturb protected species including Great Crested Newts and nesting birds. In the event of discovering protected species or nesting birds, works should cease immediately and advice sought from a suitably qualified ecologist or Natural England.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	





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Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

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## RELEVANT APPLICATION PLANS

Drawing : PROPOSED ELEVATIONS

Drawing : 010810/002

Drawing : 010810/003 received on 14.10.2010

Drawing : 010810/006 received on 14.10.2010

Drawing : 010810/007 received on 14.10.2010

Drawing : 101810/009

Drawing : LOCATION PLAN received on 14.10.2010