

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	14 September 2016
<b>Application Number</b>	16/02363/FUL
<b>Site Address</b>	Land at Rear of 4 The Crescent Calne Wiltshire SN11 8LG
<b>Proposal</b>	Two Storey Dwelling
<b>Applicant</b>	Amber Greaves
<b>Town/Parish Council</b>	CALNE
<b>Electoral Division</b>	CALNE SOUTH AND CHERHILL – Cllr A Hill
<b>Grid Ref</b>	401752 169712
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Victoria Davis

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

The application has been called into committee by the Local Member, in order to consider the overall scale, design and visual impact of the proposal on the character of the surrounding area, impact to adjoining properties as well as parking and highways issues.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission is GRANTED subject to planning conditions.

**2. Main Issues**

The main issues are:

- Principle of development
- Impact on the character and appearance of the host dwellings and surrounding area
- Parking and access
- Residential amenity
- Previous appeal decisions that relating to similar development on the site.

The Town Council have raised an objection to the proposal and 5 letters of objection (from 3 neighbours) have been received.

### **3. Site Description**

The application site is the rear most garden land of no 4 The Crescent which is one of a collection of dwellings in Quemerford on the outskirts of Calne. The site backs on to open fields to the north and there are residential properties located to the south and east. A private access lane runs immediately adjacent to the eastern boundary.

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

<b>N/05/00728/FUL</b>	<b>Erection of One Dwelling</b> <i>Refused - Allowed on Appeal (expired)</i>
<b>N/05/01304/FUL</b>	<b>Erection of One Dwelling (Revision to N/05/00728/FUL)</b> <i>Refused - Allowed on Appeal (expired)</i>
<b>N/05/03238/FUL</b>	<b>Dwelling (Revised scheme N/05/00728/FUL)</b> <i>Refused - Allowed on Appeal (expired)</i>
<b>N/06/02552/FUL</b>	<b>Extension and Dormer Windows</b> <i>Approved (expired)</i>
<b>N/10/03874/FUL</b>	<b>Erection of a Two-Storey Side Extension, Single Storey Rear Extension and Dormer Window on Front Elevation</b> <i>Approved (part implemented)</i>

### **5. The Proposal**

The proposal seeks to erect a two storey, two bedroom dwelling on a plot of land which currently forms part of the garden of no. 4 The Crescent. The proposed dwelling is two storeys in height and fronts onto an existing private access lane. It is proposed to finish the external walls with through coloured render with red brick chimney and detailing around the ground floor windows. Slates are proposed for the main roof with timber windows and doors throughout.

A new dwelling has recently been constructed at the end of the private access lane under permission 10/04463/FUL.

### **Planning Policy**

#### Wiltshire Core Strategy:

- CP8 The Spatial Strategy: Calne Community Area
- CP51 Landscape
- CP57 Ensuring High Quality Design and Place Shaping
- CP64 Demand Management

#### National Planning Policy Framework (NPPF):

Achieving sustainable development – Core Planning Principles

Chapter 7 Requiring Good Design

Chapter 11 Conserving and enhancing the natural environment

## 6. Consultations

Calne Town Council: Objection, concerns over the access, turning and car parking arrangements in this location which is very restricted.

Highways: Initially raised issues in relation to proposed layout in relation to telegraph. No objection to revised parking and access layout for No. 4 the Crescent or the proposed new dwelling as shown in latest plan. Conditions are recommended.

## 7. Publicity

The application was advertised by site notice and neighbour consultation. Five letters of objection were received from three neighbours.. The issues raised are summarized below-

- Overbearing impact to properties opposite side of access track
- Loss of privacy
- Impact on levels of daylight and sunlight
- Condition of access track – requirements of earlier planning permission for 377A have not been adhered to
- Limited space on site – overdevelopment
- Increase in traffic on narrow lane
- Inadequate space for parking, turning and maneuvering
- Proposal is 'garden grabbing'
- Parking for no.371
- 377A has been built since last application (N/10/04463/FUL)
- Impact on property value

Cllr. Hill also expressed concerns over the suitability of the site for a new dwelling. The application was subsequently called-in to be determined by the planning committee should it be recommended for approval.

The Dorset and Wiltshire Fire and rescue service also provided comments in relation to building regulations, building access, water supply and sprinkler systems. Full comments are available online.

## 8. Planning Considerations

### Principle of Development

The site is located just within the framework boundary for Calne which is defined within the settlement strategy (Core Policy 1) as a Market Town. In accordance with Core Policy 1 and the Calne Community Area Spatial Strategy (Core Policy 8), residential development in this location is acceptable in principle, provided it meets the requirements of other policies within the Wiltshire Core Strategy.

### Appeal Decisions

There have been three applications for a new dwelling on this site. The first, N/05/00728/FUL, was a 2 storey dwelling with dormers to the front and rear and car port to the side. The second, N/05/01304/FUL, was a 1 ½ storey dwelling with dormers only at the

rear and the third, 05/03238/FUL, was for a larger two storey dwelling with dormers to the front and rear but without the car port. All three of these applications were refused by the council for reasons relating to the character and appearance of the area as well as residential amenity. These concerns were subsequently dismissed by the Planning Inspector and all three were allowed on appeal. None of the above applications have been implemented and so all have now expired. This current application proposed the same dwelling as was approved in 2005 (05/03238/FUL) however following discussions with the council's highways officers, the parking arrangements now proposed are slightly different. When determining this current application the previous appeal decisions are material considerations.

#### Impact on the character and appearance of the host dwellings and surrounding area

In accordance with Core Policy 57 development should respond positively to the existing site features which include building layout, built form, mass and scale.

In terms of the building scale and design and general appearance, the application replicates the schemes previously approved by the Planning Inspectorate. On the request of the highways officer the parking arrangements were changed slightly which results in a larger gravelled area and patch of new planting. A close board fence has already been partially erected at the north boundary and the plans show that this will be retained and extended along the entire northern boundary. A 1m high picket fence is proposed to mark the front boundary. These boundary treatments are typical of what would be expected in this location. The properties directly opposite the site feature a mixture of material finishes which include red brick and render and the inspector previously concluded that the design and material finish would resemble the character of the surrounding properties. The alterations to the parking and access now proposed do not have a greater visual impact on the sites surroundings and so in line with the inspectors decision, the proposal is considered to be appropriate in terms of design character and visual impact.

#### Parking and access

The proposal was discussed at length with the highways officer and discrepancies were identified within the original plans. The position of existing fencing and a telegraph pole had been inaccurately shown which raised questions over the suitability of the proposed parking arrangements. These concerns were discussed with the agent who later submitted a revised site plan which indicated a new red line outline and alternative parking layout. Alterations to the parking layout for no.4 (the existing dwelling) were also included to take into account an extant permission for a two storey extension and increase in bedrooms. As a result of the red line change and repositioned parking spaces, the application was restarted and a new consultation process was undertaken.

The highways officer's comments on the revised layout are included below -

*The revised plan clearly indicates room for 2 car parking spaces and indicates that the required parking for the existing dwelling at 4 The Crescent will not be compromised. The plan also indicates there will not be a conflict with the location of the telephone pole and the allocated parking.*

*I note the alignment of the parking spaces is not in the ideal alignment of being perpendicular to the highway or private track in this case. However there will be room to turnaround at the end of the private lane or once the car has reversed down the lane turning can occur in order to enter the highway in forward gear. The low speed of any conflicting traffic on The Crescent means that this is judged not to be a severe impact. Also the addition of one more dwelling on the private lane may not be considered a severe impact.*

Two of the neighbours and the Town Council raised concern that the access lane and proposed parking arrangements were unsafe and unacceptable. These concerns are noted, however in this case the highways officer is satisfied that adequate access and off street parking has been demonstrated and so no objection has been raised.

#### Impact on residential amenity

Several objections have been raised in relation to the privacy of nearby residential properties. To the front of the site and to the opposite side of the access tract are 373, 375 and 377 Quemerford. These properties form a small terrace approximately 12m away from the front elevation of the proposed dwelling. The rear boundaries of these properties is approximately 6m from the front elevation of the proposed dwelling. The drawings show three first floor dormer windows that will serve the bedrooms and bathroom, a note of the plan indicates that these three windows will be obscure glazing. Whilst it is accepted that any new windows in this location may create a perception of overlooking towards the gardens of 373, 375 & 377, the use of obscure glazing will prevent any actual overlooking. The use of obscure glazing should be controlled by conditioned. The two first floor dormer windows at the rear of the proposed dwelling are angled slightly away from gardens of 1-4 The Crescent and will not introduce view that do not already exist in this area.

Nearby residents were also concerned that the development would appear overbearing however in this case given the distance between the rear gardens and the application site this is not considered to be the case. The inspector also visited these points in the previous appeals and concluded that the proposal for the new dwelling would not harm the living conditions of adjoining occupiers in relation to overbearing development or overlooking.

Two neighbours also raised concern that the new dwelling would overshadowing the rear gardens of 375 & 377 Quemerford. Whilst this is a valid concern, given that there is at least 6m between the proposed dwelling and rear boundary of the cottages, the impact to sunlight and daylight affecting the rear gardens is not considered to be significant and would not warrant refusal of the application.

#### Other considerations

One neighbour letter raised the issue of property values being affected by the development however this is not a planning consideration and will not have any bearing on the determination of the application. It was also explained that a requirement of planning permission for recently constructed 377A was that the surface of the access track was improved and that this has not been done. This issue is not specifically related to the current proposal and the highways officer has not raised concerns with the condition of the track.

## **9. Conclusion**

In line with the conclusion of the Planning Inspectorate, it is considered that the proposal is acceptable in terms of scale, materials and design and there are no grounds upon which a refusal could be sustained.

## **10. Recommendation**

Planning permission be GRANTED 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Cottage Elevations Sheet 3 and Proposed Cottage Floor Plans Sheet 4 (both received 9 March 2016), Location Plan (received 20 June 2016) and Site Plan and Parking Layout 2016-11 05B (received 22 August 2016)

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

- 3 Before the development hereby permitted is first occupied the first floor windows in the east elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern or southern elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 5 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 6 No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans 2016-11 05B, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the

interests of highway safety.

- 7 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

- 8 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 9 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 10 INFORMATIVE TO APPLICANT:

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.

- 11 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 12 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy).