

Date of Meeting	6 th January 2011
Application Number	E/10/1461/FUL
Site Address	Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB
Proposal	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)
Applicant	Mr Keith Ewart & Miss Leanne Lewis
Town/Parish Council	URCHFONT
Grid Ref	404399 157506
Type of application	Full Planning
Case Officer	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.

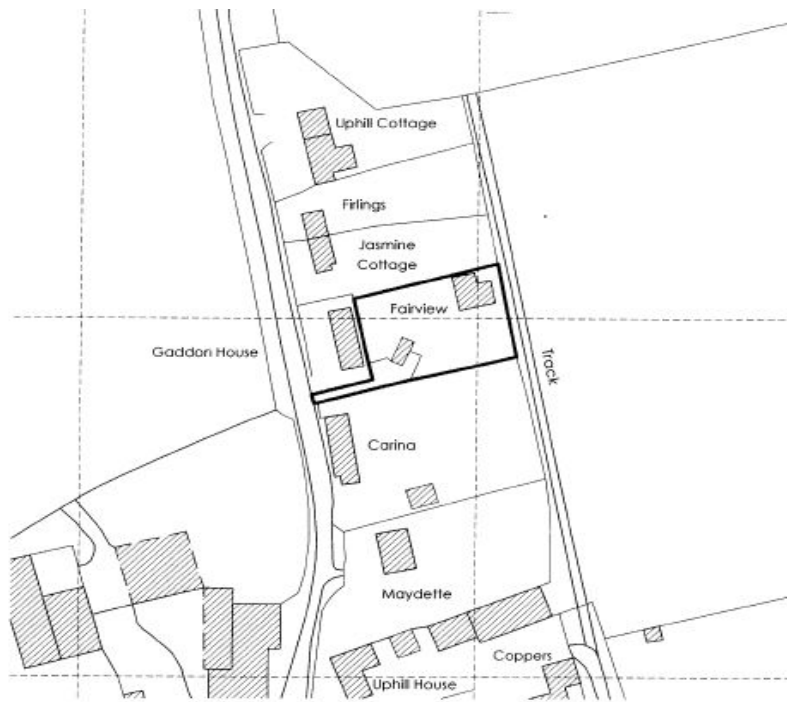
2. Report Summary

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.



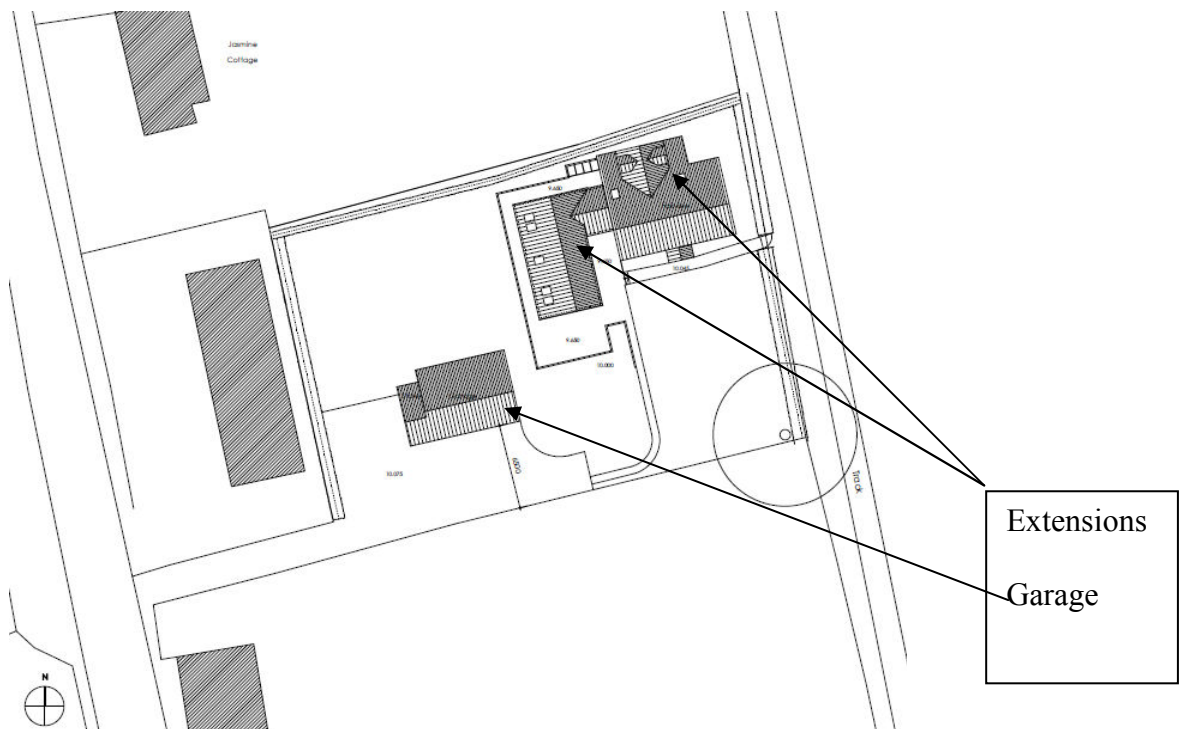
Location Plan

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 Application withdrawn in July 2010.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



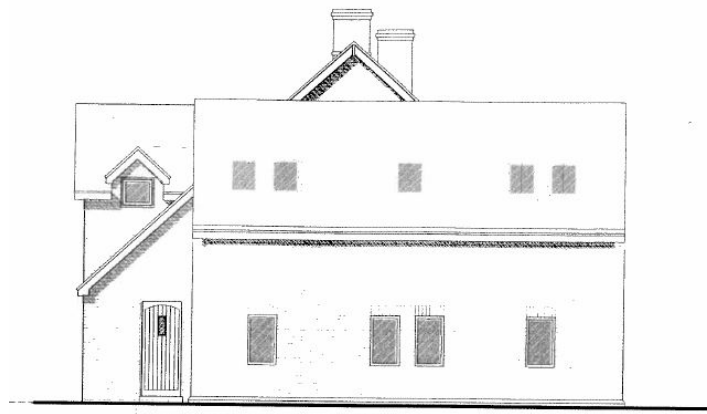
South Elevation

Proposed Extension and new link to existing house



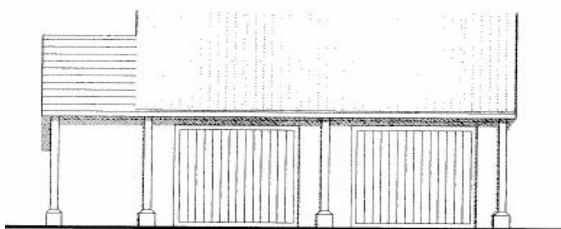
East Elevation

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

Proposed Garage

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:

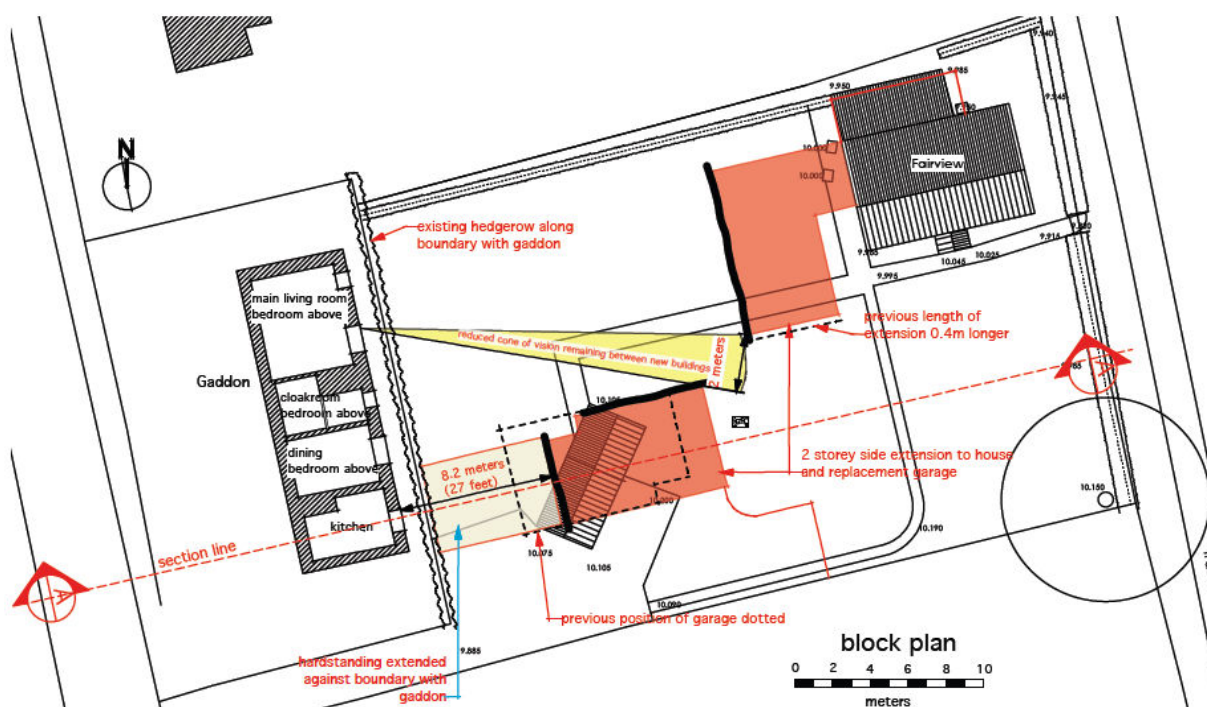
Jasmine Cottage

- 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.