

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	26 th January 2011		
Application Number	10/04463/FUL		
Site Address	Hill Brook House, Quemerford, Calne		
Proposal	New dwelling – Amendment to 04/03639/FUL		
Applicant	Mr R Willis		
Town/Parish Council	Calne		
Electoral Division	Calne South & Cherhill	Unitary Member	Councillor Alan Hill
Grid Ref	401782 169724		
Type of application	FULL		
Case Officer	S T Smith	01249 706 633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application is submitted by a relation of an elected member of the Council. An objection has been received in respect of the proposal. As such, and under the terms of the Council's adopted Scheme of Delegation specific to planning, this application does need to be considered by the Development Control Committee.

1. Purpose of Report

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

2. Summary of Report

To consider a proposal for a new dwelling in the Settlement Framework Boundary of Calne in the context of an extant planning permission and adopted North Wiltshire Local Plan 2011 policies C3 and H3. Specifically, to consider the following:

- Principle of development
- Comparison with extant planning permission 04/03639/FUL
- Impact upon neighbour amenity in context of previous refusal under 10/03360/FUL

3. Site Description

Previously part of the domestic garden to No.369 Quemerford, since the grant of planning permission in 2004, the application site has been regarded as a plot for a single dwelling. In this context, building works have recently commenced on site.

Access to the site continues to be via an established track serving several properties. Under the terms of the 2004 planning permission the access was required to be widened to allow cars to pass. It is understood that those works have now been completed.

The substantive part of the site is within the defined Settlement Framework Boundary (SFB) of Calne. A proportion of the site is outside of the SFB, and this was previously known as the "paddock" area. The 2004 planning permission placed the new dwelling on the part of the site which is within the SFB.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/00362/OUT	Detached dwelling and double garage	Refused 23/05/02 Appeal dismissed 08/04/03
04/02788/FUL	Erection of new dwelling	Refused 24/11/04
04/03639/FUL	Erection of new dwelling	Granted 16/02/05
10/03360/FUL	New dwelling – amendment to 04/03639/FUL	Refused 25/11/10

5. Proposal

The proposal is for the erection of a single detached dwelling. This application follows the grant of planning permission in 2004 for similar (for which works have commenced on site). This proposal differs from that previous planning permission in several respect, most notably, an increase in eaves and ridge heights over several sections of the property.

This application is ostensibly submitted so as to overcome reasons for refusal attached to the previous application 10/03360/FUL.

6. Planning Policy

The site is substantively situated within the Settlement Boundary of Calne, where the principle of new residential development is accepted. As such Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 are relevant.

7. Consultations

Calne Town Council

“...Members discussed this application in depth and listened to both the applicants comments and neighbours concerns. The main concern members had related to the height, bulk and mass of the proposed build and the impact this will have on the neighbouring property. Members were divided in their opinions and unanimous decision could not be reached. One proposal was put forward but was not carried, a second proposals (sic) was then put forward by the Town mayor and was carried. On reflection however, the Town mayor had already declared an interest stating that she would debate this application but would not vote, therefore the proposal cannot stand.....It was agreed to r-consider this application at the next Town Development & Planning meeting on 25 January 2011, prior to it being dealt with by the Wiltshire Council Planning Committee on 26 January 2011.”

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

1 (one) letter of objection received. Summary of key relevant points raised (letter received is paraphrased as far as is possible):

'It appears that little or nothing has changed between the refused application 10/03360 and the revised application 10/04463.

Our objection is based solely on the fact that Mr Willis wishes to increase the bulk and mass of the roof on all three sections of his development. This is essentially the same application as that refused at Committee on 24th November 2010 and continues to contravene the previous approved schedule, Policies H8 & C3. Further additions to any of the roof bulk and mass over and above that already approved within the scope of the original permission, 04/03639 will cause extreme loss of light, overshadowing and oppressiveness to 381 Quemerford and therefore the revised application sits outside of the remit of the policies quoted above.

We have studied the drawings for both applications and there appears to be little difference between this revision and the latest refusal, apart from the fact that Mr Willis has submitted an incorrect drawing which seems to indicate approved ridge heights of both the centre and lower section. When placed alongside the refused elevations drawing no 2 of 10/03360, the proposal is misleading and incorrect insofar as the overlay to both the centre and conservatory element of the proposal is not shown. What is actually shown is the roofline that Mr Willis would wish to have permission for without an overlay line to show the difference between that already permitted and the proposal.

Mr Willis is requesting a roof pitch of 30 degrees which is equal to that which was refused in November. As there seems to be no further removal of block work how can this be achieved if we are to believe Willis previous claims that he needed the extra height to achieve this pitch?

The conservatory element is now being constructed as a sitting room, the open view window/doors have been omitted and have now been built in red brick. Fundamentally the design is being changed to suit the introduction of a chimney breast which is already under construction within the room and which will obviously need a chimney stack/pipe to be erected externally through the roof. The bulk and mass of the roof element is being increased to vault the ceiling to enable the internal erection of the chimney breast and future introduction of means of exhaust and for no other reason.

If the applicant is successful obtaining permission for this revision, there will be, without doubt, further amendments to the original design to include a chimney stack. We would find the addition of a chimney stack totally unacceptable in this position and for the reasons of increased bulk and mass and the obvious future requirement for a chimney stack we ask that this application be refused.

As this development is less than 1.2M from our boundary, we would obviously oppose any chimney puffing smoke across our garden fence. None of this has been submitted for clearance and undoubtedly will be applied for under the radar as a minor amendment in the future if the permission currently being sought is allowed. Although minor changes, these would have major visual and pollution effects on 381 Quemerford.

We have measured the distance between our bedroom window and the proposed landing window opening in the new development and it is 14 metres. I would respectfully remind you and the councillors on the Development Control North panel of conversations that took place within the DC North meeting on 24th November when it was deemed that 21 metres was in fact the acceptable minimum distance between window openings in existing dwellings and proposed openings in new development. Again the illustration of 30M on previous plans is knowingly misleading and incorrect as the window will not be sited at this point. Therefore, the planning officer should be left in no doubt that this window should not be permitted.'

9. Planning Considerations

Principle of development

The 2004 planning permission for a single residential property on this site is a significant material planning consideration. The proposed dwelling is to be sited in approximately the same position of that dwelling approved under the 2004 permission, and accordingly, remains inside of the defined Settlement Framework Boundary (SFB).

The element of the site outside of the SFB, previously known as the “paddock” would remain undeveloped as a result of the proposal.

The 2004 permission remains extant and is capable of implementation. This is the starting point for all further considerations on this revised proposal.

Comparison of originally submitted scheme with extant planning permission 04/03639/FUL

The earlier 2004 permission relates to a dwelling positioned similarly on the site, with similar parking and manoeuvring arrangements, and garden area. Equally the dwelling would continue to be formed through three interlinking sections with a progressively dropping eaves and ridge heights. There would, however, be differences between the existing and proposed dwelling:

- With only minor internal rearrangements, in plan and footprint the proposed dwelling remains similar – albeit with the previous garage becoming habitable accommodation.
- Stylistically the dwelling has altered with consequent differences to windows and fenestration on elevations – introducing dormer windows, porch feature and rationalisation of external materials to brickwork, Oak feather edged boarding, render together with clay plain tiles for the roof boarding and render.
- Entirely new window openings are proposed for south-west and north-east elevations together with a single new rooflight on south-west and south-east roof slopes respectively.
- The eaves and ridge height of the lowest and middle sections of the proposed dwelling are now identical to that permitted under 04/03636/FUL. The largest two storey section of the dwelling would, however, alter from that approved in 2004 in respect of the profile of the roof and eaves.

Impact upon neighbour amenity in context of previous refusal under 10/03360/FUL

As per the previous 2010 application, the internal rearrangement, changes in architectural style and the majority of changes to window and fenestration are considered to be inconsequential to the acceptability of the proposed dwelling.

Going further, this revised proposal seeks to address the objections raised by the previous 2010 refusal in several ways:

- It is understood that the singular rooflight in the rear roof slope (facing the nearest neighbour No.381 Quemerford – previously acknowledged to be the property most affected by the proposal) would be fitted with obscure glazing. This is considered to be reasonable since it is a secondary window only serving a landing area. Planning conditions can secure its implementation as such, so as to limit any potential unacceptable levels of overlooking.
- The revised proposal does now reduce the scale and mass of the lowest and middle sections of the dwelling to no greater than that previous approved under the 2004 permission.

- This revised proposal continues to demonstrate a change to the ridge and eaves profile of the largest section of the dwelling. Whilst the overall height of the ridge would not be increased, the proposal would result in a greater amount of that roof being at that highest extent (ie. the ridge is longer). Due to an associated steepening in the pitch of the roof, this revised proposal also results in a general lowering in the eaves height (including the elevation facing No.381 Quemerford). In combination, this has resulted in this section of the proposed dwelling to comprise both an increase and reduction in mass when compared with the 2004 permitted dwelling. However, both the increases and reductions are minor and in this context, their net impact upon the nearest neighbour, are unlikely to be realistically perceived – either as an improvement or degradation of amenity. This situation would seem to suggest that there would be no legitimate ground to refuse planning permission on grounds of impact upon amenity.
- Perhaps due to the inevitable stretching that occurs when plans are copied multiple times, it is evident that the claimed approved ridge height of the largest block is 100mm higher than can be actually scaled from the 2004 plans themselves (ie.6.8m as shown on the now submitted plans, compared to 3.7m on the 2004 plans). However, since it is clearly the intent of the applicant to build a dwelling no taller than allowed under the terms of the 2004 permission, it is considered reasonable to impose a suitably worded condition that will remove any element of doubt on this matter.

Collectively, the above situation is considered to overcome the concerns over the potential impact upon amenity of the nearest neighbours, as expressed by the Development Control Committee in refusing the earlier planning permission under 10/03360/FUL.

10. Conclusion

As before, the existence of a previous planning permission and the consequent fact that a dwelling can be lawfully constructed in a position largely similar to that now proposed, is a significant material planning consideration that must be acknowledged.

This revised proposal does comprise some modification to the profile of the roof of the largest part of the dwelling. However, the modifications are minor, and include both an increase in mass and a reduction. It is therefore arguable whether the proposal would represent an improvement or degradation in terms of its impact upon neighbour amenity. It follows that the net effect of such a modification upon amenity must also be considered negligible

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development comprises a dwelling that would have no greater impact upon amenities of surrounding residential occupiers than that of the extant planning permission. As such, the proposed dwelling would comply with the provisions of Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011.

And subject to the following 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 implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

Site location plan 1:1250; Boundary Plan 2010-30/05; Elevations sheet 1 2010-30 03B; Elevations sheet 2 2010-30 04B. All dated 1st December 2010.

REASON: To ensure that the development is implemented as approved.

3. 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), there shall be no additions/extensions or external alterations to 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 external alterations.

4. Prior to the first occupation of the dwelling hereby approved, the rooflight in the south east slope of the roof shall be glazed with obscure glass only and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

5. In complete accordance with the annotations demonstrated on the submitted plans, the largest (southernmost) two floor element of the dwelling hereby permitted shall have up to a maximum ridge and eaves height of 6.7m and 5.0m respectively, as measured from ground level.

REASON: For the avoidance of doubt and in the interests of ensuring development has no greater impact upon the amenities of neighbouring occupiers than that of the existing 2004 planning permission.

