

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	7 th February 2019
Application Number	18/10741/VAR
Site Address	Caddens, Barbers Lane, Homington, Wiltshire, SP5 4NG
Proposal	Variation of condition 2 of planning permission 18/00525/VAR to allow for amended design including insertion of window to west elevation and additional rooflight to bedroom 5 (18/10741/VAR)
Applicant	Mr G Munday
Town/Parish Council	Homington
Electoral Division	Homington – (Richard Clewer)
Grid Ref	412057 126039
Type of application	Variation of Condition
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application has been called-in by Cllr Clewer if officers are minded to approve due to local concerns and the impact of the development on the surrounding area.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved for the reason(s) set out below.

2. Report Summary

The issues for consideration are:

- The principle of development in this location;
- Scale, design, materials and impact on neighbourhood amenity;
- Impact to the Homington Conservation Area and wider AONB;
- Highway Impacts

3. Site Description

The application site is a detached dwelling house with a large residential curtilage located in the village of Homington. The dwelling house is located in the Homington Conservation Area and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).



4. Planning History

17/03126/FUL Extensions and alterations and construction of a replacement garage
REF 03.07.17

17/07475/FUL Extensions and alterations and construction of a replacement garage
Approved by SAC 20.10.17

18/00525/VAR Variation of condition 2 of planning permission 17/07475/FUL to allow for alterations to first floor arrangement, repositioning of bedroom 4, utilisation of roof space to provide additional bedroom and omission of rear chimney A.C 21.03.18

18/03084/VAR Variation of condition 2 of planning permission 17/07475/FUL to allow for the garage roof to be linked to the house and loft room created in the roof void above garage REF by SAC 04.06.18 Approved on appeal 17.01.19 (see attached)

5. The Proposal

To vary condition 2 of planning permission 18/00525/VAR to allow for the amended design to include the insertion of a window to the ground floor west elevation of the property and the insertion of an additional rooflight to bedroom 5 (retrospective).

6. Local Planning Policy

The Wiltshire Core Strategy (WCS) was adopted in January 2015 and constitutes the primary planning document. Also of relevance are the NPPF & NPPG.

Policy CP51 – Landscape impacts

Policy CP57 – Amenity

Policy CP58 – Heritage Impacts

7. Summary of consultation responses

Coombe Bissett and Homington Parish Council – Objection with comments stating:

Coombe Bissett and Homington Parish Council object to this application on grounds of overlooking and loss of neighbours' residential amenity through loss of their privacy, and asks that it is refused. At least one of the windows being applied for has already been installed. This is the fifth planning application for this single building project since March 2017. This house is being evolved by serial planning applications, making a mockery of the planning system. It has been called in to Planning Committee three times and Wiltshire Council's enforcement officer has been involved on multiple occasions, including, we believe, for one of the windows now being applied for. The previous applications are 17/03126/FUL (March 2017, refused), 17/07475/FUL (August 2017, approved), 18/00525/VAR (January 2018, approved), 18/03084/VAR (March 2018, refused, but now being appealed). However, should you approve the application against the parish council's recommendation we would ask that you require the glazing to be opaque glass - obscuring window film would not be acceptable, as it may get removed. The developers have made neighbours' lives a misery throughout this project.

WC Conservation Officer – No comment

WC Highways Officer – No objection

8. Publicity

The applications have been advertised by way of site notice and letters to near neighbours.

The publicity has generated an objection from Coombe Bissett and Homington Parish Council to the proposal as documented in Section 7 of this report.

9. Planning Considerations

9.1 Principle of development and policy

The site is located within the AONB. Core Policy 51 of the WCS states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core Policy 57 of the WCS requires there to be a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

The site is located within the Conservation Area. Core Policy 58 of the WCS states development should protect, conserve and where possible enhance the historic

environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

- i. Nationally significant archaeological remains
 - ii. World Heritage Sites within and adjacent to Wiltshire
 - iii. Buildings and structures of special architectural or historic interest
 - iv. The special character or appearance of conservation areas
 - v. Historic parks and gardens
 - vi. Important landscapes, including registered battlefields and townscapes.
- Distinctive elements of Wiltshire's historic environment, including non-designated heritage

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

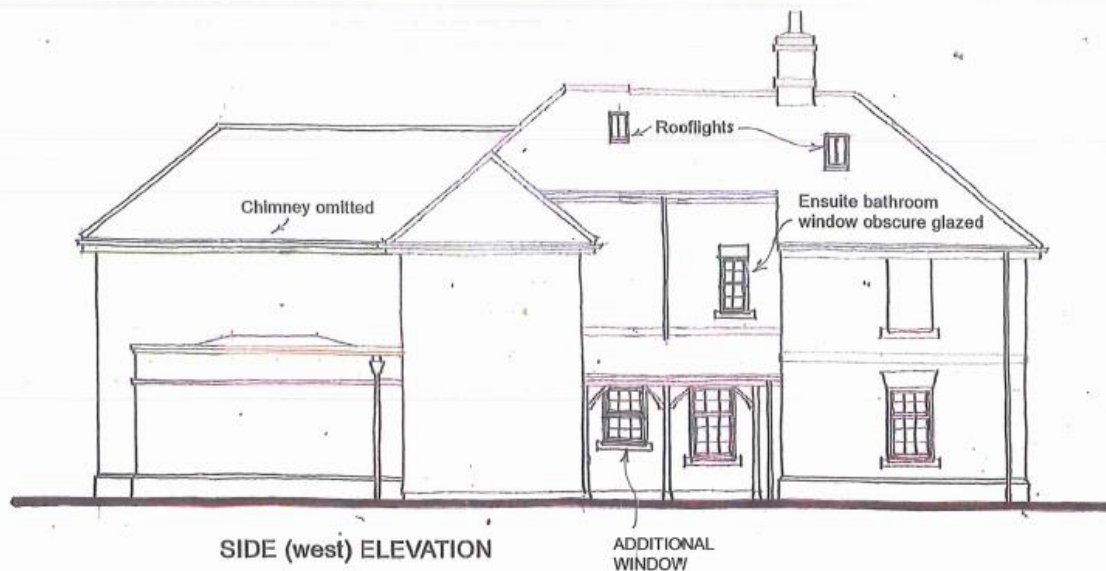
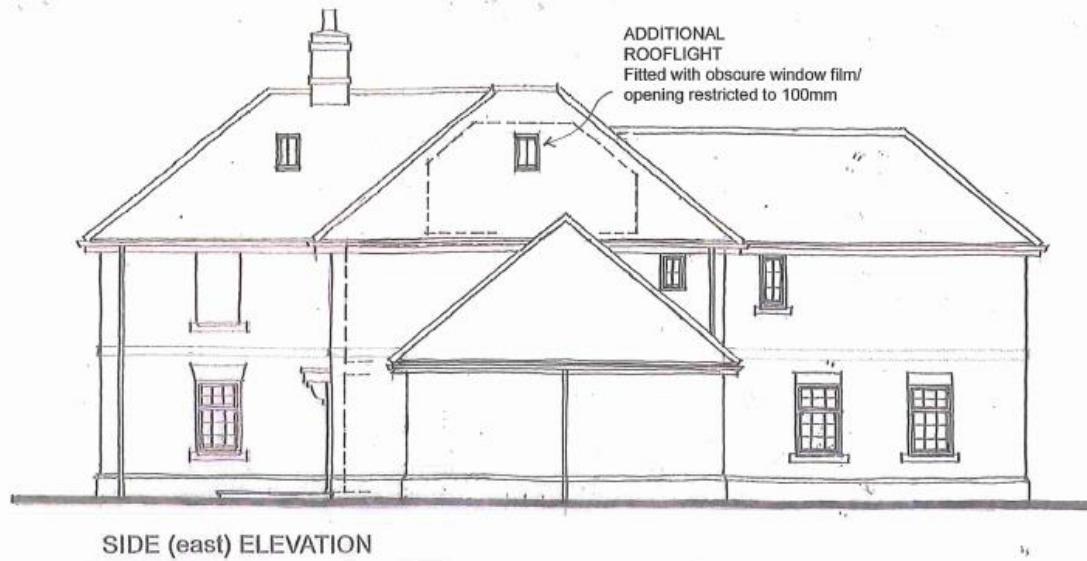
Following an extensive recent planning history on the site which has seen various amendments submitted for the proposed works, the current application seeks to modify the approved plans of permitted scheme 18/00525/VAR and 17/07475/FUL respectively.

Members are advised to refer to the recent appeal decision (enclosed with this report appendix 1) APP/Y3940/D/18/3207299 for application 18/03084/VAR in which the decision was upheld subject to conditions.

9.2 Design and Impact on area and amenity

This application seeks permission retrospectively for the insertion of a further window at ground floor level on the side (western) elevation to allow for additional natural light into the kitchen space and an additional roof light to bedroom 5 on the eastern roofslope to provide further natural light. The window is to be obscured glazed with a restricted opening. On visiting the site, it is apparent that this window has an obscure film over the glass and is currently not fitted with a restrictor. The proposed elevation plans for the changes are shown on the following page.

Other works proposed include the insertion of a new ground floor window on the western elevation of the dwelling house. It was noted at the time of the case officer's site visit that some of the cutting of the brick into the side elevation to allow for the proposed additional window had already occurred. Given the size of the window serving the internal living space and within the context of the overall development, officers are of the opinion that the insertion of this additional window would not have any significant adverse impact to the amenity of the nearby neighbouring property, May Cottage that would warrant the refusal of retrospective planning permission.



Members are advised to refer to the recent appeal decision (enclosed with this report appendix 1) APP/Y3940/D/18/3207299 for application 18/03084/VAR in which the decision was upheld subject to conditions. The Inspector has made several important points relevant to the determination of this current application before members, namely:

- He has considered it appropriate that condition 2 (plans condition) of planning permission 18/00525/VAR should be treated as being the starting point (and not the variation of condition 2 of planning permission 17/07475/FUL) as works on site have commenced.
- He makes reference to the installation of obscure glazing in relation to some of the first floor windows and rooflights conditioned in the extant variation permission. He considers that there is no need for those windows to be non-openable with a requirement for the rooflights to be 'fixed shut' and has removed the requirement for

these windows to be fixed shut. He further differs in his opinion regards the Council's standard obscure glazing condition with refers to certain levels of obscurity

- He further states: *'As determining whether the glazing of a window has or has not been fitted with obscured glazing that is capable of deterring a loss of privacy for the occupiers of a neighbouring property is a matter that can be readily enforced, It is considered there is no need for a minimum level of obscuring to be specified in condition 3'*.

Therefore, based on this appeal decision, officers are of the opinion that the additional window within the roofslope as built with the level of existing obscure glaze film and non-restrictor (shown in the photograph above) is acceptable in planning terms. Suitable conditions have been suggested below which reflect those imposed by the Inspector.

As such, the proposed works would not be contrary to Core Policy 57 of the Wiltshire Core Strategy and furthermore, would not have any significant detrimental impact to the amenity of the nearby neighbouring properties in respect of overlooking that would warrant the refusal of retrospective planning permission.

9.3 Impact on the Homington Conservation Area and AONB

No comments have been received from the Council's Conservation Officer on this application.

The design of the dwelling has evolved through the various applications that have been submitted to the Local Planning Authority. Whilst there have been several amendments to the scheme with reference to the recent planning history on the site and recent appeal decision, the scheme as presented should be viewed as having a minimal impact on the Homington Conservation Area and wider AONB that would justify the refusal of planning permission for each scheme presented. This view is echoed in respect of the recent appeal decision in which the Inspector states that the appeal development would not amount to an overdevelopment of the property and continues to conserve the natural beauty of the AONB.

As such, in the opinion of the case officer, the works to the dwelling house as put forward in this application will not cause any significant detrimental impact on the character of the Homington Conservation Area or to that of the AONB that would justify the refusal of planning permission.

9.4 Highways matters

The Highways Team of Wiltshire Council have been consulted on this scheme and raise no objection to the proposed changes to the originally approved scheme. The suggested adjustments are modest, and it is considered that subject to suitable conditions to retain parking in the garage and provide a suitably surfaced access and turning area, the proposal would be acceptable.

10. Conclusion

The comments and concerns of the Parish Council have been noted and taken into consideration. However, following an assessment of the situation as outlined above and

having regard for the recent appeal decision, the proposed changes to the permitted works are unlikely to have such a significant impact on the amenities of adjacent dwellings as to warrant refusal, and therefore the scheme conforms to the objectives of Core Policies, 51, 57 and 58 of the Wiltshire Core Strategy and the aims of the NPPF.

Therefore, the Local Planning Authority considers that the application for the variation of condition 2 of 18/00525/VAR should be granted retrospectively.

11. RECOMMENDATION:

Approve with the following conditions:

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

DWG No: 216083/01 Rev B Site Location Plan and Proposed Block Plan Date Received 29.11.18

DWG No: 216083/04 Rev F Proposed Ground Floor and First Floor Plan Date Received 29.11.18

DWG No: 216083/08 Rev A Proposed Second Floor Plan Date Received 29.11.18

DWG No: 216083/06 Rev F Proposed Side Elevations and South Elevation Section Date Received 29.11.18

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

2. The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) – iii) below:

i) Within 2 months of the date of this decision the following details relating to the construction of the development hereby permitted shall have been submitted for the written approval of the Local Planning Authority:

- a. specification of the roofing materials;
- b. construction of a sample panel of the proposed brick, mortar colour and pointing finish (in Flemish Bond), which is to be left on site throughout the works as a reference panel;
- c. a section drawing of the brick string course to be added to the front elevation of the dwelling;
- d. a section drawing at a scale of 1:5 showing the profile and means of fitting of the rainwater goods;
- e. details of lintels, which shall be pre-fabricated gauged bricks 4 course deep;
- f. details of window cills on the front elevation which shall be constructed from Bath stone and stooled; and
- g. details of the render to be used on the external elevations, which shall be a soft render, and will not feature a bell mouth detail.

(ii) If within 5 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

REASON: The development shall be carried out in accordance with the details to be approved in accordance with the requirements of this condition.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. The additional rooflight within the eastern roofslope as shown in approved plan DWG No: 216083/08 Rev A Proposed Second Floor Plan Date Received 29.11.18 serving bedroom 5 shall retain the obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. Prior to the first use of the rooms served by: the rooflight in the eastern elevation; the rearmost of the rooflights in the western elevation; and the first floor windows in the western elevation, as shown on drawings 216083/04E and 216083/06E, the previously mentioned windows shall be fitted with obscure glazing and thereafter the obscure glazing shall be retained.

REASON: In the interests of residential amenity and privacy.

5. The garage hereby permitted shall not be used until the first five metres of the access, measured from the back edge of the carriageway, has been laid with a consolidated surfaced. The access shall be retained as such thereafter.

REASON: In the interests of highway safety.

6. The garage hereby permitted shall not be used until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The access, turning area and parking spaces shall be retained for the purposes of parking and vehicle manoeuvring at all times thereafter.

REASON: 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), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision and to limit the residential conversion of the garage space, in the interests of highway safety and amenity.

8. Works associated with the construction of the development hereby permitted shall only take place between the hours of 08:00 to 17:00 from Mondays to Fridays and between the hours of 08:00 to 13:00 and on Saturdays. No construction works associated with the development hereby permitted shall take place at any time on

Sundays and on Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.