

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20 November 2019
Application Number	19/06545/FUL
Site Address	23 and 23A Wiltshire Drive, Trowbridge, BA14 0RR
Proposal	Proposed single storey extension to No.23 & No.23A Wiltshire Drive and proposed first floor extension with additional fenestration alterations to 23A Wiltshire Drive
Applicant	Mr Shaun Rowe
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE DRYNHAM – Cllr Andrew Bryant
Grid Ref	385,371 156,429
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Andrew Bryant has requested that should officers be minded to approve this application, it should be brought before the elected members of the area planning committee to consider the impact on visual amenity, the impact on neighbouring properties and the impact on highway safety.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be approved subject to conditions.

2. Report Summary

The main issues discussed in this report are:

- The Principle of the Development
- Impact on the visual amenity of the street
- Impact on neighbouring amenity
- Impact on highway safety
- Other considerations

3. Site Description

No 23a is an end of terrace two-storey dwelling located on Wiltshire Drive. It has a single-storey side lean to extension on its eastern gable facing No 1 and No 3 Baydon Close – which are identifiable on the following map insert. The lean-to extension is set back from a pedestrian access which provides the occupiers of No 23 and 23a with direct access to the rear garden; and it is further separated from the rear gardens associated to Baydon Close by the communal footpath access that principally serves No's 1-9 Baydon Close. The existing gap between the side lean to and the rear conservatory of No 1 Baydon Close measures approximately 8.9 metres.

It is also noted that the residential property at No. 11 Baydon Close – which is located to the north is a two-storey building that is built close up to its plot boundary and is similarly separated from

No.9 Baydon Close by the aforementioned communal footpath. It has been observed that No.11 and No 9 have a very similar neighbouring relationship as to that hereby proposed for No 23A and No.1 and No. 3 – which can be visually appreciated by referencing the insert maps and photograph below.



Site Location Plan



Street view image of No 23, No 23A and No 1 Baydon Close



View of Communal footpath from No 1 Baydon Close rear garden

The application site is within the established residential area of Trowbridge and is positioned close to the Newland Home residential development that is under construction on the former Bradley Road former West Wiltshire District Council office site.

4. Planning History

W/74/00108/REM – Residential Development, Area 1 Stage 1 – Approved with conditions

W/76/01154/HIS – Dining Room extension - Approved

W/78/01342/FUL – Bedroom extension over existing ground floor extension – Approved with conditions

W/06/02960/FUL – Additional dwelling and formation of extended lay-by – Refused

W/07/00129/FUL – Side lean to extension and conversion to form two dwellings together with extension of lay by for one parking space – Refused. The subsequent appeal was dismissed on car parking grounds only.

W/07/02043/FUL – Single storey extension – Approved with conditions

W/08/01453/FUL – Conversion of dwelling to form two dwellings – Approved with conditions

As can be seen from the above, the application site has a varied planning history. The following image is taken from when the housing estate was first built under application W/74/00108/REM. The terrace originally ended with No 23, with a much greater gap between the end gable and the boundary with No 1 Baydon Close.



No. 23 then had a single storey side extension approved in 1976 which was then extended on the first floor in 1978. No 23 then had the single storey side lean to extension permitted in 2007; and the following year, the Council permitted the conversion of No 23 to form two residential units (and thus No. 23a was created). No 23a is the resultant built form of all the extensions approved to No 23 since 1976.

This application is similar to the previously refused application W/06/02960/FUL which was also for a two-storey side extension. It was refused for three reasons (but it was not appealed). The reasons for refusal can be in part, summarised as follows:-

1. Lack of off-road car parking
2. Poor urban design of the proposed dwelling and;
- 3 The proposal by reason of its large 2 storey gable end wall, close to the boundary with No's 1 and 3 Baydon Close would have an overbearing and overly dominant impact on the amenities of the occupants in these properties to their detriment. This is therefore contrary to Policies H1 and C38 of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the Council's Supplementary Planning Guidance "House Alterations and Extensions" 2004.

Application W/07/00129/FUL followed to create a new dwelling (No 23a) as well as a single storey lean to extension on the end gable. This application was also refused but only for one reason regarding a lack of off-road car parking. This application was appealed and the Planning Inspector dismissed the appeal on the basis that the proposed extended layby would not deliver a net increase in parking provision. The Inspector had no objection to the single-storey side extension which led to the submission of application W/07/02043/FUL – which was approved.

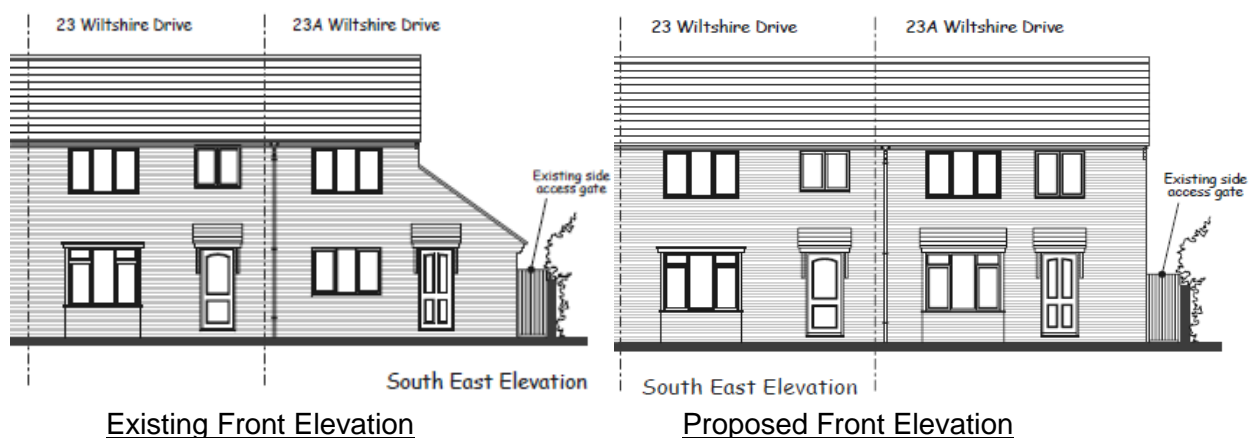
This then led to application W/08/01453/FUL where the applicants submitted additional information and allocated garages in Baydon Close and spaces in front of the garages for No 23 and 23a to use to address the shortcomings of the 2007 application. This application was granted planning permission and led to the creation of No 23a as a separate dwelling.

5. The Proposal

This application proposal seeks planning permission to construct a first-floor extension over the existing lean-to as illustrated by the elevation plan inserts below to create a 3-bed dwelling (from a 2-bed). The proposed development would retain the existing footprint of the lean-to without extending the built form closer to any neighbouring property. Officers acknowledge that this application is broadly similar to the extension element that was refused as part of the 2006 application (submitted under W/06/02960/FUL) although the present submission is for a slightly narrower addition than that previously refused which is fully appraised within section 9 of this report.

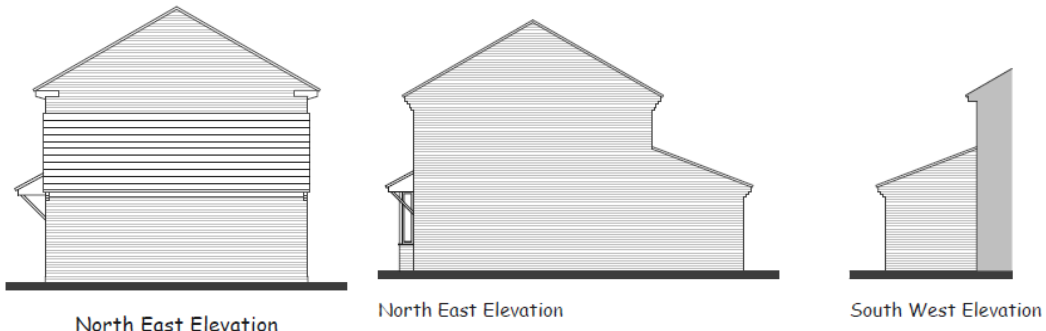
At the request of the case officer, revised plans were submitted in early October indicating that each dwelling (No. 23 and No.23a) has an allocated garage as well as space in front of the garages. Officers also secured a revision to the front elevation to alter the ground floor lounge window at No 23a so that it would include provision of a bay window with a pitched roof over to add visual interest. Every other dwelling along the terrace has projecting bay windows one of which has a pitched roof as proposed.

On the rear elevation of both dwellings, the applicant proposes to erect a 2.8m deep single-storey lean to addition for a new kitchen.



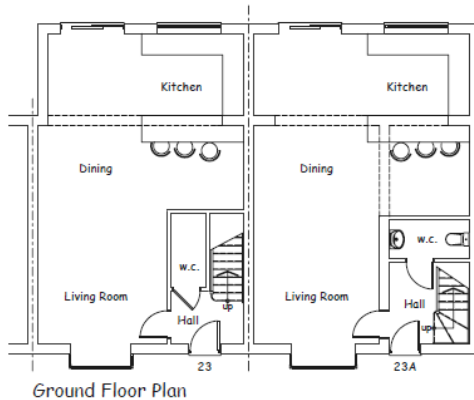
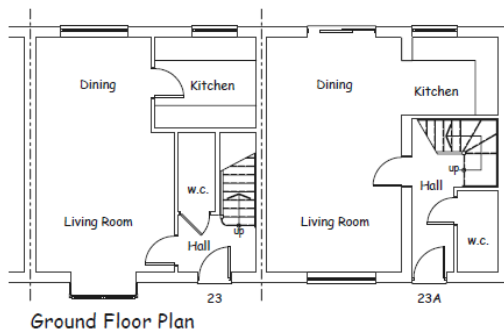
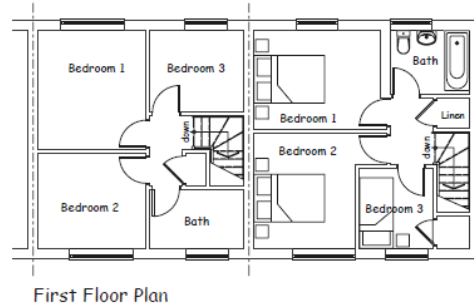
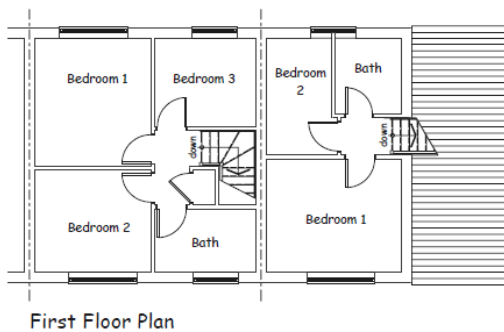
Existing Front Elevation

Proposed Front Elevation



Existing side Elevation

Proposed Side Elevations



Existing Ground and 1st Floor Plan

Proposed Ground and First Floor Plan

6. Planning Policy

The **Wiltshire Core Strategy (WCS)** - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP3 (Infrastructure Requirements), CP29 (Trowbridge Area Strategy), CP57 (Ensuring High Quality Design and Place Shaping), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development Impacts on the Transport Network) and CP64 (Demand Management).

The **National Planning Policy Framework (NPPF)**, **Planning Practice Guidance (PPG)**

7. Summary of Consultation Responses

Trowbridge Town Council – Objects: the proposal would result in significant adverse impact on the amenity of residents of neighbouring properties and it does not provide sufficient parking.

Wiltshire Council Highways Officer – No objection

8. Publicity

In addition to the posted-out neighbour letters to cover the two notification processes, a site notice was displayed on a lamp post at front of the site – which resulted in 5 letters of objection/representation that can be summarised as follows:

- The proposal would block light into the back of No. 11 Baydon Close.
- There is a level of distrust that there would be no windows on the end gable – which would look towards neighbouring houses.
- The extension would be overbearing on Baydon Close and lead to a loss of privacy.
- This proposal was previously refused under application 06/02960/FUL – it should be refused again.
- No 23 and 23A do not have any parking available as it is used as a lock up. This leads to people parking in Baydon Close.
- Illegal / poor parking on the road often blocks people's driveways, including a disabled access already – this would be made worse. Sometimes there is double parking on Wiltshire Drive with the layby. There have been accidents in the close attributable from the congested parking.
- Parking and highway safety problems would increase once the Newland Homes development is completed.

Following the submission of revised plans in early October (which clarify the parking provision and the distances between the side extension and the boundaries) a fresh neighbour notification exercise was undertaken – which resulted in 3 letters being received.

- Parking Doesn't address our objections
- Parking Those garages don't belong to those properties
- How does adding a bay window help?
- The revised plans still don't show the existing ground floor side elevation windows

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge area.

9.1 Principle of the Development

9.1.1 No 23a already exists as a standalone dwelling and this application only seeks an extension to it. The principle of development is supported subject to satisfying the policies within the Wiltshire Core Strategy.

9.2 Impact on the Visual Amenity of the Street Scene

9.2.1 No 23a is an end of terrace property located within a residential area. Whilst the existing side lean to extension does not cause any undue harm to the appearance of the terrace, it is submitted that the appearance, balance and symmetry of the terrace would be improved by the proposed two-storey side extension.

9.2.2 In addition to the above officer assertion, the case officer negotiated revisions the application to secure the provision of a bay window at No.23a on the ground floor so that it would assimilate with all the other bay windows found within the terrace, and would thus, enhance the visual appearance of No 23a.

9.2.3 Officers have no objection to the proposed rear extension as it would have a simple subservient lean to design which would not be substantively visible from the public domain.

9.3 Impact on Neighbouring Amenity

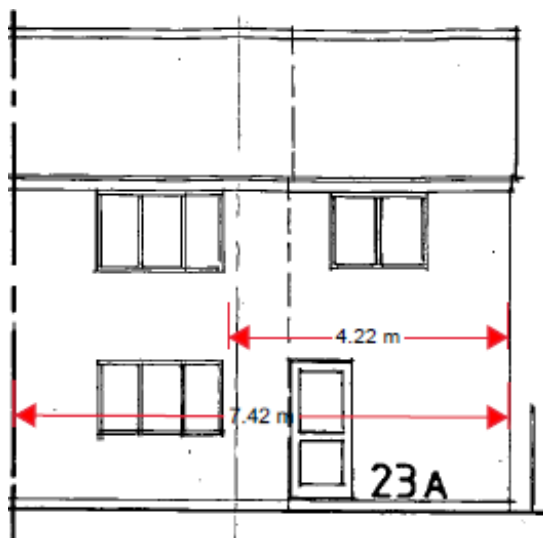
9.3.1 Adopted Wiltshire Core Strategy Core Policy 57 (criterion vii) requires development to have regard to the compatibility of adjoining buildings and uses as well as to the impact on the amenities of existing occupants including consideration of privacy, overshadowing and intrusion.

9.3.2 Obvious attention needs to be given to the W/06/02960/FUL refusal which reads as follows:

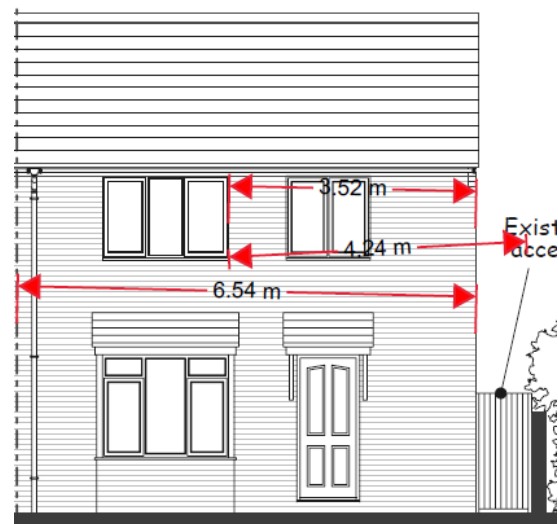
- 3 The proposal by reason of its large 2 storey gable end wall, close to the boundary with No's 1 and 3 Baydon Close would have an overbearing and overly dominant impact on the amenities of the occupants in these properties to their detriment. This is therefore contrary to Policies H1 and C38 of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the Council's Supplementary Planning Guidance "House Alterations and Extensions" 2004.

This application is broadly similar in the previously proposed two-storey side extension. However, officers submit there are subtle differences within this proposal; and that there are material considerations that must be taken into account as part of this fresh planning assessment.

9.3.3 Officers have scaled the elevation plans associated to application W/06/02960/FUL, and they indicate that the total width of No 23a would have been approximately 7.42m. The insert plan below left reveals that there would have been a small gap to the side boundary abutting the communal footpath passageway, and would have provided limited scope for accessing the side of the property. As illustrated by the insert below right, under this application, the applicant proposes to retain the existing gated access which provides the occupiers of No. 23 and 23a with side and rear access. The application does not propose to extend up any closer to the boundary and would only extend vertically above the existing lean-to. This is considered a material consideration that should be taken into account as part of the planning balance, whilst appreciating the historic refusal. Mindful of the 2006 reason for refusal (i.e. no. 3 as listed above), officers are satisfied that this application would not result in substantive harm to the immediate neighbouring property occupiers at No 1 and No 3 Baydon Close.



W/06/02960/FUL



Proposed Elevation

9.3.4 In addition to the above, since 2006 there have been substantive changes made to local and national planning policy. Planning applications must have regard to the adopted development plan and the extant policies which are now enshrined within the Wiltshire Core Strategy along with complying with National Planning Policy Framework.

9.3.5 Mindful that each application must be assessed on its own merits, a site's planning history can be a material consideration, but equally, decision makers should be appreciative of the changing policy context as well as acknowledge the site environs. In this particular case, within close proximity to the application subject building, a similar relationship exists between No 9 and No 11 Baydon Close whereby No 11 has a two-storey built form close to the plot boundary as revealed by the site photo below. Having visited these properties as part of the wider site visit for the present application, officers are of the view that the built form relationship between No. 9 and No. 11 is not inappropriate or harmful (in terms of overbearing and with the lack of any gable wall openings, there is no opportunities for overlooking conflicts). Officers are of the view that the occupiers of No. 1 and No. 3 Baydon Close would still benefit from an open southerly aspect without being detrimentally affected by the proposed first floor extension at No. 23a Wiltshire Drive – the rear of which can be seen in the site photograph below.



View of No 9 and No 11 Baydon Close with No 23a in the background

9.3.6 Officers are also mindful that should this application be refused, it would likely be appealed and officers are aware of another case example that members are invited to acknowledge in relation to application E/11/0702/FUL which was pursuant to a similar application proposal at No. 11 Francis Road in Market Lavington for a two storey side extension to replace an existing single storey garage - with the proposed side wall forming the actual garden boundary with the neighbour. The following site photo taken back in 2009 reveals the setback single-storey garage at No. 11 Francis Road and the neighbouring property at No. 1 The Ham.



Relationship between No 1 The Ham and No 11 Francis Road in 2009

9.3.7 The following photo reveals the relationship between the two properties following the construction of the first-floor extension – which was allowed on appeal.



Relationship between No 1 The Harm and No 11 following the allowed appeal

9.3.8 The following mapping inserts illustrate the separation distances between No. 1 The Ham and No. 11 Francis Road.



9.3.9 Application E/11/0702/FUL was refused (again citing a former District Plan) for the following reason:

The proposal would bring the two storey massing much closer to the adjacent property at 1 The Ham; the scale and bulk of the extension and its proximity to the boundary would make it overbearing for neighbouring occupiers and would result in overshadowing. This would be harmful to the reasonable living conditions and residential amenities of neighbouring occupiers, contrary to policy PD1 B.10 of the Kennet Local Plan 2011.

9.3.10 However, the application was allowed at appeal with the Inspector concluding:

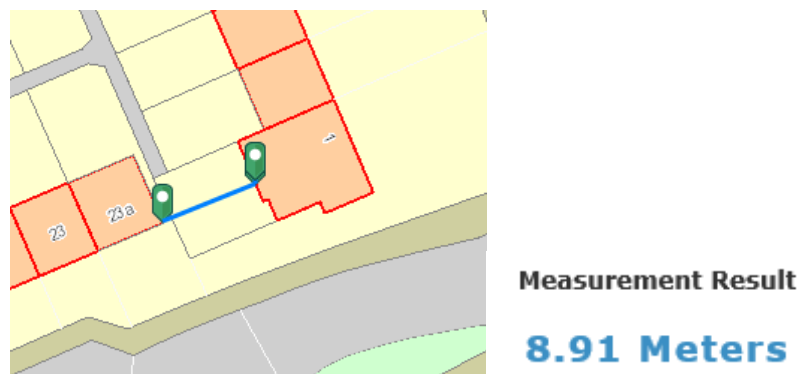
The two-storey extension would be sited to the west of No. 1 The Ham's rear garden and, having regard to the daily path of the sun, it would cause no overshadowing within No. 1 during the morning and early afternoon. It appeared to me that the existing bulk of the

appeal property and its garage already cause some overshadowing of the neighbouring garden during the late afternoon and evening, depending on the time of year.

Having regard to the visual evidence of my inspection; the orientation of No. 1 and the proposed two-storey extension respectively, and the daily positions of the sun at different times of the year, I consider that whilst the proposed side extension would give rise to some additional overshadowing of No. 1's rear garden, I do not consider that the level of additional overshadowing would be so material as to cause harm.

The existing outlook from No 1 westwards is towards the appeal property's two-storey flank wall and the main wall of its single-storey garage. The proposal, in effect, would bring two-storey development closer to No.1, but I do not share the Council's view that the visual impact of the development would prove overbearing for its occupants. Sufficient distance would remain between the two-storey element of the proposals and the windows serving No. 1's rear rooms so as not to give rise to material visual impact. The garden area is already substantially enclosed by walls on its western boundary, so that the level of additional visual impact caused by the side extension would fall within acceptable parameters.

9.3.11 Under this application at No. 23a Wiltshire Drive, the separation distance between No 23a and No 1 Baydon Close is approximately 8.91 metres as demonstrated in the insert below – which is very similar to relationships found at No 11 Francis Road and No 1 The Ham. Moreover, it is necessary to appreciate that in both cases; the application site is positioned to the west of the potentially most affected neighbouring property. No's 1 and 3 Baydon Close will still receive direct sunlight in their rear gardens from mid-morning to mid-afternoon given that No 23a is to the west and there is no immediate built form to the south of their garden boundaries. It would only be in late afternoon and early evening when any overshadowing would be experienced from the new two storey side extension. Just as in E/11/0702/FUL the existing built form of No 23a and its side extension would already cause some overshadowing and loss of natural daylight to both No's 1 and 3 it is not considered that the increase in overshadowing would be harmful enough to warrant the refusal of the application.



Gap between No 23a Wiltshire Drive and No 1 Baydon Close

9.3.12 Officers submit that application E/11/0702/FUL demonstrates the principle that whilst there may be some identified harm, a decision maker must fully assess the level of impact as well as being mindful of the existing arrangements and existing overshadowing levels. As decision makers, the local planning authority would need to be able to fully justify any refusal decision and be able to demonstrate any additional impacts over and above what exists at present to support a recommendation for refusal. A failure to do so, may not only result in a potentially allowed appeal, costs may also be awarded the Council for unreasonable behaviour.

9.3.13 Officers accept that a first-floor extension to No.23a would increase the bulk and mass of the dwelling in close proximity to the boundary to No. 1 and No. 3 Baydon Close, and that it would result in some additional overbearing impact, however, officers argue it would not be sufficient to warrant a refusal (fully appreciative of the extant local and national planning policy).

9.3.14 The existing 8.91m gap would be retained and this would provide a similar and acceptable separation as to that found between No.9 and No. 11 Baydon Close. The living conditions of the neighbouring occupiers of No. 1 and No. 3 would not be adversely affected, which includes an appreciation of the conservatory that exists on the west facing elevation of No. 1. There would be a similar distance to No 3. The proposed rear extension would have no substantive impact on either No 1 or No 3 or any other neighbouring property.

9.4 Impact on Highway Safety

9.4.1 The applicants have provided a revised site plan which demonstrates that each dwelling (No. 23 and No. 23a) has its own garage (and space in front) to be able to park motor vehicles. Whilst this wouldn't meet the required two off road spaces as required by adopted Wiltshire Council car parking standards, it has to be accepted that this is the existing (and approved) parking arrangement for these two properties. This application proposal seeks to increase the number of bedrooms within No 23a from 2 to 3, which according to the Council's adopted Transport Plan does not trigger any additional car parking requirement. On this basis, no highway based objection can be justified.



Garages for each dwelling

9.4.2 Officers have also checked the collision records for the last 10 years to 31 May 2019 and can confirm there are no recorded injury accidents reported by the Police within Baydon Close or at the Junction with Wiltshire drive.

9.5 Other Considerations

9.5.1 The neighbour consultation raised issues regarding the proposed tenants and past problems on the site, however, these are issues outside of the Council's control and are not material planning considerations and they should be influence the determination of this application.

10. S106 / Developer Contributions

No S106 financial contributions are sought for this site, but CIL would apply.

11. Conclusion (The Planning Balance)

This application proposal seeks to add a two-storey side extension to No. 23a. The proposal would maintain the existing gap to the neighbouring properties at No. 1 and No. 3 Baydon Close and officers argue that the first floor extension would not cause adverse harm through overbearing and /or overshadowing in which to warrant the refusal of the application. The proposed extension is smaller than the previously refused application (submitted under reference W/06/02960/FUL) and after appraising the relevant policies and being mindful of a similar relationship found between other neighbouring properties (No. 9 and No.11 Baydon Close), officers conclude that this proposal is acceptable in planning terms.

RECOMMENDATION: - Approve with 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 carried out in accordance with the following approved plans:

Revised Site Location Plan, Revised Existing Elevation Plan and Revised Proposed Elevation Plan – all received on 9 October 2019

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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 north eastern side elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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/communityinfrastructurelevy