

**REPORT TO THE EASTERN AREA PLANNING COMMITTEE**

<b>Date of Meeting</b>	21 <sup>st</sup> April 2011
<b>Application Number</b>	E/11/0174/FUL
<b>Site Address</b>	Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB
<b>Proposal</b>	Proposed double garage with garden and log store and PV panels on roof
<b>Applicant</b>	Mr Keith Ewart & Miss Leanne Lewis
<b>Town/Parish Council</b>	URCHFONT
<b>Grid Ref</b>	404399 157506
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	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 conditions.

**2. Main Issues**

The main issue in this application is the impact of the proposed structure on the amenity of the adjacent property and on the character and appearance of the area.

**3. Site Description**

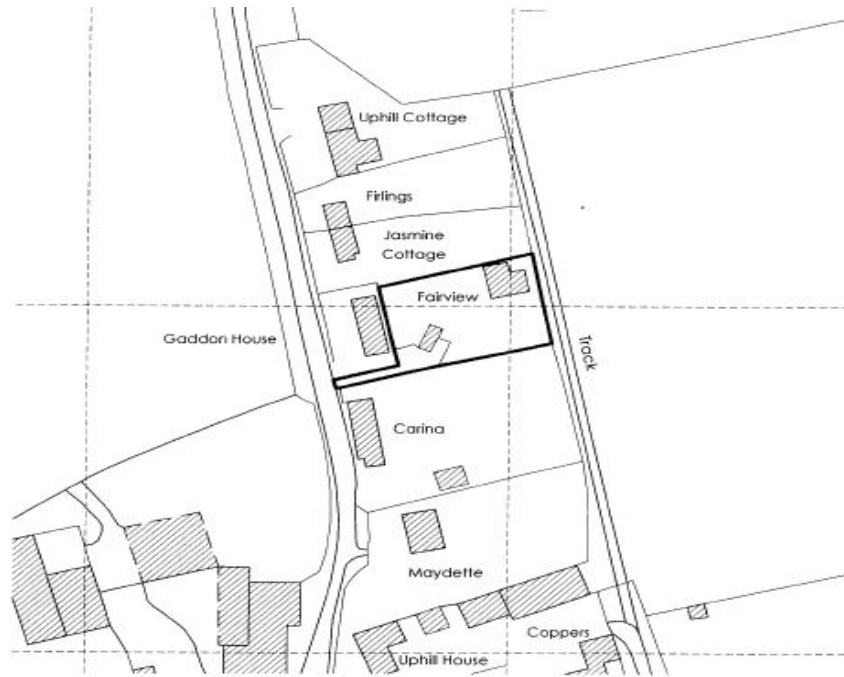
The application relates to a property known as 'Fairview' in Uphill, Urchfont. Starting from the village pond take Friars Lane (to the right of the pond) and follow this lane through The Bottom and this leads to Uphill. The site lies on the right hand side, immediately to the rear of the thatched property known as 'Gaddon House'. Access to the site is via a narrow driveway to the right of Gaddon House and alongside its single garage.

Members may be familiar with the site as an application on the site for an extension to the house and the construction of a garage was considered by the committee in January 2011. The proposal for a garage was subsequently removed from the application.

**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 Application withdrawn in July 2010.

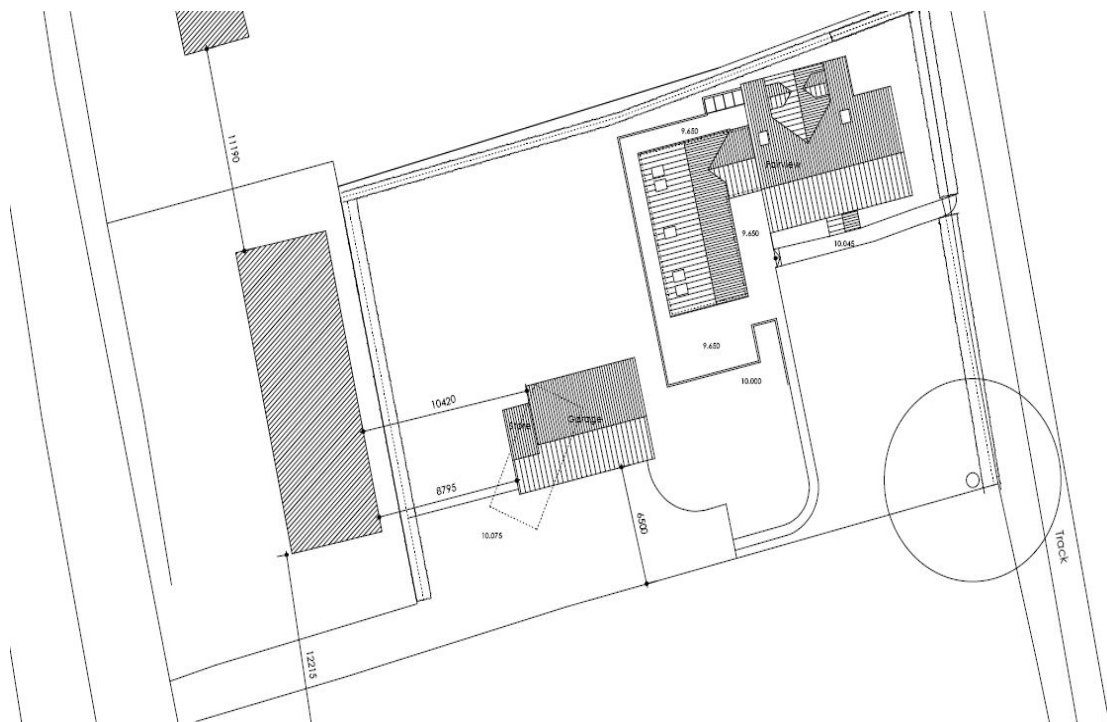
E/10/1461/FUL - Two storey rear extension; new entrance link & two storey annexe; erection of double garage. The two storey extension, new entrance link and two storey annexe were granted planning permission on 7<sup>th</sup> January 2011 after the garage was deleted from the proposal at the request of the Planning Committee.

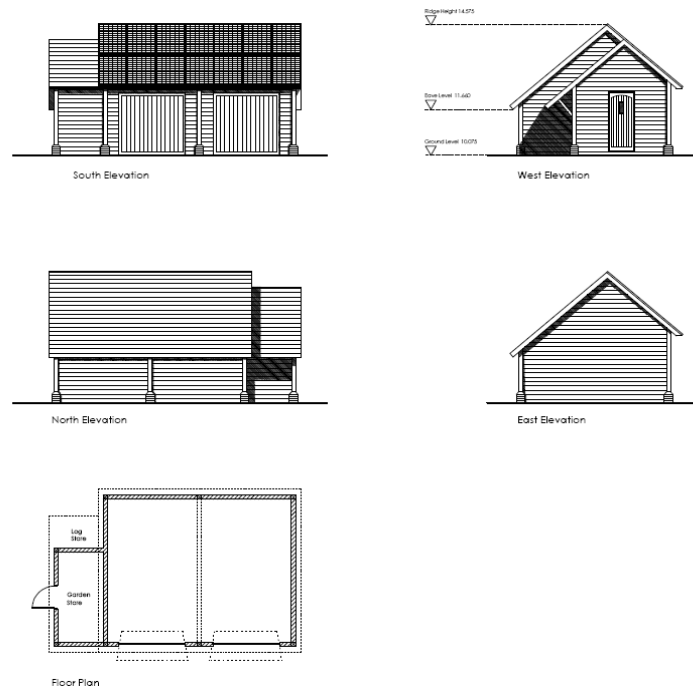


*Site location*

### 5. The Proposal

The application proposes the erection of a double garage with garden and log store. The building would replace an existing prefabricated single garage and would be provided with an enlarged area of tarmac hardstanding for parking and turning. The replacement garage would be timber clad with a slate roof and photovoltaic (PV) panels on the south facing roof slope. The garage would measure 5.2m x 6.6m in footprint and 4.5m in height with a subservient attached garden and log store (footprint 3.4m x 1.7m and height 4.0m) at the end closest to Gaddon House. The building would be 8.795m from Gaddon House.





The applicants have submitted a comprehensive Design & Access Statement which 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 (see below). They make the following points:

- a) The objector has been very selective in isolating facts and figures from a design guide (CE257 Daylighting in Urban Areas, Sept 2007 published by The Energy Saving Trust) that is not relevant to the current application circumstances. This is backed up by the author of the document who has made a representation to confirm that the objector has misquoted the guide.
- b) The applicants consider that the relevant standard should be the publications from the former DETR (Dept of Environment Transport and the Regions) and the BRE (Building Research Establishment). The applicants state that the proposal would meet these standards and would even be compliant with the garage 0.9m closer to Gaddon House.
- c) The applicants' own advice from a Microgeneration Certification Scheme accredited installer is that a 40 degree roof will generate more electricity than a 30 degree roof in the winter when the sun is lower in the sky and there is a lower angle of incidence of the sun's rays.

## 6. Planning policy

Kennet Local Plan 2011 – policy PD1 is relevant to the consideration of this application.

The property to the south known as 'Carina' is a listed building.

## **7. Consultations**

**Urchfont Parish Council** – objects to the height and position of the garage and its effect on the surrounding properties.

**Wessex Water** – There is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is recommended that a condition or informative be placed on any consent requiring the developer to protect the integrity of Wessex systems and agree, prior to the commencement of works on site, any arrangements for the protection of the sewer.

## **8. Publicity**

The application has been advertised with a site notice and neighbours have been notified.

Two representations of objection have been received from the owner/occupier of Gaddon House (the thatched property immediately to the west of the proposed garage) and Carina (the thatched property immediately to the south). The following concerns are raised:

- a) The current proposal is a very minor adjustment of the scheme previously rejected by the committee. The re-siting of the garage 0.5m to the east is insignificant and will not materially reduce its overbearing impact on the occupiers of Gaddon House; or indeed the impact upon the amenities of Carina.
- b) The proposed replacement garage is approximately twice the floor area of the current building and twice the height. The garage will be too high and there is no justification for this.
- c) The applicant's architect advised the objectors that the roof could not be lowered because the photovoltaic panels were all of a certain height and width. However, photovoltaic panels are not all uniform and can be supplied in various sizes; additionally, they do not have to be placed end-to-end, but can also be laid side-by-side. This means that the roof, if it must have solar panels, can be lower.
- d) The proposed photo-voltaic panels would add unnecessary height to the garage and result in an assertive and clumsy appearance. The objector does not accept the applicants' assertions that the height and roof pitch of the garage is dictated by the size and optimum angle of the photovoltaic panels. He has sought advice from several PV suppliers and specialist Eco Engineers who have advised that there is no benefit increasing a south facing roof above an optimum 30 degrees. The addition of photovoltaic panels onto the log store, in conjunction with a reduction in roof pitch to 30 degrees, would produce the same output in terms of electricity generation.
- e) The PV panels will be unsightly and will adversely impact upon Carina's amenity.
- f) The garage is proposed to be immediately in front of the main east facing window in Gaddon's kitchen and a bedroom. The kitchen has one other window but this does not gain much light due to overhanging thatch and nearby trees, including screening for an oil tank.

- g) The internal floor levels of Gaddon House are estimated to be 280mm lower than the ground level of the garage. This, together with the garage's 40 degree roof pitch, compounds the impact from the inside of Gaddon House. The new garage would have an overshadowing impact upon the ground floor kitchen and dining room, and the upper floor bedroom.
- h) The objector quotes a document published by The Energy Saving Trust (CE257 Daylighting in Urban Areas, Sept 2007) and argues that the proposals are contrary to the guidance contained in that document.
- i) The massing of the garage will merge with that of the already approved extension (E/10/1461/FUL) to give occupiers of Gaddon House the sense of being 'hemmed in'.
- j) The objections from the owner of Gaddon House could be overcome by revising the scheme and setting the building back eastwards and reducing the roof pitch to nearer 30 degrees.
- k) The objector points out that policy NR19 on renewables in the Kennet Local Plan 2011 is not applicable to single dwellings or microgeneration, and the Council's interim development control policy for on-site renewable energy in new developments (adopted by Kennet District Council in Sept 2007) is only relevant to large scale developments of over 10 houses.

## **9. Planning considerations**

### **9.1 The Site**

The property known as 'Fairview' is unusual 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. There is a single prefabricated garage positioned towards the front of the site and at an angle to the driveway.

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. 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.

### **9.2 The Application**

This application seeks planning permission for a replacement garage which was withdrawn from an earlier application (E/10/1461/FUL) after committee expressed concerns regarding the possible impact upon neighbour amenity. The applicant has sought to address those concerns by moving the garage further to the east by 0.5m. There are no other changes to the scheme.

### **9.3 The Issues**

The main issues for consideration are:

1. The design of the garage and its impact upon the character and appearance of the area.
2. The impact upon neighbour amenity.

## **1. Design and impact upon the character and appearance of the area.**

The design of the garage is considered to be acceptable in terms of its impact upon the character and appearance of the area. Setting aside the issue of impact on neighbour amenity, the scale, massing and proportions of the garage are acceptable and there is no objection to the proposed materials. There can be no objection in principle to the use of photovoltaic panels; government policy is very supportive of renewable energy proposals and permitted development rights have recently been introduced to encourage the addition of photovoltaic panels to dwellings and domestic outbuildings. The location of the replacement garage is such that it would be barely visible from the village street; the main views of the building would be obtained from neighbouring properties. There would be no harm to the setting of the adjacent listed building 'Carina'.

## **2. Impact upon neighbour amenity.**

The impact upon neighbour amenity is the primary issue for consideration, since this is the focus for neighbour objection (and parish council concerns) and the reason why the garage was deleted from an earlier planning application.

Policy PD1 of the Kennet Local Plan 2011 states that all development proposals must have regard to a range of factors, including their impact upon residential amenity. This is the Development Plan policy against which the proposal must be assessed.

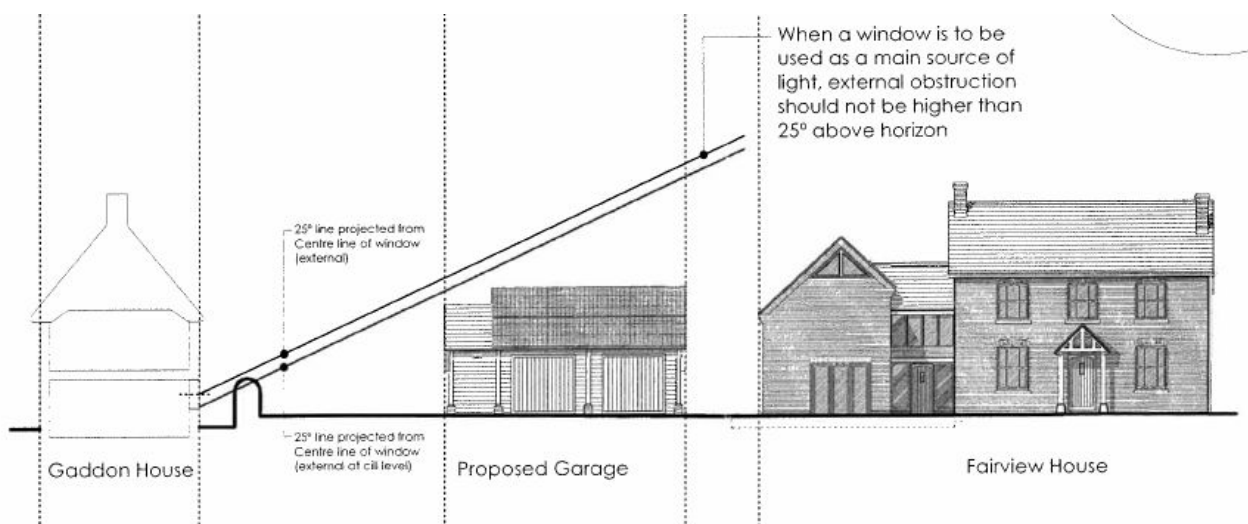
The objections centre on the proximity of the proposed garage to Gaddon House and its likely impact upon the amenities of occupiers of that property, principally through loss of light and overbearing impact.

The neighbour quotes a document published by The Energy Saving Trust (CE257 Daylighting in Urban Areas, Sept 2007) and argues that the proposals are contrary to the guidance contained in that document. However, the author of this document has since made a representation to confirm that the standard has been applied incorrectly.

A more relevant standard to apply is the guidance contained in the document "Site layout planning for daylight and sunlight: A guide to good practice" first published by the Building Research Establishment (BRE) in 1991. This document (which superseded the 1971 DoE publication "Sunlight and daylight") attempts to quantify an otherwise subjective judgement and is widely accepted as the best available workable method for assessing any reduction in daylight and sunlight. It should be noted that the advice contained in the BRE document is not mandatory and it should not be seen as an instrument of planning policy. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. The standards should therefore be applied as 'rule-of-thumb'.

The test is often applied in a simplified form as the "45 degree code". In essence, development should not project above a theoretical plane which is inclined at 25 degrees from the centre of the nearest window to a habitable room in a neighbouring property (some authorities use the centre of the sill rather than the centre of the window) in a 90 degree cone of vision, 45 degrees either side of the perpendicular from the wall.

The proposed garage at Fairview complies with this set of guidelines and the applicant has supplied the following drawing to illustrate. Whilst this is not necessarily determinative, it does lend weight to your officers' view that the proposals are acceptable and would not result in loss of amenity for the neighbour. It would be very difficult to substantiate a refusal of planning permission on appeal on the grounds of an unacceptable loss of daylight and sunlight.



When considering this application it is also relevant to consider the fact that the applicant would be entitled to erect a 2m high fence along the boundary between the two properties without needing planning permission. This would have a similar (and arguably worse) impact to the proposed garage. This 'fall-back' position is a material planning consideration.

As it stands, there would be views of the new garage from the east facing kitchen, dining room and bedroom windows of Gaddon House but it is not considered that the impact would be overbearing and there would be no material loss of daylight or sunlight (this is confirmed by application of the 45 degree code). Whilst the objector states that the south facing kitchen window does not gain much light, it nevertheless does allow in some light as a secondary window (note that the case officer has made an assessment of the impact from within Gaddon House). In common with many rooms in this property, the dining room is also dual aspect with windows front and rear. Views to the rear are already partially blocked by the boundary hedge. The impact upon upper floor windows would be less pronounced, with views being achievable above and beyond the garage (plus the bedroom is also dual aspect).

Overall, it is considered that there are no grounds to withhold planning permission for this proposal. Accordingly, a grant of planning permission is recommended.

**RECOMMENDATION:**

Grant planning permission

For the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed garage would not cause harm to the character or appearance of the area, the residential amenities of neighbouring occupiers or the setting of the adjacent listed building. The proposal would therefore

comply with policy PD1 of the Kennet Local Plan 2011 and government policy contained within PPS5.

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 No development shall commence on site until samples of the slates and photovoltaic panels to be used for the external roofs and details of the finish for the timber cladding on the walls have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and the character and appearance of the area.

- 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.

(a) Application Form, Design & Access Statement and Drawing nos. 1004-L001, 1004-L100, 1004-L101 & 1004-D110 received on 1st February 2011.

(b) Drawing no. 1004-D111A received on 17th March 2011.

**Appendices:**

None

**Background Documents Used in the Preparation of this Report:**

The application file and history file E/10/1461/FUL.