

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17 June 2020
Application Number	20/00059/FUL
Site Address	Bishop's Folly, No. 2 Ireland, North Bradley, BA14 9RW
Proposal	Erection of two storey extension, double garage, alterations and associated access works.
Applicant	Mr & Mrs Hawketts
Town/Parish Council	North Bradley
Electoral Division	Southwick
Grid Ref	384925 154622
Type of application	Full Planning
Case Officer	Selina Parker-Miles

Reason for the application being considered by Committee:

Cllr Horace Prickett requested that this application be called-in for the West Area Planning Committee to determine should officers be minded to grant permission. The March Committee meeting that the application was due to be determined at was postponed due to the Covid-19 pandemic. In April, following the onset of the pandemic, Cllr Prickett subsequently requested that his call in be rescinded and the application be determined through delegated powers. However, as those who had objected to the application had already been advised in writing that the application would be determined by members at a committee meeting, it was decided that it should be determined at a committee meeting. The expressed key issues identified initially at the call-in for the Committee to consider were:

- The scale of the development
- The visual impact upon the surrounding area
- The relationship of the development to the adjoining properties
- The highway impact
- Car parking
- Public rights of way access

1. Purpose of Report

The purpose of this 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.

2. Report Summary

The main issues to consider with this application are:

- The lawful use of the land for the erection of the garage
- The impact on a public footpath
- The impact on highway safety
- The impact on a non-designated heritage asset
- The impact on neighbour amenity
- The impact on the character and appearance of the host dwelling and wider area.

3. Site Description

The application site relates to No. 2 ('Bishops Folly') which is a detached two storey dwelling located within a hamlet of c. 10 properties known as 'Ireland', which itself is located in open countryside between the villages of Southwick and North Bradley, south of Trowbridge.

No. 2 sits within a large garden area extending to the north, east and south sides of the house, and benefits from an off-street parking area to the front. The site is not subject to any landscape or other designations.

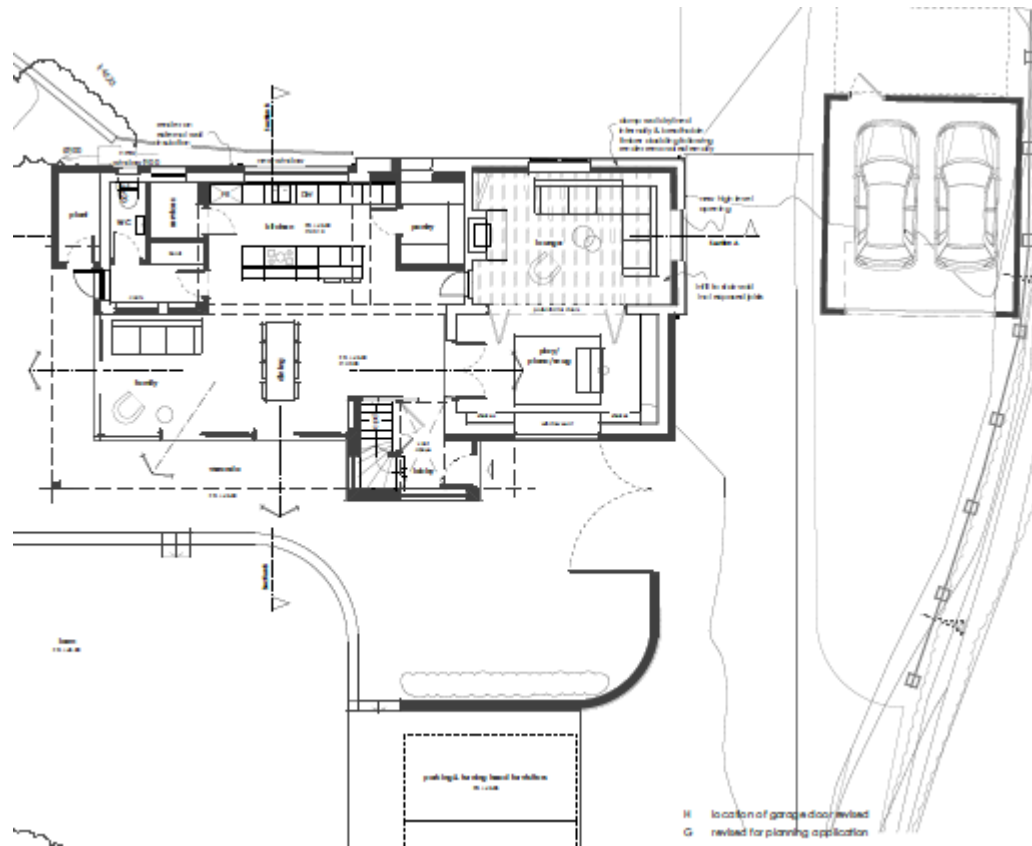


4. Planning History

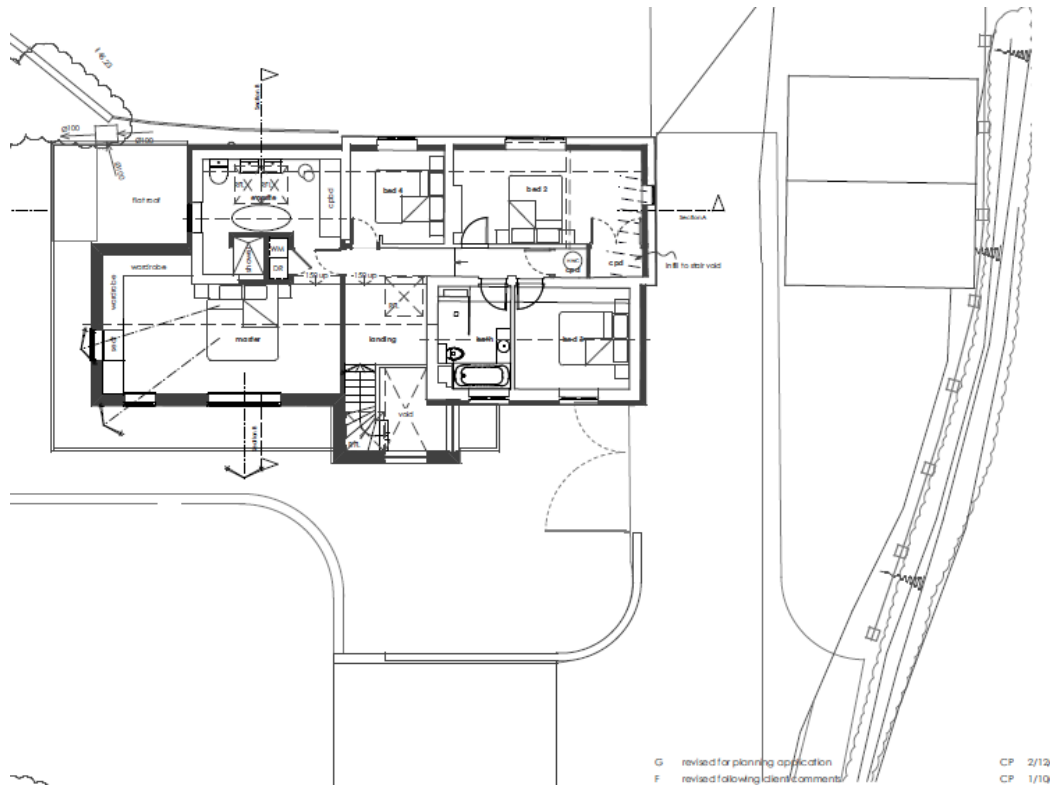
W/02/00549/FUL	Two storey extension and new conservatory	Approved with Conditions
W/06/01646/FUL	First floor extension to a bedroom. Enlarging the bedroom and providing an en-suite shower/wc to provide a rear conservatory. To install solar panels in the roof	Approved with Conditions
15/01030/FUL	First floor extension to provide master en-suite and dressing area, erection of conservatory to rear of property and single storey side extension	Approved with Conditions

5. The Proposal

The proposal is for the erection of a two-storey extension and double garage with alterations and associated access works. The garage is on the opposite side of the road from the house.



Proposed ground floor plans



Proposed first floor plan



Existing (left) and proposed (right) front (south east) elevation



Existing (left) and proposed (right) rear (north west) elevation

The alterations would include some re-modelling of the external appearance of the house, as shown on the elevations (above).

The double garage would be erected on a separate parcel of land to the north-east of the house. The separation is as a consequence of a highway and public footpath (NBRA24)

which run to the immediate north-east of the house. The separated land has been confirmed as within the applicant's ownership and was used as residential curtilage by the previous owner (at No 1 Ireland) until its sale to the current applicant in 2017. Therefore, an application for change of use of this land to residential curtilage is not necessary. Revised plans were received on 4th May 2020 removing the pedestrian access door from the west elevation of the garage to the north elevation. Neighbouring properties were consulted on the revisions for a period of 14 days.



Highways plan illustrating the adopted highway and existing turning head (orange) and public footpath (purple)

6. Planning Policy

Wiltshire Core Strategy (the development plan) – relevant policies – CP29, CP57, CP51 and CP61

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

7. Summary of Consultation Responses

North Bradley Parish Council: Most recent comments (4th June) No objection, provided that the public right of way continues to be maintained.

(In its earlier response in February, the parish council supported overall plans for alterations and amendments to the house but objected to the proposal to build a double garage on an adjoining area of land owned by the applicants for the following reasons:

- A previous application for a dwelling was refused in 1983 as it was considered an undesirable intensification of sporadic development and would create traffic congestion and access danger caused by increased use of the narrow lane
- The garage is not within the residential curtilage of the property and goes outside of the confines of the hamlet itself, within the “triangle” of land.
- The garage is an over development on a limited area reducing public access.)

Wiltshire Council Highways Officer: No objection, subject to conditions. It is considered that the proposed new garage will not cause an obstruction to the public highway in the location as proposed, and the Rights of Way team will also give their views on the application. The proposed parking spaces to the southern corner of the site will require the end of the public highway to be upgraded to form a vehicle access, this can be implemented as part of the works to upgrade the whole section of public highway as proposed. The whole of these works can be managed under a Vehicle Access Application, and will be overseen by the Area Highway Office, details of how to apply for a vehicle access application, should be included on any planning permission in the form of an Informative..... Adequate off-street parking is proposed to meet Wiltshire's parking standards in the new garage and parking spaces.

Wiltshire Council Rights of Way Officer: No objection: In this case it is not considered that the proposed development will have an adverse effect on the footpath. The part of the footpath that is directly affected by the proposal is recorded as an unclassified road which ends at the gateway to the field, from which the path continues. It is therefore appropriate for comments to have been made by Highways Development and not by Rights of Way. This section of road is to be resurfaced to highway standards which should improve access to the field. Access should also be improved by removing the need for vehicles to park on this narrow stretch of road. All the building activity is off the highway and Public Right of Way. I would agree with the recommendation of the highways team with regard to the surfacing and any drainage requirements that they have. I would request that any new gates which are installed are done in such a way that they open away from the highway. In some ways I would support this application as it will remove the possibility of vehicles being parked on the highway blocking the entrance to the Public Footpath. In terms of signage I have no plans to sign the paths from the main road as this could lead the public to believe that the only public rights are as a bridleway or footpath. The Footpath NBRA24 is signed from where it leaves the metaled Highway and I believe this meets our statutory duty.

Wiltshire Council Archaeologist: No objection: The Wiltshire and Swindon Historic Environment Record shows an undated linear feature mapped running in the direction of the proposed development site. In line with the National Planning Policy Framework, in consideration of the significance of the heritage asset and scale of impact, I do not consider any archaeological investigation is required in relation to this application.

8. Publicity

The public consultation exercise comprised individual letters being sent to neighbours and the display of a site notice. In total 4 letters of objection (from 2 objectors) have been received which in summary raise the following issues:

- Previous complaints regarding the applicants restricting access to the public right of way.
- Concerns that the erection of a garage to the north east of the dwelling will be perceived as being within private ownership and likely to deter public use of the right of way and deter residents from their overflow parking there.
- Concerns that there may be inadequate provision for vehicles to safely use the turning area.
- Concerns that the proposed garage is to be built on highway verge and the application should be submitted as a change of use.
- Concerns that the proposed garage is to be built on former paddock land and the application should be submitted as a change of use.
- The requirement for surface water run-off provision.
- Safety concerns that vehicles will be unable to turn at the road's terminus and have to reverse down the narrow access lane.

- Overbearing impact of the garage and enclosure of the only open aspect of No.6's garden with reference to Wiltshire Council's Planning and Development Planning and Design Guide.
- Additional noise disturbance and privacy issues through additional vehicle movements associated with the garage and parking area.
- Overlooking created by the installation of additional windows on the north west elevation.
- Overdevelopment of the area – with reference to the refused historic application W/83/00524/OUT for a proposed dwelling in garden of No 1 Ireland.
- The installation of additional windows to the rear of the property and to a window in the roof is completely out of character of the property and surrounding buildings.
- The large area of timber cladding is out of keeping with the appearance of surrounding properties.
- Hedging plants were removed prior to the application being submitted - this was omitted from the application form.
- The applicants would have no right of access/ easement to the driveway of the neighbouring property in order to implement their building work.
- That appropriate consideration has not been given to the objectives of Paragraph 98 of the NPPF or the Core Strategy Policy CR1 Footpaths & Rights of Way by the Rights of Way team.
- Query why there has not been any reference to Core Strategy Policy CP52 – Green Infrastructure
- Omission of any consultation with the Ecology team in respect of bat activity
- Privacy concerns raised by the installation of an access door to the proposed garage directly exiting onto the public highway and facing neighbouring properties.
- That there has been insufficient evidencing (via photographs) within the committee report of the neighbouring properties proximity to the proposed garage building
- That there has been omission within the committee report of the existing garage serving Bishops Folly.
- Questions raised over adherence to Wiltshire Council's Planning and Development Planning and Design Guide regarding the siting of the proposed garage.
- Query over the dismissal of a proposed condition recommended by the Rights of Way Officer as reasonable.

One letter of objection was received (06.05.2020) after the submission of the revised plans relating to the development as a whole and not the revisions. The points raised within this objection have previously been summarised.

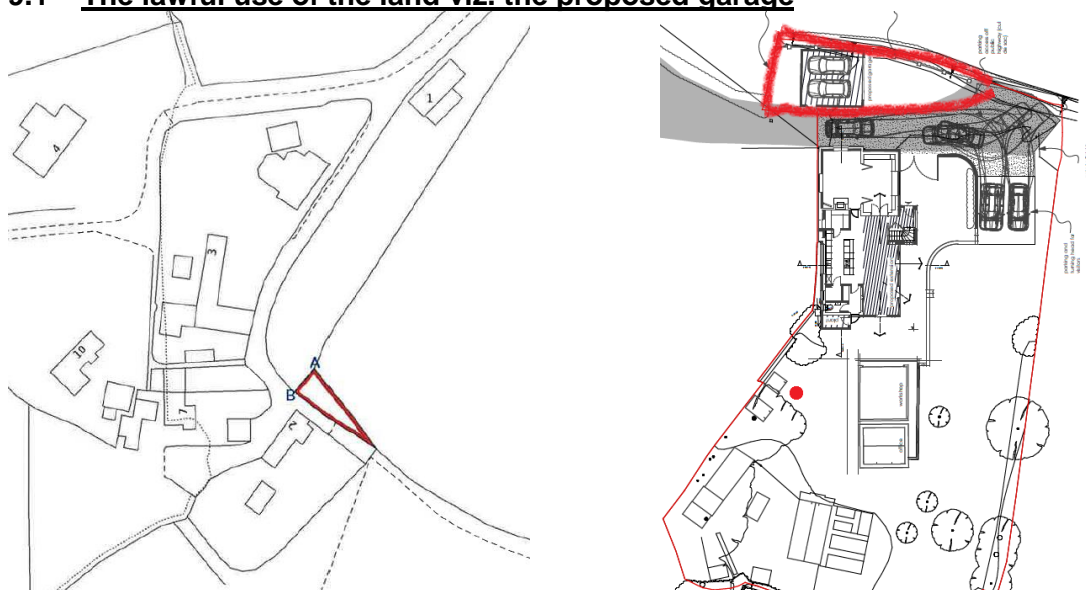
9. Planning Considerations

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.

The main issues to consider with this application are:

- The lawful use of the land for the erection of the garage
- The impact on the rights of way footpath
- The impact on the highway safety
- The impact on the Non-designated Heritage Asset
- The impact on neighbour amenity
- The impact on the character and appearance of the host dwelling and wider area.

9.1 The lawful use of the land viz. the proposed garage



9.1.1 One third party has raised questions about the lawful land use of the parcel of land where the detached garage is proposed (as roughly identified in the above right image). The objector has queried whether the land was previously highway land or used as a paddock whilst under the ownership of No.1 Ireland. However, the previous owner of the land has confirmed that it was used in association with his garden and the Council's records confirm that it is not part of the public highway.

9.2 Impact on the Public Right of Way

9.2.1 The Rights of Way (ROW) Officer raises no objections as all building works are clear of the highway and the public right of way. The ROW officer supports the proposed parking and turning head as these remove any vehicles from blocking the entrance to the public footpath.

9.2.2 Third party concerns relating to the restricting / blocking of accesses are civil / police matters and are not material to the consideration of a planning application. Likewise, conjecture over the applicant's intentions or otherwise to utilise the public highway for private use and/or dissuade public access to the right of way is not relevant to the consideration of the application. A third party has raised the issue of why Core Policy 52 was not referenced in the decision-making process, whilst it is acknowledged that this policy refers to Green Infrastructure and can include domestic gardens, due to the limited scale of the scheme proposed the application of this policy is not considered relevant.

9.3 Impact on the Highway Safety

9.3.1 Third party concerns regarding the access to the highway have been considered by the Highways Officer. The Highways Officer raises no objections to the proposed garage as it would not cause an obstruction to the public highway. The upgrading of the public highway would be subject to a standalone vehicle access application to Highways Services. Conditions are proposed to ensure the vehicle access to the parking spaces would remain un-gated and to mitigate any surface water run-off.

9.3.2 Safety concerns raised by third parties relating to traffic within the narrow access lane unable to turn at the road's end have been addressed by the proposed upgrade of the

existing turning head. This would enable adequate manoeuvring within the highway land for vehicles to reverse and turn safely. Vehicles turning into and from the driveways of No.6 No.7 and No.8 Ireland would be largely unaffected by the proposed scheme as the highway access would be as existing, with the garage contained within the land owned by No.2

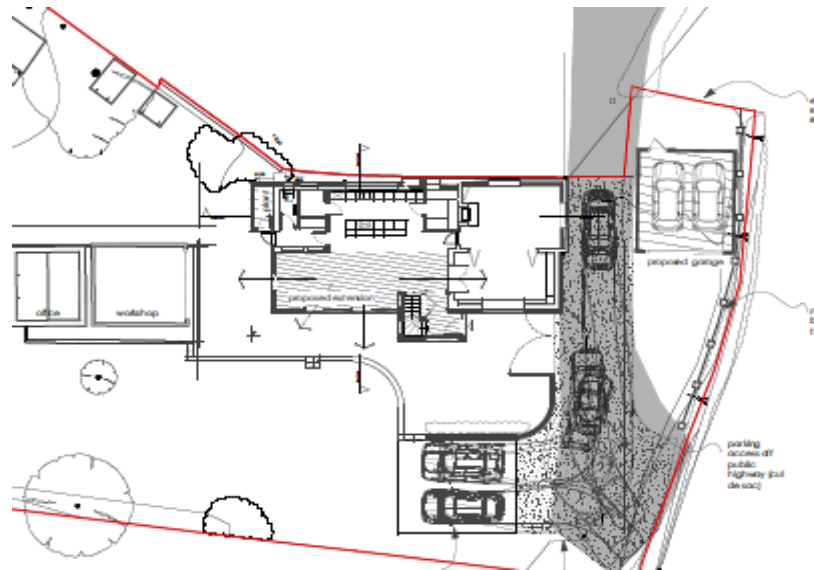
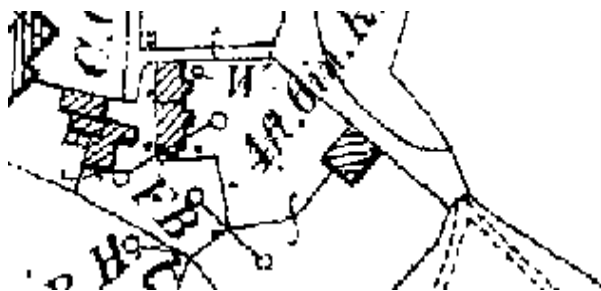


Illustration of the proposed garage, turning head and parking access off the public highway

9.4 Impact on the Non-Designated Heritage Asset

9.4.1 Paragraph 135 of the NPPF requires local planning authorities to take account of the effect of an application on the significance of a non-designated heritage asset. In weighing up proposals that affect directly or indirectly non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss, and the significance of the heritage asset.



- ▶ Landmark - Historic Maps - Epoch 1 - 1868-1899 - 500
- ▶ Landmark - Historic Maps - Epoch 2 - 1895-1911 - 10560
- ▶ Landmark - Historic Maps - Epoch 2 - 1895-1911 - 2500
- ▶ Landmark - Historic Maps - Epoch 3 - 1908-

9.4.2 Based on site observations and the historic mapping records (Landmark Epoch 2 dated 1895-1911) which dates back to the 19th century, the existing house is identifiable on the historic map and merits being considered as a non-designated heritage asset. Built in the Victorian era, it has some historical interest, with its significance defined by its traditional construction materials and the contribution it makes to the immediate environs.

9.4.3 The proposed extension would enhance the current living accommodation, the design is considered complimentary, and the materials proposed are of high quality.

9.4.4 Taking into consideration the scale of the proposed extensions combined with the proposed design, materials and overall size, it is considered that the development would not harm the significance and / or character of this non-designated heritage asset.

9.5 Impact on Neighbour Amenity

9.5.1 With regards to the potential overbearing effect of the garage on No. 6, whilst the owner's outlook from No. 6 would be altered by having a structure on the application site, the distance from the proposed building would be 31m; and with the proposed garage having a maximum height at the ridge of only 4.2m, it is not considered that the relationship with No. 6 would be overbearing or result in any overlooking.



Aerial photograph illustrating the distance separating the proposed garage site and the neighbouring property at No.6 Ireland

9.5.2 It is not considered that the erection of a garage would create any additional vehicle movements (and therefore noise disturbance) over and beyond what is currently experienced by the existing access and parking arrangements. The proposed access door on the north west side elevation of the proposed garage maintains sufficient separation distances to neighbouring properties to dismiss any harm concerned with overlooking, especially as the properties are separated by the unclassified road.

9.5.3 Third party questions have been raised over the siting of the garage adjacent to the front gardens of No. 6 and No.7 Ireland, giving reference to the Planning and Design Guide “ . . . detached buildings are not normally acceptable at the front of semi-detached or terraced houses because of their dominant impact on the street scene and adjoining properties ... “this guidance relates to the host dwelling and is given as guidance to protect the existing street scene within built up residential areas. The Planning and Design Guide also gives reference to garages within detached properties being acceptable within front gardens where they “form part of the existing character of the street e.g. where garages were built as part of the original layout of an estate” and a third party claim that a precedent has been set by the existing layout of the five properties located at the end of the lane having driveways or garages set within the curtilage.

9.5.4 Whilst this is duly noted, the garage proposed is within the residential curtilage of No.2 and it is also noted that the property at No.8 Ireland immediately adjacent to Bishops Folly received planning permission in 2007 for a change of use from agricultural land to enable the erection of a garage and garden store.

9.5.5 Responding to third party comments raised over the omission of the existing garage and the neighbouring properties proximity to the proposed garage the photo above clearly illustrates the existing layout of the properties within the vicinity of the application site and plans included within this report also reference the existing garage located beyond the western elevation of the host dwelling.

9.5.6 The proposed windows in the rear (north west facing) elevation of the proposed extension would not result in harmful overlooking or loss of privacy to the near neighbours given the existing arrangement of windows and separation distances between the building and the neighbouring properties (see existing and proposed north-west elevation drawing 'snips' in section 5, above).

9.5.7 The proposed roof light located within the rear roof slope of the altered house would be positioned 2.9m above the internal floor level, this preventing any overlooking from this window. For these reasons, it is considered that neighbour amenity would not be adversely affected, and the development proposal is compliant with policy CP57 of the Core Strategy.

9.6 Impact on the character and appearance of the existing dwelling and surrounding area

9.6.1 The double storey extension, by reason of its complementary roof and elevational design would represent an acceptable addition to the host dwelling being proportionate to the size of the plot. The garage is viewed as subservient to the main dwelling and proportionate to the area defined as the residential curtilage. The use of quality materials (render and rubble walls with timber cladding, slate and zinc roofing and aluminium fenestration) would help to harmonise the development with the surroundings which already supports development of mixed character and form. For these reasons, the proposal would comply with policy CP57 of the Wiltshire Core Strategy.

9.6.2 This application for the extension to the host dwelling follows a previously approved scheme (15/01030/FUL) that has expired without implementation. The previously approved scheme was for a two storey and single storey extension to the western elevation of the host dwelling. This scheme proposes a larger double storey extension to the west (omitting the single storey element) and squares off the existing 'L -shape' footprint adding a front porch and covered wrap-around veranda. Bishops Folly benefits from an extended residential curtilage of approximately 0.13 ha and with the proposed extensions and garage equating to an additional footprint of approximately 70sqm above the existing footprint the proposed development is not considered to constitute as overdevelopment of the site.

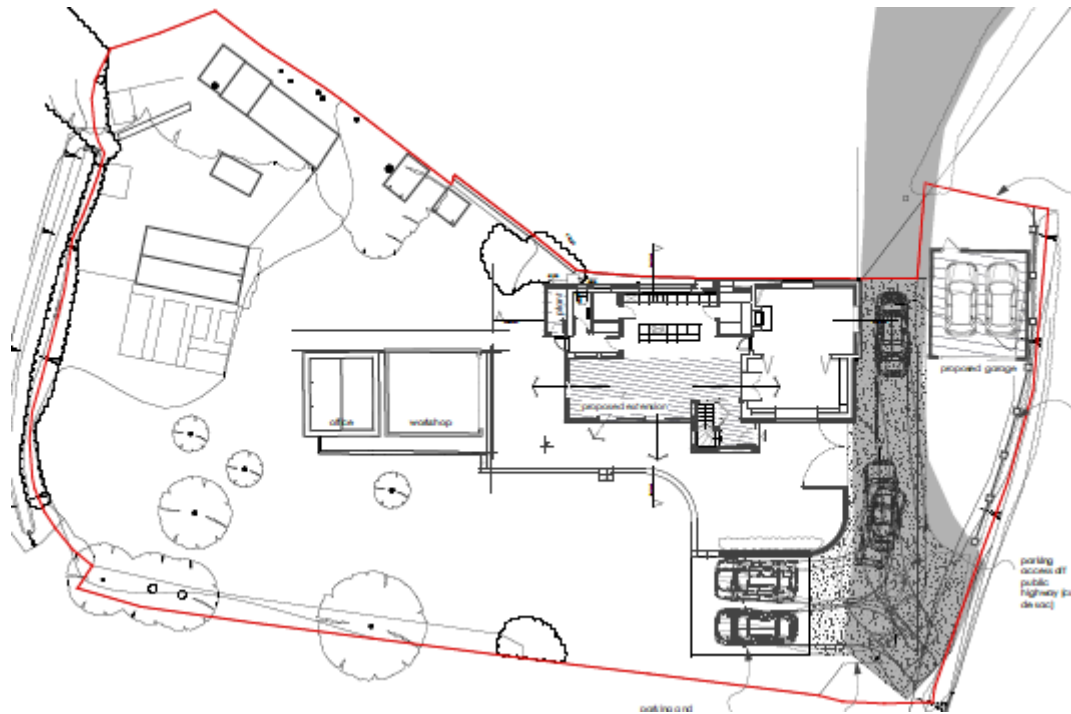


Illustration of the proposed footprint of Bishops Folly

9.6.3 Whilst it is acknowledged that there was an application refused in 1983 (W/83/00524/OUT) for a detached dwelling in the rear garden of No.1 Ireland with separate access, that decision was for an independent dwelling and within a separate parcel of land, and so is not comparable or relevant to the current proposal.

10. Conclusion

For the reasons set out in this report, the proposal is considered to comply with the policies of the development plan and to have no significant adverse impact on the amenities of residents of nearby properties and the appearance of the area. Accordingly, the application is recommended for approval

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

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

- Existing Site Plan - DWG No - 13327/5000B - Received 06.01.2020
- Existing Ground Floor Plan - DWG No - 13327/5001B - Received 06.01.2020
- Existing First Floor Plan - DWG No - 13327/5002B - Received 06.01.2020
- Existing Elevations - DWG No - 13327/5011A - Received 06.01.2020
- Location Plan - DWG No - 13327/5100A - Received 06.01.2020
- Proposed Site Plan - DWG No - 13327/6000L - Received 04.05.2020

Proposed Ground Floor Plan - DWG No - 13327/6001H - Received 04.05.2020

Proposed First Floor Plan - DWG No - 13327/6002G - Received 06.01.2020

Proposed South East & North East Elevations - DWG No - 13327/6012D - Received 06.01.2020

Proposed South West & North West Elevations - DWG No - 13327/6013F - Received 04.05.2020

Proposed Garage Elevations - DWG No - 13327/6014D - Received 04.05.2020

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

3. The double garage hereby permitted shall not be first brought into use until the access to it from the edge of the carriageway, has been consolidated and surfaced in accordance with details to be submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, the vehicle access to the parking spaces shall remain ungated, unless a separate grant of planning permission is obtained from the local planning authority.

REASON: In the interests of highway safety.

5. No part of the development hereby approved shall be first brought into use until the parking and turning head for visitors shown on the approved plans has been consolidated, and surfaced in accordance with details to be submitted to and approved in writing by the local planning authority. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

6. No development shall commence on site until a scheme for the discharge of surface water from the site of the double garage, access, and turning area, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

7. **Informative:** The applicants are advised that the discharge of this condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.

8. **Informative:** The application involves the upgrading of the public highway. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.