

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22 July 2020
Application Number	20/03166/FUL
Site Address	45 Seymour Road, Trowbridge BA14 8LX
Proposal	Proposed new dwelling
Applicant	Mr Craig Stone
Town/Parish Council	TROWBRIDGE
Electoral Division	Councillor Edward Kirk, Trowbridge Adcroft
Grid Ref	385637 - 158767
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Edward Kirk has requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Kirk for Members to consider are as follows:

- The scale of development
- The visual impact upon the surrounding area
- The relationship to adjoining properties
- The design – bulk, height, general appearance
- The environmental/highway impacts
- The car parking provision

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.

Trowbridge Town Council objects to the proposed development for the reasons set out within section 7 of this report. Section 8 summarises the one letter of representation the LPA has received.

2. Report Summary

This application is a material revision to the planning application which was refused under application reference 19/04777/FUL – that sought permission for a two=storey 3-bed detached dwelling. The application was determined against the Wiltshire Core Strategy and NPPF and was refused under delegated authority for the following reasons:

- 1 The proposed dwelling by reason of its location, building layout, built form, height, scale and area of amenity space fails to relate positively to the existing street scene and fails to effectively integrate into its immediate setting, and would result in a cramped form of*

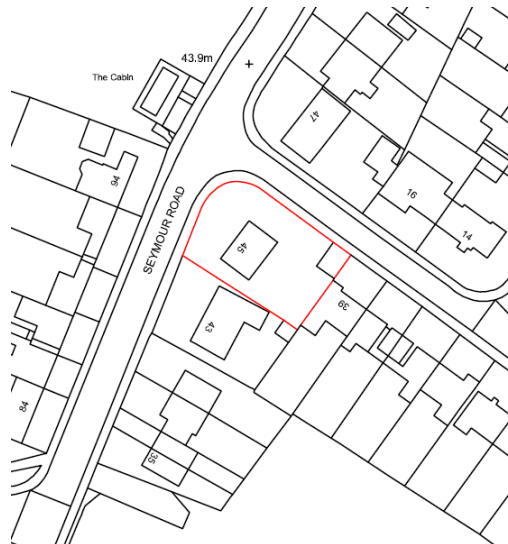
development. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy.

- 2 The proposed dwelling by reason of its location and design relates poorly to, and would overlook, the neighbouring dwelling private amenity space at No. 43 Seymour Road to the south and would be in a cramped relationship with the existing building at No. 45 Seymour Road, resulting in an overbearing and overshadowing presence harmful to the amenity of future occupants. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy.

The key issues therefore are whether or not the above reasons for refusal have been overcome and if the revised proposals introduce any new material considerations militating against approval.

3. Site Description

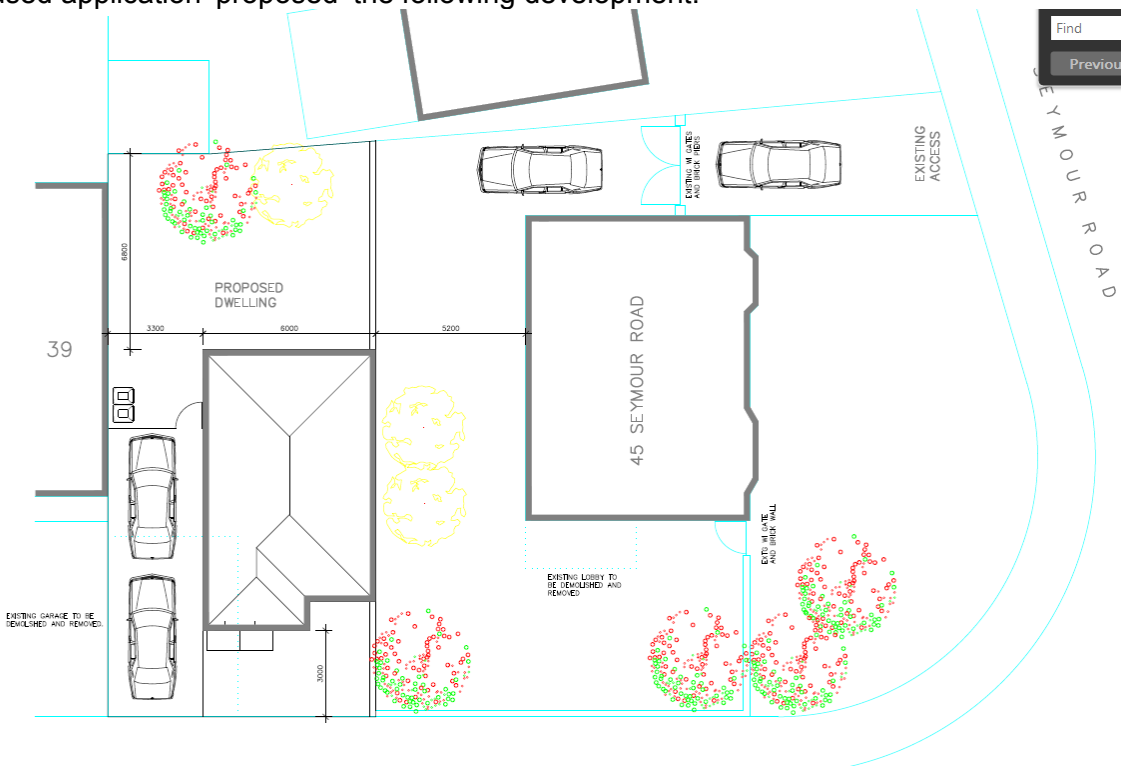
The application site forms part of the residential curtilage to the detached dwelling at No. 45 Seymour Road, which is located on a corner plot at the intersection of Seymour Road & Palmer Road in Trowbridge. The existing dwelling is a single storey bungalow, with a detached garage to the rear. To the south east lies No. 39 Palmer Road and, to the south west, 43 Seymour Road.



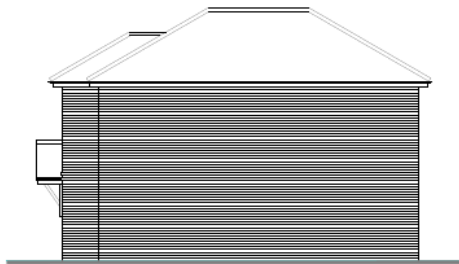
4. Planning History

19/04777/FUL - Proposed two storey three-bedroom detached dwelling Refused: 16. 07.2019.

The refused application 'proposed' the following development:



NORTH-EAST (FRONT) ELEVATION



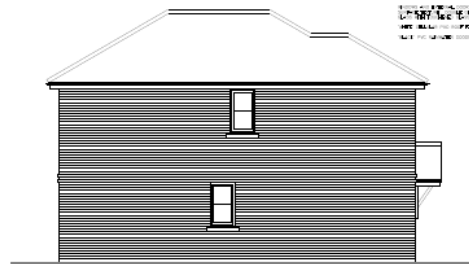
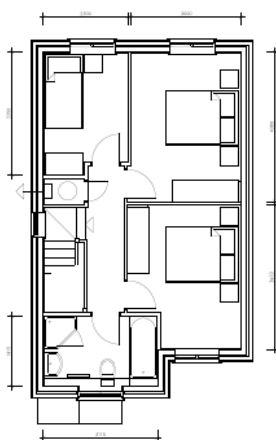
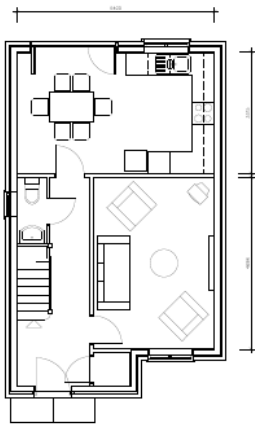
NORTH-WEST (SIDE) ELEVATION



SOUTH-WEST (REAR) ELEVATION

AutoCAD SHX Text
NORTH-WEST (SIDE) ELEVATION

PROPOSED EXTER
[Illegible text]



SOUTH-EAST (SIDE) ELEVATION

FLOOR AREA
[Illegible text]



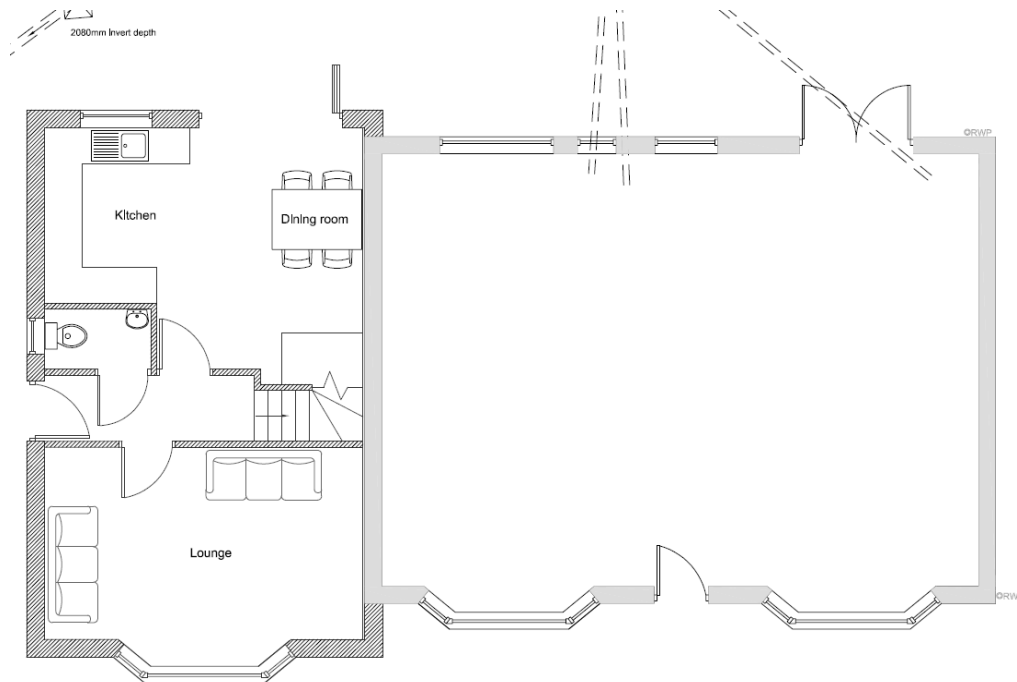
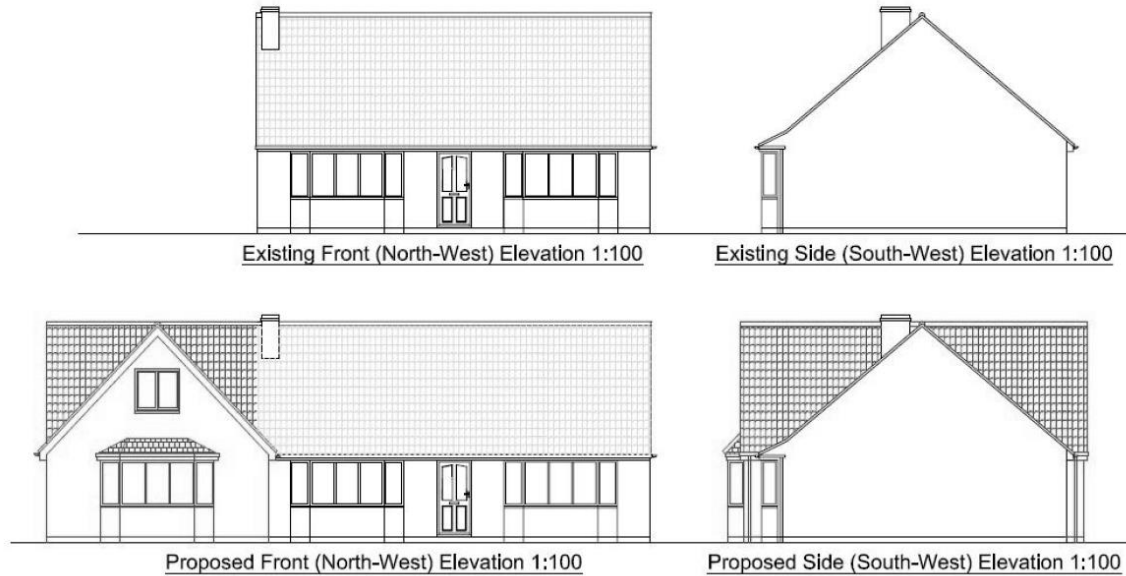
19/04733/FUL – Proposed change of use from unitarian meeting house to residential and alterations to existing bungalow – Approved 16.07.2019

W/87/00224/FUL – Change of use of domestic bungalow to church and meeting hall – Approved 31.03.1987

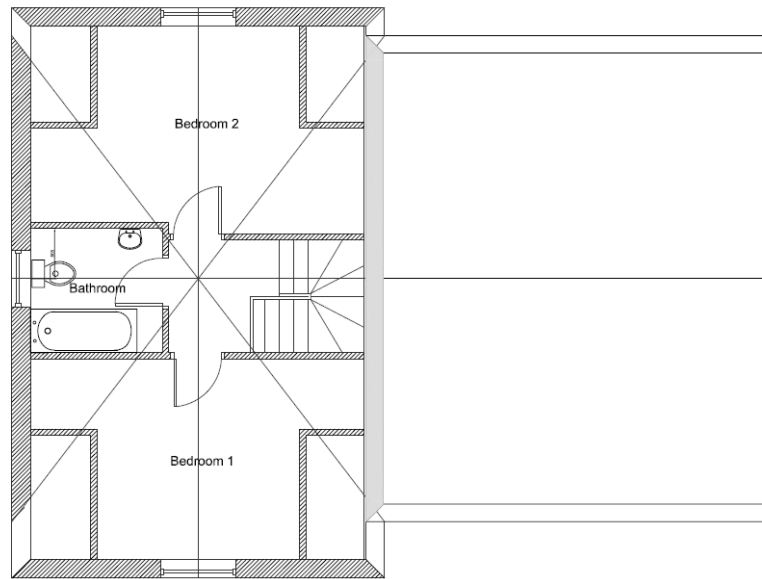
W/81/01174/HIS – Private garage – Approved 13.04.1982

5. The Proposal

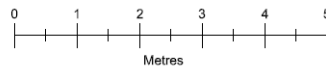
The proposal is for a new two-bedroomed dwelling which would form a semi-detached pair with the existing bungalow on site. The two bedrooms to the modest dwelling would be provided within the roof space, with the ridge line of the new building matching that of the existing structure.



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Block Plan 1:200

6. Planning Policy

Wiltshire Core Strategy: CP1 Settlement Strategy; CP2 Delivery Strategy CP29 Spatial Strategy: Trowbridge Community Area; CP57 Ensuring high quality design and place shaping; and CP61 Transport and New Development.

The National Planning Policy Framework and Planning Practice Guidance

7. Summary of consultation responses

Trowbridge Town Council - Objects on the grounds that the proposed dwelling by reason of its location, building layout, built form, height, scale and area of amenity space fails to relate

positively to the existing street scene and fails to effectively integrate into its immediate setting, and would result in a cramped form of development. The proposed dwelling by reason of its location and design relates poorly to, and would overlook, the neighbouring dwelling private amenity space at No. 43 Seymour Road to the south and would be in a cramped relationship with the existing building at No. 45 Seymour Road, resulting in an overbearing and overshadowing presence harmful to the amenity of future occupants.

Cllr Kirk invited attention to a dismissed appeal for refused application 17/00160/OUT which was pursuant to a separate dwelling and related to similar issues.

Note for committee: Whilst every application must be tested on their own merits, officers are mindful that Cllr Kirk has specifically referenced the above 2017 appeal, and as such, the planning inspector's reasons for dismissing the outline appeal for a detached dwelling within the grounds of No.86 St Thomas Road on 15.12.2017 are listed below:

"10. The rear garden of no. 86 is stepped, with the rear part being at a slightly higher level than the area adjacent to the existing rear elevation and conservatory. As this is an outline application I do not have full details of the proposed new dwelling but its side elevation would be located in close proximity to the front garden of no. 2 Grasmere. However, as this is a large front garden and the main property is some distance further back I do not consider that it would have an overbearing effect on no. 2.

11. In addition, the proposed dwelling would be reasonably close to the common side boundary with no. 84. It would occupy much of the plot formed by the existing rear garden of the host property, and no. 84 has a rear garden of a similar length. Despite there being some separation distance between the nearest elevation of the proposed dwelling and the common side boundary with no. 84 I consider that the proposal by virtue of its prospective footprint and positioning would be likely to have an overbearing impact for the occupiers of no.84. There is also the potential for overlooking of the rear garden of no. 84. However, the degree of overlooking could potentially be made acceptable through the specific design of the dwelling and associated landscaping.

12. Although the proposal would result in a much smaller garden area for the host property I consider that it would still enjoy a reasonable amount of private outdoor space and thus the proposal would be acceptable in this regard. Due to the distances involved and the difference in levels between the proposed and host property I consider that the proposal potentially would have an overbearing effect on no. 86 and would also have the potential to give rise to an unacceptable level of overlooking for the occupiers of no. 86. Again, the degree of overlooking possibly could be reduced to an acceptable level through the detailed design of the new dwelling and the siting of suitable landscaping or boundary treatments.

13. The appellants have submitted a diagram to demonstrate that the proposed dwelling would accord in regard to no. 86 with the '25-degree rule' that is described in West Wiltshire District Council's Design Guidance House Alterations and Extensions Supplementary Planning Guidance, July 2004. I concur that based on this a suitable level of sunlight and daylight could be achieved.

14. It is difficult to fully assess the effect on the living conditions of the occupants of nearby properties without a detailed design. Nevertheless, it is likely that the harmful effect on the living conditions of the occupiers of nos. 84 and 86 in terms of overlooking and being overbearing would be greater if the proposed dwelling were two storeys in height.

15. Due to the relationship between the appeal site and the neighbouring properties, I consider that even if a single storey design option was chosen the proposal would be likely to have an overbearing effect that would unacceptably detract from the living conditions enjoyed by the

occupiers of no. 84 and to a lesser degree those of no. 86. Furthermore, the appellants have not provided sufficient evidence to adequately demonstrate that the proposal would be acceptable in this regard. As such, it would be contrary to paragraph 17 of the Framework and also to CS Core Policy 57 which seeks to ensure that development has regard to the compatibility of adjoining buildings and the amenities of existing occupants”.

The site plan for refused application 17/00160/OUT is shown below:



Wiltshire Council Highway Officer – No objection.

8. Publicity

Following the neighbour notification exercise, one third party objected on the grounds of overdevelopment and increased highway hazards at the intersection of Palmer Road and Seymour Road, especially due to the busy nature of the latter. Additional concerns were raised about loss of privacy and nuisance during construction.

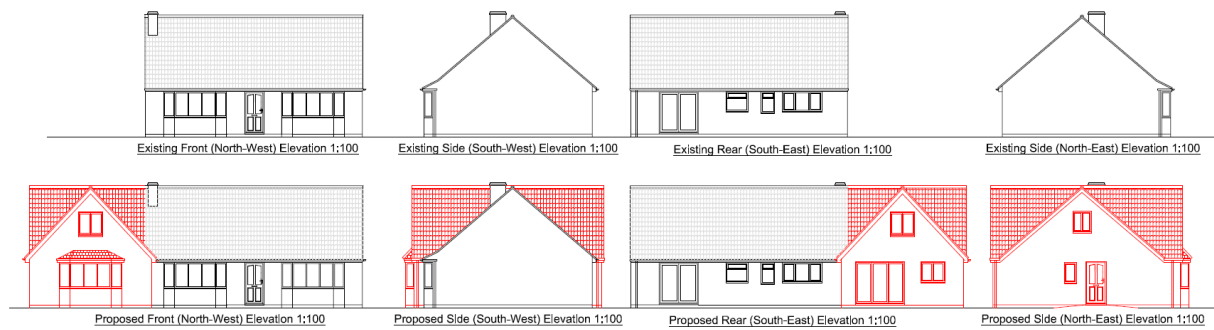
9. Planning Considerations

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.

9.1 Principle of Development - The site lies within the settlement boundary of Trowbridge. Core Policy 1 and Core Policy 29 define Trowbridge as a Principle Settlement; and, Core Policy 2 identifies that within the limits of development, there is a presumption in favour of sustainable

development at, amongst others, Principle Settlements. The principle of development has therefore been established and the scheme complies with Core Policies 1, 2 and 29 of the Wiltshire Core Strategy.

9.1.1 Site Specific Considerations - The site was the subject to a recent planning application which was refused for a detached dwelling within the rear garden (see section 4 above). The current proposals seek permission to extend the existing dwelling to create a semi-detached unit and there would no longer be substantive overshadowing or overlooking concerns to neighbouring properties. The previously cited concern attached to the 2019 development being cramped with the rear-facing aspect of the existing dwelling at 45 Seymour Road would also no longer arise. The 2019 proposed double-storey detached building would have been out of keeping with the existing dwelling and the neighbouring street scene. The applicant now proposes to create a separate residential unit by extending the existing property as shown below which would create a continuous roofline – to which officers have no objection and would argue would be sympathetic to the host property and surrounding development, including the nearby dwelling positioned opposite – as shown in the photograph below - which has dormers and a side-facing window serving rooms to the roofspace.

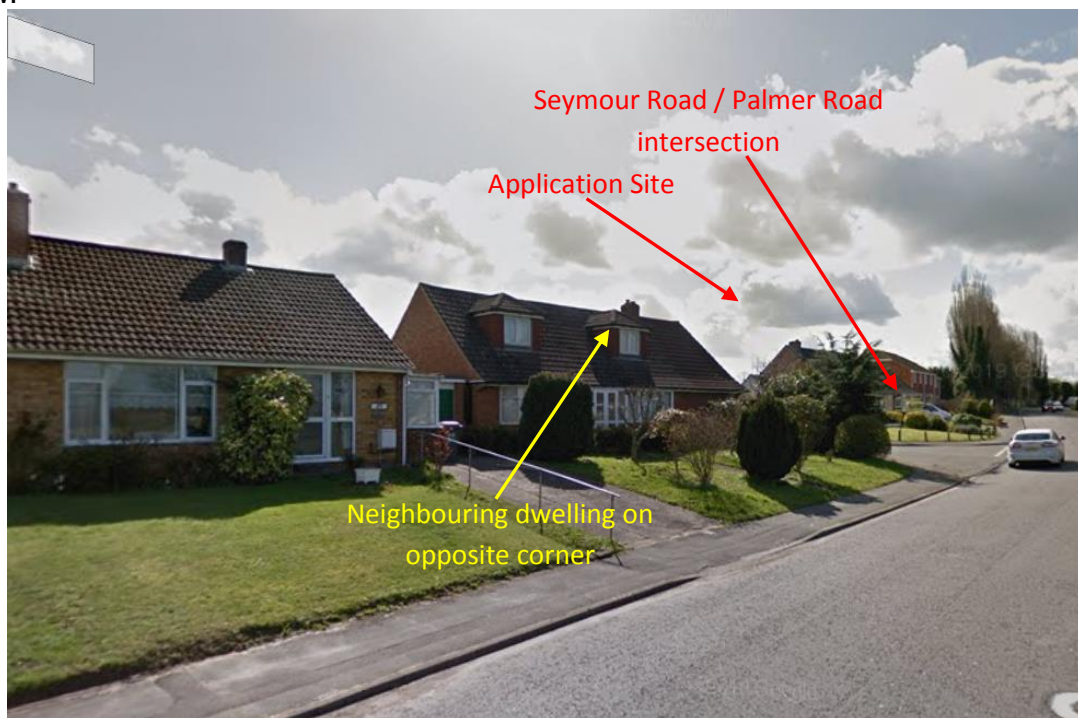


Officers are of the opinion that the cited reasons for refusing application 19/04777/FUL have been overcome. However, this fresh application must also be considered on its own merits to which the following commentary applies.

The subject property is located in a residential area where there is a variety of house types and construction materials with Palmer Road primarily comprising double-storey detached dwellings. Whereas, within the vicinity of the site along Seymour Road, there is a variety of dwelling types to the south, ranging from bungalows to double storey terraces and semi-detached dwellings as the following site photograph reveals.



To the north there is a row of bungalows, including a dormer bungalow as shown above and below.



The site is not in a Conservation Area or location having any protected landscape designation. The proposals would create a new frontage and gable end that would face onto Seymour Road but would not be visually obtrusive or harmful.

It is noted that the Town Council has raised concerns about the proposed development relating poorly to and overlooking No.43 Seymour Road. Officers do not consider the development to harm No. 43 and there would be no windows overlooking No.43. The proposed rear elevation upper floor bedroom window would face across to the blank gable of No 39 Palmer Road – which is illustrated on the following photograph.



The proposed 2-bed dwelling would have its own dedicated amenity provision/ garden ground at the front and rear which are considered acceptable. Both the new and existing dwelling would be provided with two on-site car parking spaces which is acceptable to the Council's highway officer.



The 2017 cited appeal decision to which Cllr Kirk refers, for a detached dwelling within the domestic curtilage of a property at St Thomas' Road is not considered comparable to what is proposed at No.45 Seymour Road; and, as stated previously, every application must be tested on its own merits.

With regard to third party representation, officers do not consider the development would have unacceptable highway impacts and the new dwelling would have a private rear garden space including parking that would extend to 100m² with the depth of the garden, excluding the parking

provision measuring 9.4m - which is considered acceptable to serve the needs of the proposed 2-bed dwelling.

In view of the above, it is considered that no unacceptable neighbouring amenity issues would arise and the design is acceptable in this corner-plot context.

10 Conclusion (The Planning Balance)

The proposal would provide a new dwelling within a sustainable location in Trowbridge Development Limits, where new development accords in principle with WCS policy. The design is appropriate to the setting and street scene. No unacceptable harm would arise for neighbouring amenity or to highway safety.

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

AH2020/42 Sheet 1 of 3 Registered on 30 April 2020
AH2020/42 Sheet 2 of 3 (Revised) Received on 3 June 2020
AH2020/42 Sheet 2 of 3 Registered on 30 April 2020

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

3 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter. The surface areas shall be so constructed as to prevent the flow of surface water from the site onto the adjacent public highway.

REASON: In the Interests of highway safety.

4 The materials to be used in the construction of the external surfaces of the new dwelling shall match those of the existing dwelling.

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

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