

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	13 <sup>TH</sup> July 2011		
<b>Application Number</b>	N/11/01456/FUL		
<b>Site Address</b>	Loreley, Newlands Green, Kington Langley, Wiltshire SN15 5NZ		
<b>Proposal</b>	Extension to Provide First Floor to Part of Property		
<b>Applicant</b>	Mr J Anderson		
<b>Town/Parish Council</b>	Kington Langley		
<b>Electoral Division</b>	Kington	Unitary Member	Councillor Greenman
<b>Grid Ref</b>	392395 177335		
<b>Type of application</b>	Full		
<b>Case Officer</b>	Lee Burman	01249 706 668	Lee.burman @wiltshire.gov.uk

## Reason for the application being considered by Committee

Called in by Councillor Greenman so that the Northern Area Planning Committee might consider:

- the scale of development proposed;
- the visual impact upon the surrounding area; and
- the relationship to adjoining properties.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon visual amenity
- Impact upon neighbour amenity

The application has generated objections from Kington Langley Parish Council and 8 letters of objection from the public.

### 3. Site Description

The site is a large backland plot of land to the rear of existing properties and appears to have been a rear garden space at some time in the past. The property is a large L-shaped single-storey dwelling with front parking area and rear private amenity space featuring mature trees. The property is located in close proximity to neighbouring dwellings to the south in Wayside Close.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>None</b>		

## **5. Proposal**

The proposed development is for the erection of a first floor extension over a part of the property, specifically the northern most block (Containing lounge, dining room, kitchen and hall) to provide 3 bedrooms at first floor level with one bedroom retained at ground floor level and the remaining space converted to an office; bathroom and play room.

The applicant has submitted revised plans to incorporate an angled window treatment to the rear elevation at bedroom 3. The purpose behind this is to address concerns raised by neighbours in respect of overlooking.

## **6. Planning Policy**

North Wiltshire Local Plan: Policies H8; C3

Central Government Planning Policy: Planning Policy Statement 1; Planning Policy Statement 3

## **7. Consultations**

Kington Langley Parish Council have objected to the proposed development on the grounds that the scale of extension proposed is not in keeping with the host dwelling; that the site would become over developed; that there would be harm to neighbouring residential amenities through loss of daylighting, overshadowing and loss of privacy; and is out of character with neighbouring properties;.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

8 letters of objection were received.

Summary of key relevant points raised:

- Harm to residential amenities of neighbouring properties (in particular Wayside Close)– loss of privacy/overlooking; loss of daylighting; overbearing
- Inaccurate plans and supporting information
- Out of character with neighbouring properties (two storey proposed, neighbours are bungalows)
- Overdevelopment of the site
- Permission would set a precedent
- Harmful impact on the character of Wayside House
- Traffic Generation - Construction
- Potential for inappropriate alternative uses of the property in the future
- Impact on the visual amenity and character of the locality
- Fenestration out of scale with that of neighbouring properties
- More prominent in views from neighbouring properties
- Inappropriate roof tiles

- Noise and other pollution from construction
- Inadequate access

## **9. Planning Considerations**

### Principle of Development

The application site is within an established residential area and within the defined framework boundary for the village of Kington Langley. Proposals for residential development and the extension of existing dwellings is acceptable in principle subject to assessment of the proposals against a range of criteria as set out in policies C3 and H8 of the North Wiltshire Local Plan 2011 and in more general terms in the guidance contained in PPS1 and PPS3.

In general terms the proposed extension is considered to be in keeping with the scale and form of the existing dwelling. Whilst this involves adding a second storey to a bungalow this affects only part of the dwelling, involves a low roof pitch and follows the existing building lines of the property. In other instances elsewhere in Wiltshire similar proposals have been permitted. Whilst the proposal would result in a dwelling footprint larger than some neighbouring properties this in itself is not a reason for refusal. Whilst in broad terms new residential development should reflect the character of the existing locality, slavish adherence to exact dimensions and character of the immediately adjoining properties is not appropriate, this would exclude any scope for innovation or enhancement in the development of new buildings. In this context it should be noted that the proposal is not for wholly new residential dwelling and that the locality features a mix of house types. It is, however, acknowledged that the property has been previously extended and with the current proposals the scope for further extension is limited.

### Impact on Visual Amenity

The site is set back from adjoining roads off a long narrow drive and largely screened from the wider locality by existing mature planting and boundary treatments and neighbouring dwellings. As such this site cannot be described as being visually prominent within the locality. The proposed development is of a limited scale and given the positioning of the site and existing site screening the proposals would not significantly change this situation. The scale of development proposed is relatively limited relating to only a part of the dwelling and designed to reflect the scale and form of the existing and other properties in the locality. The overall increase in height is limited to approximately 2 metres at ridge level. In this context the proposal could not be described as visually harmful in respect of the locality. That is not to say that the existing dwelling or the proposed extension would not be visible from neighbouring properties. The fact that a dwelling and proposed extension can be seen by a neighbour does not in itself mean that there is significant harm to visual amenity sufficient to warrant refusal of planning permission. The views from an existing dwelling are not protected under the planning system as this could result in the refusal of permission for necessary development in too many instances. This issue has been tested at appeal and has established that on balance the benefits of development outweigh any limited harm that may arise as a result of such change.

The applicant has proposed the use of grey plain tiles whereas the majority of the existing properties, including Loreley itself, utilise clay double roman pantiles. Whilst not exactly the same as existing and neighbouring the proposals are not considered to be so out of character and visually discordant as to warrant refusal. It is not feasible to utilise as these require a much steeper roof pitch. The pitch of the roof has been designed to accord with that of the existing and neighbouring properties and more specifically to minimize any potential scope for overbearing impact or loss of daylighting to neighbouring properties. On balance it is not considered that the use of an alternate tile type is significantly harmful albeit there may be alternate options available either now or in the future and so it is considered appropriate to incorporate a condition requiring approval of these details.

## Impact on Neighbour Amenity

As identified above 8 letters of objection have been received from neighbouring residents all located in Wayside Close. Whilst a range of concerns are identified the principle issues that recur throughout are that the proposed dwelling would be out of character with neighbouring properties (discussed above) and that there would be significant harm to the amenities of occupiers of properties in Wayside Close. In particular residents variously object to a loss of privacy within their dwellings and gardens; loss of daylighting within dwellings and gardens; and overbearing impact. The properties in question adjoin the boundary of Loreley to the south and south east.

The nearest properties are situated some 15 metres at the closest point from the element of Loreley that is proposed to be extended. The increase in height of Loreley at ridge height is 2 metres from 4.7 to 6.7 metres. The extension would be side facing to many of the properties in Wayside Close and in particular to those that are closest and as such would present the gable end of the roof. Given this orientation, degree of separation and limited increase in height it is not considered that the proposals would be overbearing or result in significant oppression for residents of these properties. Similarly given the south, south east positioning of the Wayside Close properties in relation to Loreley, the relatively limited increase in height and the degree of separation between the properties it is not considered that there would be significant loss of daylighting to the properties either in respect of the internal or external spaces. There may be a reduction in daylighting to the garden of number 13 late during the day but this is considered to be relatively limited. It is not considered that the reduction in daylighting to the garden space would be sufficient to warrant refusal of the application.

Given the positioning of neighbouring properties in relation to the proposed extension and the proposed positioning and scale of window openings at first floor level in relation to neighbouring properties in Wayside Close that could potentially be overlooked it is not considered that there would be a significant loss of privacy. Number 11 is positioned at an oblique angle to the Loreley and direct overlooking to window to window would not be possible. Similarly Number 13 is positioned at an angle to the rear elevation of Loreley and at a distance of 10 metres separation. The applicant has also submitted revised designs for the proposed window closest to the neighbouring properties in Wayside to further restrict the scope for occupants of the property to look toward numbers 11 and 13 Wayside Close. Taken together with the relatively limited height it is not considered that the impacts would be so harmful as to warrant refusal of planning permission. This position is similarly replicated in respect of the garden spaces to properties 11 & 13 (13 in particular) clearly an additional storey elevated by 2m over the existing height will increase the scope for overlooking to the neighbouring garden spaces. However the resultant situation would be one that is replicated in residential development old and new, throughout the country and indeed in Kington Langley. The vast majority of residential properties feature such living conditions and in this context it is not considered that the resultant living arrangements would be so neighbouring or result in such harm to residential amenity that permission should be refused. Indeed given the slight change in levels and the nature of some existing properties in the locality there is already some degree of overlooking between properties and the adjoining garden spaces in this area.

## **10. Conclusion**

The proposed development is limited in scale and mass and not visually prominent. The proposals will retain the form, plot layout and essential character of the existing property. Whilst this is a backland plot and in relatively close proximity the design incorporates design measures that result in no significant harm to the amenities of neighbouring residential properties.

## **11. Recommendation**

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its design character which is in keeping with the character of the existing property. The proposal is in accordance with policies

C3 and HE8 of the North Wiltshire Local Plan (2011).

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. Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the roof materials 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.

POLICY- C3

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: To be confirmed – awaiting revised plans

REASON: To ensure that the development is implemented as approved.

DAVY'S LANE

Fern Close

NEWLANDS CL

The Bungalow

Brock Cottage

Roseleigh

Bigbury

Sunny Mead

Issues

Newlands Cottage

Manse

Shalou

Holly House

Mullion House

El Sub Sta

Cottage Ruisseau

WAYSIDE CLOSE

DOVEYS TERRACE

