

<b>Date of Meeting</b>	14 <sup>th</sup> July 2011
<b>Application Number</b>	E/11/0190/FUL
<b>Site Address</b>	Land adjacent to Haxon Dairy, Everleigh Road, Haxon, Salisbury SP4 9PT
<b>Proposal</b>	Erection of dwelling and garage
<b>Applicant</b>	Mrs Valerie Oldrey
<b>Town/Parish Council</b>	FITTLETON
<b>Grid Ref</b>	414988 149495
<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 Howard.

**1. PURPOSE OF REPORT**

To consider the recommendation that planning permission be granted.

**2. REPORT SUMMARY**

The main issue in this case is the impact upon neighbour amenity.

**3. SITE DESCRIPTION**

This application relates to a site on the north-eastern edge of Haxon. When exiting the village on the Everleigh Road the site lies on the left hand side, immediately beyond the turning into Downs View. The site was formerly occupied by agricultural buildings but these have recently been demolished.



**Site Location**

#### 4. RELEVANT PLANNING HISTORY

**K/57623/O** – Erection of new dwelling, outline planning permission refused on the 28<sup>th</sup> November 2007. The refusal reason was as follows:

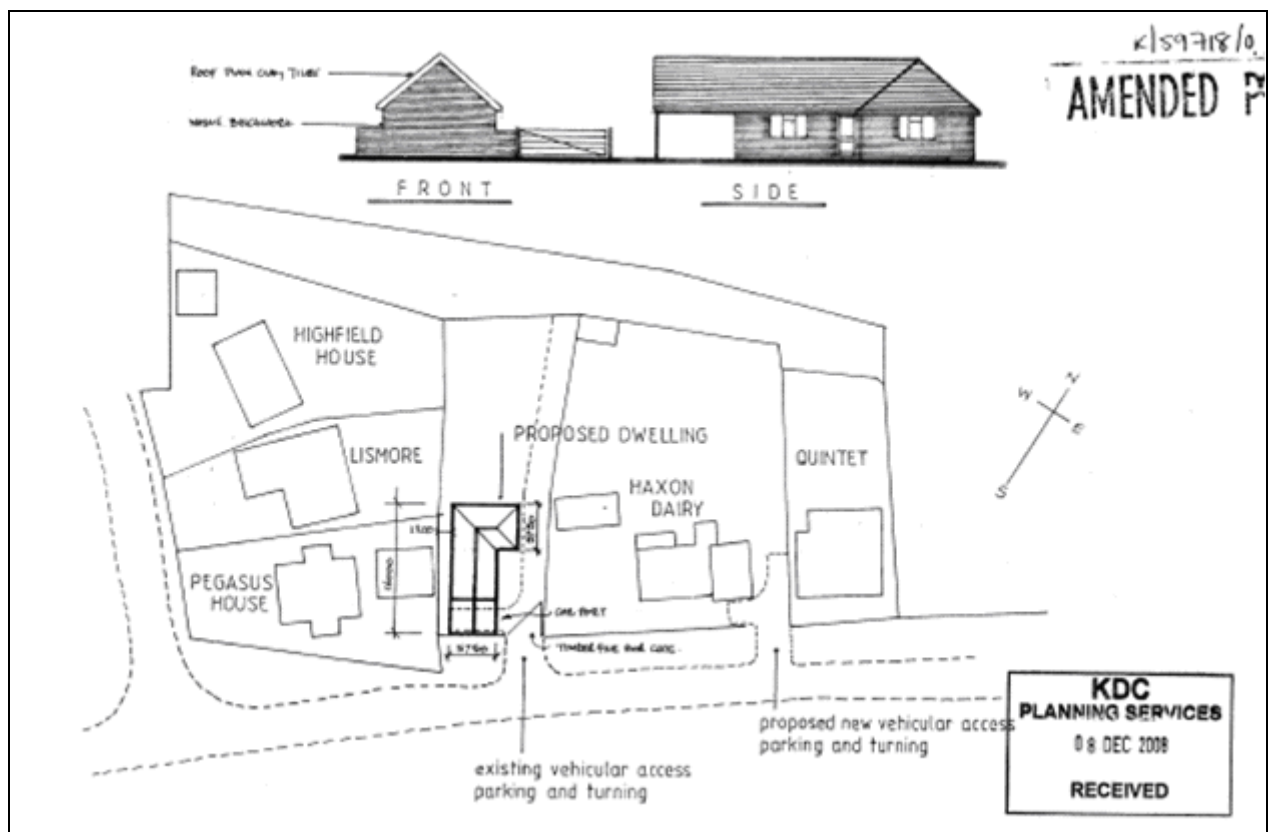
“The proposed dwelling would, by virtue of its siting on the plot and scale, be overbearing for the occupiers of adjacent properties, harmful to their amenities. Furthermore, the scale parameters provided suggest a dwelling of poor design and excessive scale. As such the proposals will be contrary to Policies HC24 & PD1 of the Kennet Local Plan 2011.”

**K/58417/F** – Erection of new two storey dwelling, planning permission refused on the 2<sup>nd</sup> May 2008. The refusal reason was as follows:

“The proposed dwelling would, by virtue of its siting on the plot and scale, be overbearing for the occupiers of adjacent properties, harmful to their amenities. Furthermore, the submitted illustrative elevations indicate a dwelling of poor design which fails to take the opportunities available for producing a high quality scheme on the site. As such the proposals will be contrary to Policies HC24 & PD1 of the Kennet Local Plan 2011.”

**K/59718/O** – Erection of single storey dwelling with new vehicular access, outline planning permission granted on 29<sup>th</sup> January 2009. A copy of the plans submitted with the application is included below for reference:

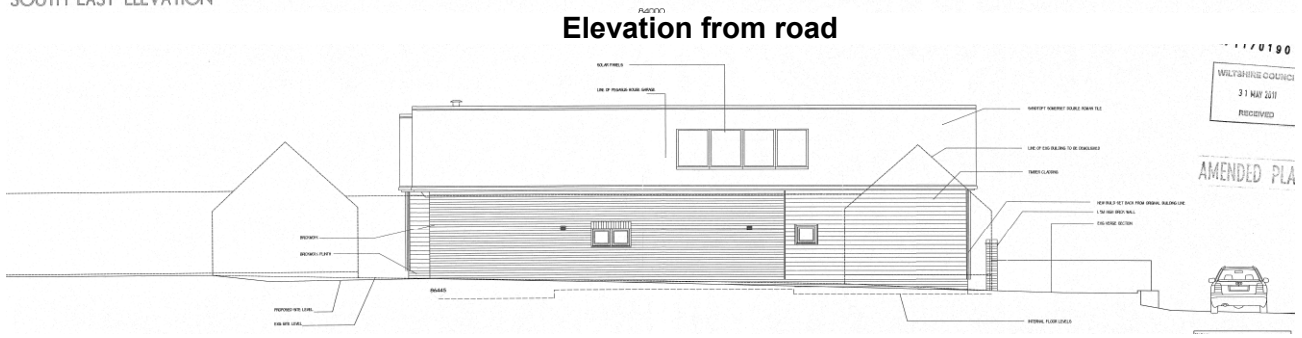
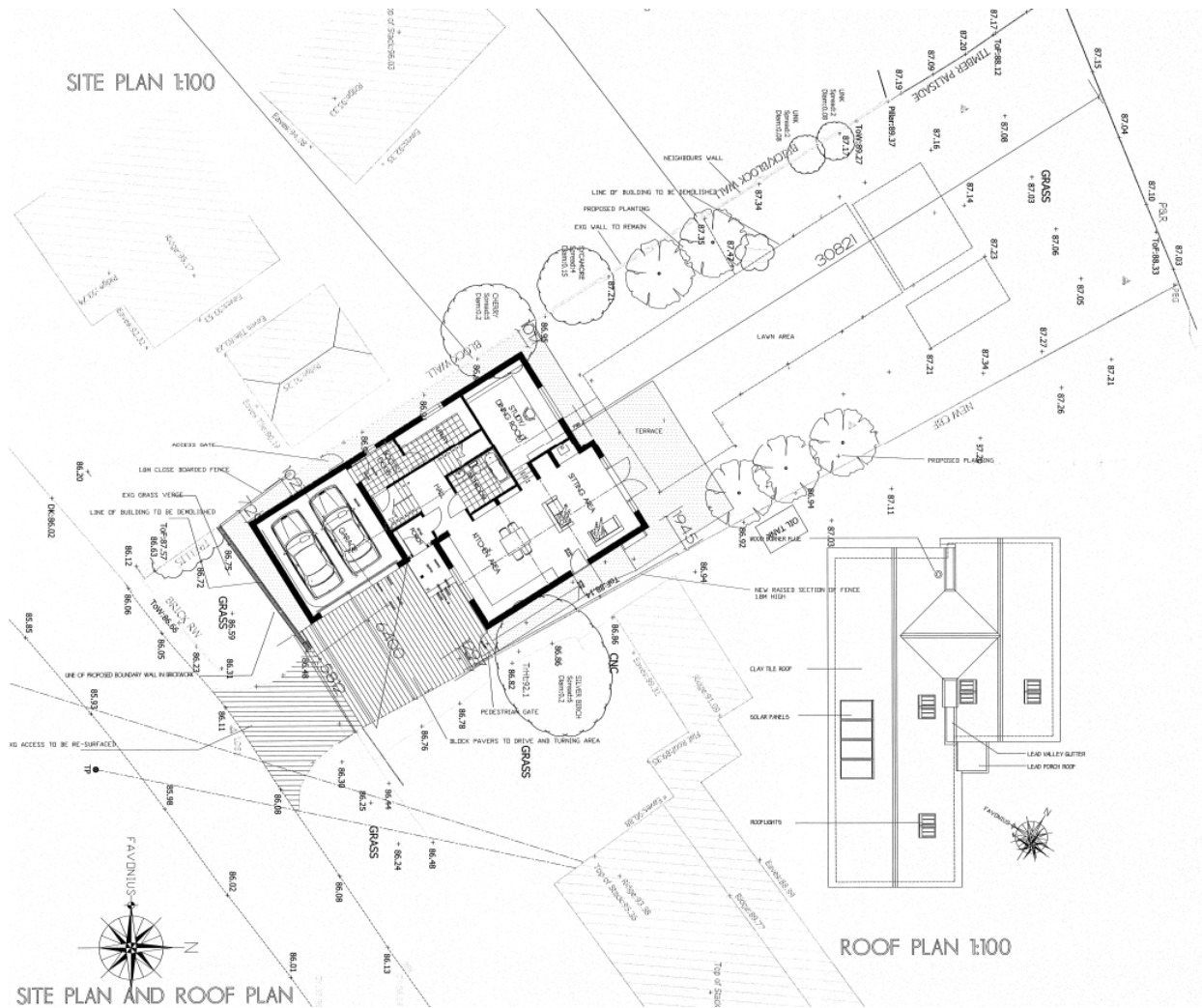
#### Scheme Approved under K/59718/O



It is worth noting that K/59718/O sought approval for only two of the reserved matters: access and scale. The above layout plan was therefore illustrative, albeit it provided a good indication as to how the site would ultimately be developed under this planning permission.

## 5. THE PROPOSAL

The current application proposes the erection of a 2 bedroom detached dwelling and integral double garage.



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## 6. PLANNING POLICY

Policies PD1 & HC24 of the Kennet Local Plan 2011 are relevant to the consideration of this application.

## 7. CONSULTATIONS

**Fittleton Parish Council** – Objects on the grounds that the proposals would be harmful to the amenities of the occupiers of Lismore, one of the dwellings immediately to the west of the site. The parish council accepted the 2m overlap on Lismore's garden proposed under the outline application. However, the level of overlap proposed under the current plans is unacceptable. The parish council suggests that the entire building is pulled forward on the plot, sacrificing the boundary wall on the road frontage.

**Wiltshire Council Highways** – no objections subject to conditions.

**Wiltshire Fire & Rescue Service** – standard guidance letter regarding fire appliance / firefighting access, water supplies for firefighting and domestic sprinkler protection.

## 8. PUBLICITY

The application has been publicised by site notice and neighbour notification letters.

One representation of objection has been received from the owner/occupiers of Lismore, one of the properties immediately to the west of the site. The neighbours are concerned by the level of overlap with their garden boundary and point out that the new building will be in direct line of view from their kitchen and bedroom. They welcome the submission of amended plans to reduce by 500mm the length of the element furthest from their property but do not consider that it goes far enough to address their concern about being 'hemmed in' and having reduced access to open sky and light. The objectors support the solution put forward by the parish council. They wish to emphasise that they have no problem with development of the site and, whilst they would have preferred no overlapping, they accepted the scheme approved at the outline stage.

The owner/occupier of Pegasus House has made a representation to confirm that he has no objections, but wants to make the Council aware of his un-bunded oil storage tank between his garage and the property boundary.

## 9. PLANNING CONSIDERATIONS

The principle of developing this site for a single dwelling was established by the grant of outline planning permission under reference K/59718/O. The issue is whether the latest scheme is acceptable in terms of its impact upon neighbour amenity. The owner/occupiers of Lismore have objected to the scheme and their position is supported by Fittleton Parish Council.

The proposal is for a pair of staggered blocks running lengthways into the site. The block closest to Lismore would overlap the garden boundary to that property by approximately 2.1m. The furthest block would project by an additional 0.735m, making the total projection approximately 2.835m.

The ridge height of the block closest to Lismore would be 5.2m above existing ground levels. The furthest block would be slightly lower at 5.0m. The building height would increase towards the front of the site due to falling ground levels, and therefore the block closest to Lismore would be 5.75m tall at the end nearest the road.

For comparison purposes, the scale parameters approved under K/59718/O were for a dwelling of height 5.2m. No slab height was specified (and there was no slab levels condition) but the worst case scenario is that the measurement would have been taken from existing ground levels. This means that the current proposal would be no higher than the dwelling already approved.

The question for the committee to consider is whether the revised siting and design for the dwelling would make it overbearing for the occupiers of Lismore (having regard to the applicant's fallback position under K/59718/O). Officers consider that the proposals are acceptable in terms of their impact upon neighbour amenity.

Although the dwelling would be taller and bulkier than the agricultural buildings which formerly occupied the site, its siting would leave the majority of the rear boundary to Lismore clear of obstruction and the neighbours would maintain a reasonable outlook and views of the countryside beyond (albeit loss of a view is not in itself a material planning consideration). It is not considered that the proposed building would be overbearing for the neighbours. There would certainly be additional massing near the neighbours' boundary but this would be mitigated by the modest eaves height (2.8m) and the fact that the roof would slope away from the boundary. There have also been some benefits to amenity from the removal of the former agricultural buildings on the site.

Both the parish council and objectors have suggested moving the building further forward on the site, thus removing the roadside wall at the rear edge of the grass verge. Whilst this may be a possibility for the block closest to Lismore (reducing the overlap with the garden to Lismore by up to a metre) it is not achievable for the other block, as to move this would prejudice the parking and turning area which is already tight. Officers have not invited any further amendment to the scheme as they consider the proposals to be acceptable as they stand. If members are considering a deferral of the application for further negotiation they should consider whether moving the block closest to Lismore forward would increase the potential for overlooking of the neighbours' garden.

The neighbours at Lismore did express concerns earlier in the application regarding the potential for overlooking from the rearward facing first floor bedroom window. This concern appears to have been addressed by the addition of timber screens either side of the window. Amended plans have been submitted during the course of the application showing a slight increase in the depth of these screens, and drawings have been submitted showing their role in preventing loss of privacy for the neighbours. Officers are satisfied that there would be no loss of privacy.

There have been no objections to the design of the proposed dwelling, except some initial concerns regarding the use of slate for the roof which the applicant has been happy to amend to double roman clay tile. Officers consider that the proposals are acceptable in terms of their impact upon the street scene and the character and appearance of the area.

#### **RECOMMENDATION:**

Grant planning permission for the following reason and subject to the conditions set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any material harm to the amenities of neighbouring occupiers, the character and appearance of the area or highway safety. As such, the proposal is considered to comply with policies PD1 & HC24 of the Kennet Local Plan 2011.

- 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 the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Samples of the bricks to be used for the external walls / boundary wall;
  - b) Samples of the double roman clay tiles to be used for the roofs;
  - c) Samples of the timber cladding to be used for the external walls;
  - d) Details of any stain or preservative to be applied to the timber cladding;
  - e) Details of the stain to be applied to the barge boards and fascias;
  - f) Detailed working drawings of eaves and verges;
  - g) Details of rainwater goods;
  - h) Details of the paint finish to be applied to the windows;
  - i) Details of the timber garage doors and any finish to be applied; and
  - j) Samples of the block pavements to be used for the driveway / turning area.

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 The rooflights to be installed in the dwelling hereby permitted shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

REASON:

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

- 4 The dwelling hereby permitted shall not be occupied until the sight screens either side of the window serving bedroom 2 have been installed in accordance with the details shown on drawing no. 719-20-07A. The screens shall be retained thereafter in accordance with the approved details.

REASON:

In the interests of neighbour amenity.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions to the dwelling hereby permitted.

REASON:

In the interests of neighbour amenity and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions.

- 6 The dwelling hereby permitted shall not be occupied until the access, driveway and turning area have been completed in accordance with the details shown on the approved plans. These areas shall be maintained for use in connection with the development at all times thereafter.

REASON:

In the interests of highway safety.

- 7 Before the dwelling hereby permitted is occupied the first 4.5 metres of the access serving that dwelling (measured from the edge of the carriageway) shall be resurfaced

in a well bound consolidated material (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:**

In the interests of highway safety.

- 8 Any gates serving the access for the new dwelling shall be set back 5.0 metres from the edge of the carriageway, such gates to open inwards only.

**REASON:**

In the interests of highway safety.

- 9 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, Drawing no. 719-20-01 & Phase 1 Habitat Survey received on 11th February 2011.
- b) Environmental Risk Assessment dated (March 2011) received on 4th April 2011.
- c) Drawing nos. 719-20-02B, 719-20-03B, 719-20-04B, 719-20-05B, 719-20-06B & 719-20-07A received on 31st May 2011.

**Appendices:** None

**Background Documents Used in the Preparation of this Report:** The application file and history file K/59718/O.