

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	3 August 2011		
Application Number	11/01210/FUL		
Site Address	Land at Noble Street, Sherston, Malmesbury, SN16 0AA		
Proposal	Erection of dwelling		
Applicant	Mr & Mrs Smart		
Town/Parish Council	Sherston		
Electoral Division	Sherston	Unitary Member	Cllr John Thomson
Grid Ref	385461 185960		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

## Reason for the application being considered by Committee

Councillor Thomson has requested that the Committee consider this application so the Members can consider the design – bulk, height and general appearance. The application was deferred from the Planning Committee meeting of 13<sup>th</sup> July 2011 to allow for the consideration of amended plans with a revised consultation expiry date of 21<sup>st</sup> July.

## 1. Report Summary

To consider the above application and to recommend that planning permission be REFUSED.

## 2. Main Issues

The main issues in the consideration of this application are:

- The principle of development;
- The design and appearance and impact on the character and appearance of the AONB and Conservation Area;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety; and
- Provision of public open space and affordable housing.

The application has generated no objection from Sherston Parish Council but has generated 4 letters of objection.

## 3. Site Description

The application relates to a plot of land roughly rectangular in size situated to the north east of Noble Street. The site lies within the Settlement Framework Boundary, partly within the Conservation Area for the village and is located in an Area of Outstanding Natural Beauty. The site slopes up slightly from Noble Street. A public footpath runs along the north west boundary. The site is currently occupied by an existing garage and store buildings.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
08/02847/FUL	Erection of dwelling (re-submission of 08/01304/FUL). This application was refused for the following reason:  <i>'By reason of its close proximity to existing dwellings, the proposed dwelling would dominate the rear aspect of properties along Noble Street and would result in an unacceptable adverse impact upon the amenities of these residents and an unacceptable degree of amenity for the proposed dwelling, contrary to the provisions of Policies H3 and C3 of the North Wiltshire Local Plan 2011.'</i>	Refused
08/01304/FUL	A copy of the proposed elevations and site plan are shown at appendix 1.  Erection of dwelling. This application was refused for the following reason:  <i>'By reason of its close proximity to existing dwellings, the proposed dwelling would dominate the rear aspect of properties along Noble Street and would result in an unacceptable adverse impact upon the amenities of these residents and an unacceptable degree of amenity for the proposed dwelling, contrary to the provisions of Policy H3 and C3 of the North Wiltshire Local Plan 2011.'</i>	Refused
04/02439/FUL	A copy of the proposed elevations and site plan are shown at appendix 2.  Dwelling with driveway and parking	Withdrawn

## **5. Proposal**

The applicant seeks consent for the erection of a detached four bedroom dwelling. The dwelling would have maximum dimensions of approximately 10.2 metres wide, 10.6 metres deep and 7.8 metres high. The proposed dwelling would be constructed of natural stone with timber windows and a stone tile roof.

The applicants have recently purchased No.50 The Tartars to the rear of the site which has allowed for a larger plot. The area of land currently comprising part of the rear garden of No.50 lies outside the Conservation Area.

Amended plans have been submitted, in summary replacing the integral garage with a dining room and moving the dwelling a further 1.3 metres back within the site.

## **6. Planning Policy**

### North Wiltshire Local Plan 2011

C2 – Community Infrastructure  
C3 – Development Control Core Policy  
NE4 – Areas of Outstanding Natural Beauty

HE1 – Development in Conservation Areas  
H3 – Residential Development within Framework Boundaries  
H6 – Affordable Housing in Rural Areas  
CF3 – Provision of Open Space

### National Policy

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing

## **7. Consultations**

Sherston Parish Council – No objections to revised plans.

New Housing Team – In line with planning policy H6 there is an affordable housing need in Sherston, there are 31 people seeking an affordable home. One open market unit is being provided therefore a financial contribution of £26,000 will be sought as there is a proven need in Sherston.

Open Space and Adoptions Team – The development generates a need for £7,400 in off site Open Space Contribution to be used to upgrade facilities at Sherston Recreation Ground (Local Park).

County Highways – No highway objection, subject to the imposition of standard conditions WD17 (visibility splays), WD1 (consolidated access), WD20 (parking space to be provided), and WG2 (surface water drainage).

Conservation Team – The Conservation Team have considered the revised proposals and although they acknowledge that improvements have been made, particularly in the way that the proposed dwelling addresses the street, they still have concerns regarding the overall design.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation. Neighbours and objectors were consulted on the revised plans.

4 letters of objection have been received in response to the application publicity. The concerns raised are summarised below:

- Proximity of the proposed dwelling will result in existing properties being overwhelmed;
- Over large and dominating when situated on this relatively small plot;
- The existing attractive old Cotswold stone wall which forms the boundary between the courtyard car park of Noble Mews and the development site should be preserved;
- The proposed new build is larger than the original application which was turned down;
- Loss of light;
- Overlooking from windows in the south and east elevations; and
- The land acquired from 50 The Tartars would only serve to offer more garden and would not be used for building purposes.

## **9. Planning Considerations**

### The principle of development

Policy H3 of the Local Plan states that proposals for residential development, including residential institutions and applications to renew permissions for residential development, within the Framework Boundaries will be permitted provided that a number of criteria are met including: priority is given to the re-use of previously developed land and buildings; and the most efficient use of the land is achieved compatible with the site's location, its accessibility and its surroundings.

The site is situated within the Settlement Framework Boundary, in a sustainable location and would make efficient use of land.

### The design and appearance and impact on the character and appearance of the AONB and Conservation Area

Policy C3 of the adopted Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) stresses the importance of good design stating that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It makes clear that high quality and inclusive design goes far beyond aesthetic considerations. Good design should amongst other things be integrated into the existing urban form and the natural and built environments.

This is reflected by PPS3 which states that good design is fundamental to the development of high quality new housing. Although the efficient use of land, where appropriate is encouraged, in assessing design quality it is advised that this should include the extent to which the proposed development creates, or enhances a distinctive character that relates well to the surroundings.

The Conservation Team have considered the proposals and initially raised concern relating to:

- The span which is significantly more than the traditional one in the street and makes the building both higher and of greater mass which means it does not sit comfortably within the surrounding buildings or in relation to the street; and
- The building does not address the street well, instead of the typical historic form, a two-storey flat front with level eaves and a front door and windows addressing the street, the form is a modern one, with a small projecting gable and integral garage.

Amended plans have been submitted incorporating an internal chimney to articulate the buildings principal span which is approximately 5.6 metres between the two storey outriggers and 10.6 metres inclusive of the outriggers. The span remains as previously proposed.

Further amended plans have been received removing the integral garage and replacing it with a dining room.

The proposed dwelling would be set back from the road by approximately 13.5 metres, the site is slightly elevated and the proposed dwelling would therefore extend approximately 1 metre above the ridge line of existing properties within Noble Mews.

The design of the dwelling is unusual in that it incorporates both a gable and a cat slide roof within its front elevation. The dwelling has been designed in this way in an attempt to overcome the impact of the proposal on the amenities of No.1 Noble Mews. However, the design of the resultant dwelling is bulky and at odds with the character of the surrounding area.

The Conservation Team have considered the revised proposals and although they acknowledge that improvements have been made, particularly in the way that the proposed dwelling addresses the street, they still have concerns regarding the overall design.

The design, scale and mass of the proposed building would be out of character with the surrounding area and would fail to preserve the character and appearance of this part of the Sherston Conservation Area.

### The impact of the development on the amenity of neighbouring occupiers

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development.

The proposed dwelling would maintain a distance of approximately 17 metres from No.50 The Tartars to the rear. This would ensure that the proposed dwelling would not result in any significant overlooking of this property.

The proposed dwelling would be situated to the north west of No.4 Noble Mews, adjacent to the existing car park and would not be directly in front of this property. It is not therefore considered that the proposed development would result in any material overshadowing of this property. In terms of overlooking, no first floor windows are proposed and this could be secured through a suitably worded condition.

No.1 Noble Mews has a ground floor living room window in the rear (north) elevation facing the application site. The original plans proposed that the new dwelling be situated approximately 5.5 metres from this window. Amended plans have been submitted increasing this distance to approximately 6.8 metres. The proposed development incorporates a cat slide at this point with an eaves level of approximately 2.8 metres rising to a ridge height of 7.8 metres. An existing boundary wall exists with a height of approximately 2.1 metres.

The site is orientated to the north of No.1 and the proposal is therefore unlikely to result in any significant overshadowing of this property. However, the site is slightly elevated from No.1. Therefore despite the existing boundary treatment and the incorporation of a roof form which slopes away from No.1 it is considered that on balance the proposed development would result in an oppressive outlook from this window. The proposed development would subsequently be harmful to the residential amenities of the occupiers of No.1 Noble Mews contrary to policies C3 and H8 of the Local Plan. It is accordingly recommended that the application be refused.

### Parking and highway safety

Policy C3 of the Local Plan requires new development to have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

In December 2010, new minimum car parking standards were introduced. As part of these standards, the Council has taken the view that garages are no longer allocated parking provision, except where there are overriding design considerations. Three car parking spaces are required for a four bedroom property.

The proposed development would not be detrimental to highway safety in accordance with the aims and objectives of policy C3 of the Local Plan.

### Provision of public open space and affordable housing

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly, the Council will accept financial payments to remedy deficiencies in the quantity or quality of that space. The reasoning accompanying the policy emphasises that all residential developments, regardless of scale, have the potential to contribute to an increased need for open space.

For a 4+ bedroom property the level of public open space contribution required would be £7,407.42. This would be directed towards facilities at Sherston Recreation Ground (Local Park).

Policy H6 of the Local Plan relates to affordable housing in rural areas and states that the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments, within the Framework boundaries of the villages on the basis that about 50% of the dwellings permitted will be subsidised housing with an additional proportion of low cost housing, subject to local need and site characteristics.

The Council's housing team have confirmed that where a single market dwelling is proposed an off-site financial contribution of £26,000 is required. There is an identified housing need with 31 people seeking an affordable home in Sherston.

The applicants have confirmed that they are willing to enter into a Section 106 agreement under the terms outlined above. However, no legal agreement has been submitted in support of the application.

In the absence of a complete legal agreement, policies CF3 and H6 are not satisfied.

## **10. Conclusion**

The design, scale and mass of the proposed dwelling would be at odds with the surrounding area failing to preserve the character and appearance of this part of the Sherston Conservation Area. The proposed dwelling would be harmful to the occupiers of No.1 Noble Mews. No legal agreement has been submitted in support of the application and the applicant has therefore failed to meet the requirements for providing contributions for public open space and affordable housing. It is accordingly recommended that the application be refused.

## **11. Recommendation**

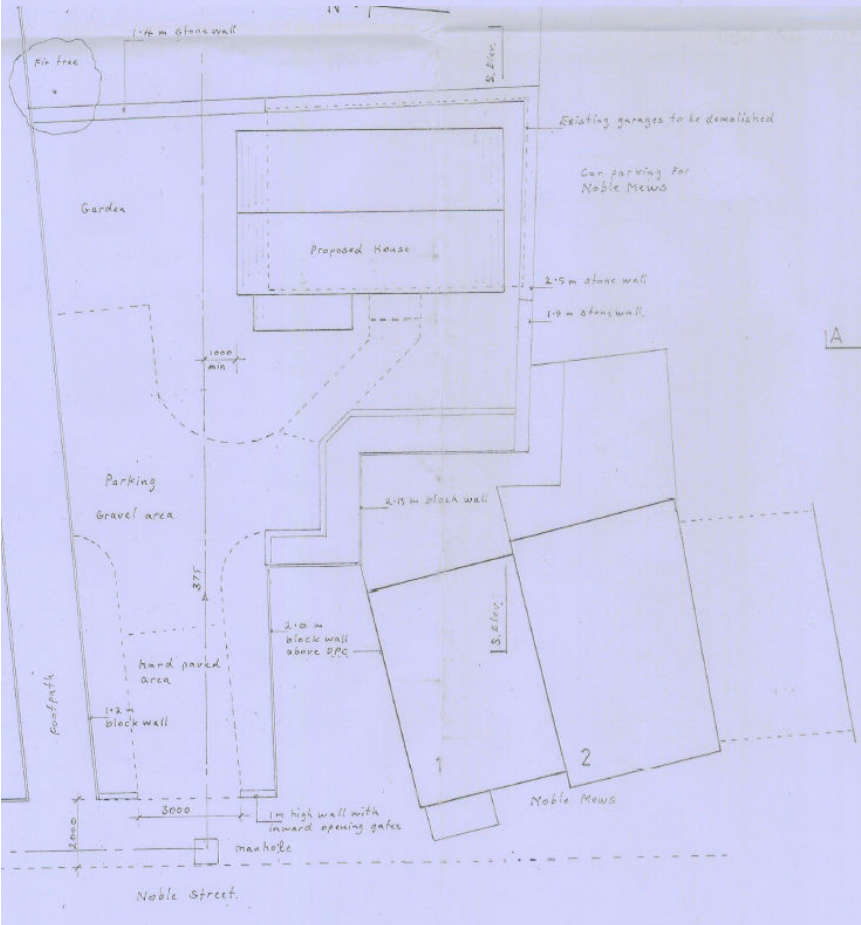
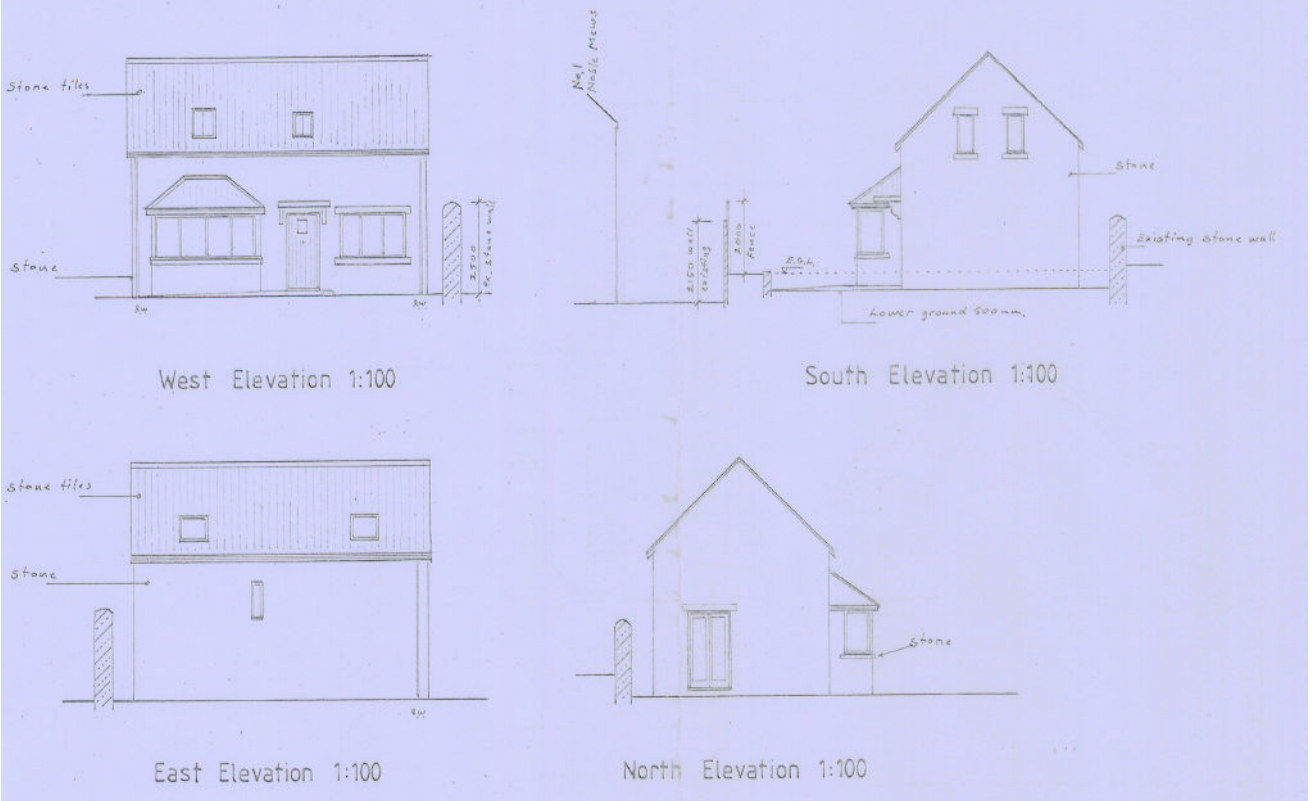
Planning Permission be REFUSED for the following reasons:

1. The design, scale and mass of the proposed building would be out of character with the surrounding area and would fail to preserve the character and appearance of this part of the Sherston Conservation Area. As such, the proposed development would be contrary to policies C3 and HE1 of the North Wiltshire Local Plan 2011.
2. The proposed development would, by reason of its siting be overbearing, resulting in an unacceptable and oppressive outlook for the occupiers of No. 1 Noble Mews which would be detrimental to the amenities of the occupiers of this property. As such, the proposal would be contrary to policy C3 of the adopted North Wiltshire Local Plan 2011.
3. No Section 106 Agreement has been secured therefore the proposed development does not include or bring forward adequate provision for affordable housing or public open space as is required by Policies C2, H6 and CF3 of the adopted North Wiltshire Local Plan 2011 and supporting guidance contained within the Revised Affordable Housing Supplementary Planning Document 2008 and North Wiltshire Open Space Study 2004.

### Informative

1. This decision relates to documents/plans submitted with the application, listed below.
  - LPC/2698/SD2/1D – Ground and first floor plans. Elevation and section, date stamped 7<sup>th</sup> July 2011
  - LPC/2698/SD2/2D – Elevations, date stamped 7<sup>th</sup> July 2011
  - LPC/2698/SD2/3A – Elevation to Noble Street and section, date stamped 7<sup>th</sup> July 2011
  - Site location plan, date stamped 7<sup>th</sup> July 2011
  - Topographical survey, date stamped 24<sup>th</sup> March 2011

Appendix 1 – Plans for refused application reference 08/02847/FUL



Appendix 2 – Plans for refused application reference 08/01304/FUL

