

Date of Meeting	4 th August 2011
Application Number	E/11/0293/FUL
Site Address	Land adjacent to no.7 & no.9 Bayntun Close, Bromham, Chippenham Wiltshire SN15 2JG
Proposal	Erection of detached dwelling and associated driveway (resubmission of E/10/1172/FUL).
Applicant	Ms Karen Morgan-Davies
Town/Parish Council	BROMHAM
Grid Ref	396179 165078
Type of application	Full Planning
Case Officer	Karen Guest

Reason for the application being considered by Committee

This application is being brought to Committee at the request of the Division Member, Cllr Bryant.

1. Purpose of Report

To consider the recommendation that planning permission be refused.

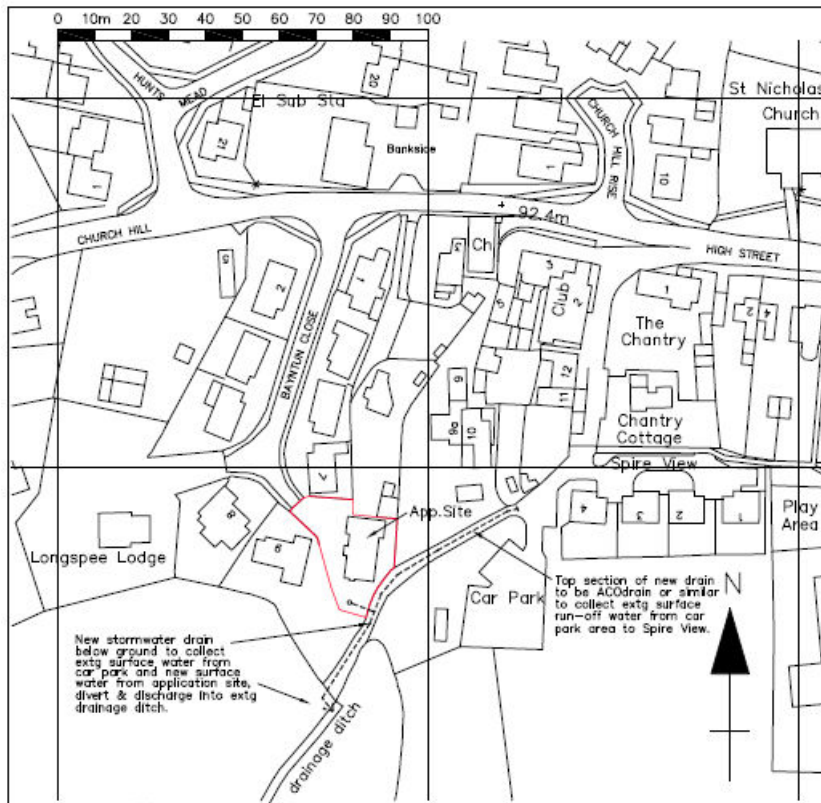
2. Report Summary

The main issues in this case are:

- a) Principle of development
- b) Impact on the streetscene
- c) Impact on residential amenity
- d) Impact on flooding
- e) Other matters

3. Site Description

The application relates to an elevated, sloping parcel of land in Bayntun Close, a cul-de-sac of 9 properties, the majority of which are modest bungalows. The site can be reached by taking the left hand turning off the A342 Chippenham road which is signposted for Bromham then following the road through the village. Upon reaching the village shop on the left-hand side of the road, it is necessary to take the next turning on the left into Bayntun Close. The site lies at the far end of the cul-de-sac. It would be accessed via the left-hand turning head between numbers 7 and 9 Bayntun Close. The site is immediately to the rear of no. 9 Bayntun close. It has been completely cleared of trees and vegetation.



Location Plan

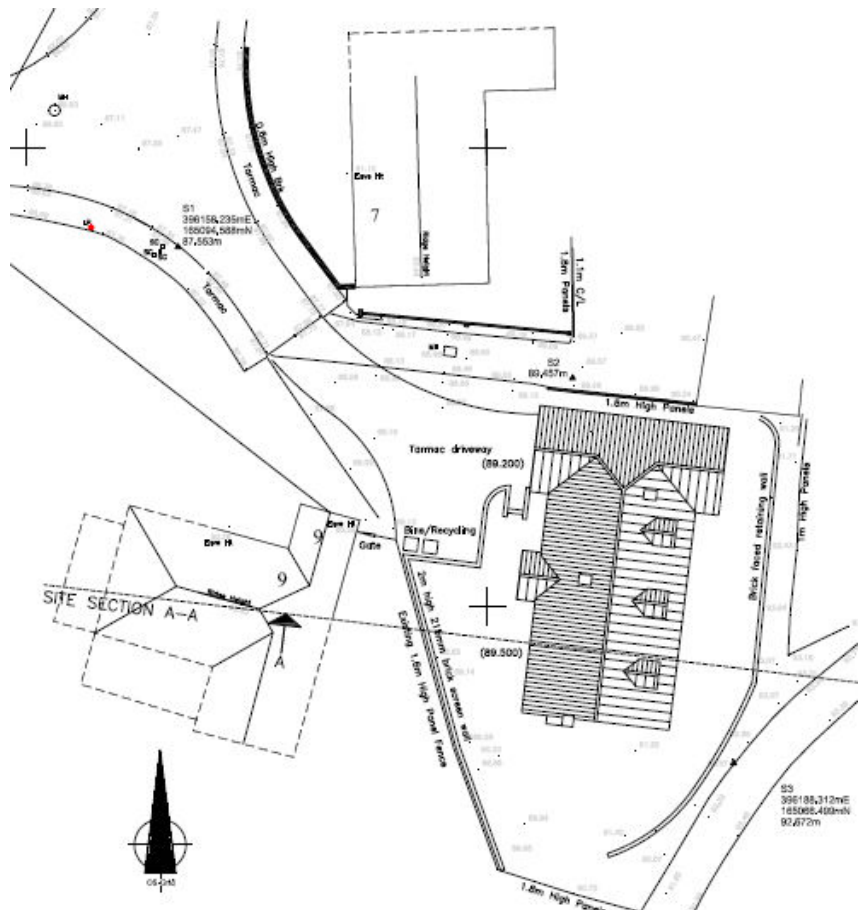
4. Planning History

The submitted design and access statement states that planning permission was granted for the construction of 10 bungalows in 1967, although this cannot be confirmed as the Council's records do not go back this far. The plan attached to the submitted statement shows the proposed layout of the 10 bungalows. It should be noted that only 9 dwellings were built and that the current layout does not accord with the submitted plan (the space for the tenth dwelling was effectively closed up to form a complete cul-de-sac).

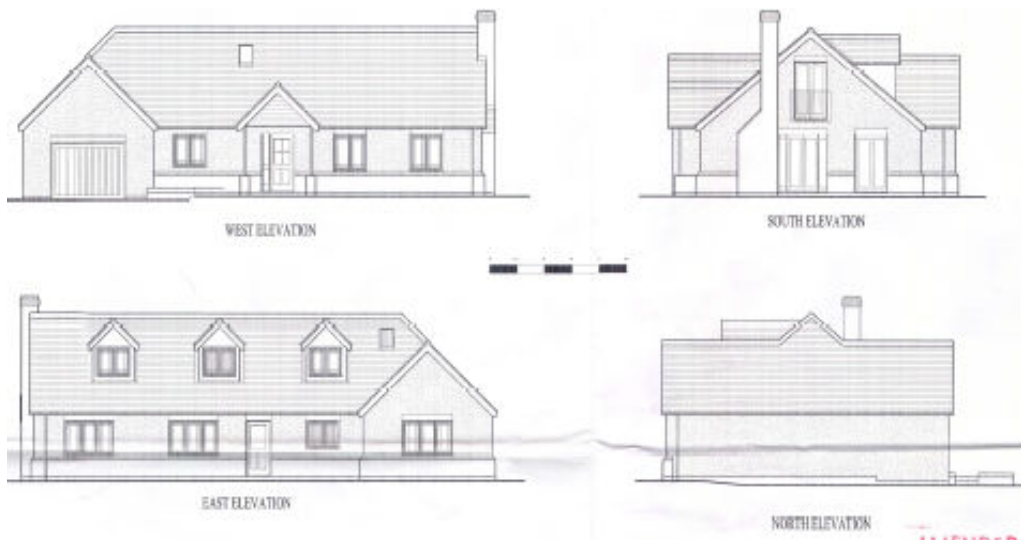
E/10/1172/FUL - application for detached dwelling and driveway, withdrawn on 1 November 2010.

5. The Proposal

The application proposes the erection of a 3 bedroom detached dwelling with integral garage on an elevated sloping parcel of land to the rear of no. 9 Bayntun Close. It is essentially the re-submission of E/10/1172/FUL, which was withdrawn due to concerns about the impact of the proposed dwelling on the streetscene and upon neighbour amenity. In response to these concerns, the ridge height was reduced and the design simplified, through the removal of the four dormer windows on the front elevation. A computer generated image was submitted by the applicant to illustrate how the scheme might look in the context of the neighbouring properties. Officers then requested a section drawing providing levels details and comparative ridge heights to enable a full assessment to be made of the likely impact of the proposed development on both the streetscene and the occupiers of the neighbouring properties. Further to this, the scheme was amended again, with the ridge height reduced by an additional 0.61 metres (to 6.1 metres) and the proposed use of render in lieu of brick. An amended elevations and section drawing have been submitted, however, the computer generated image has not been amended. The original image will therefore not be included in this report.

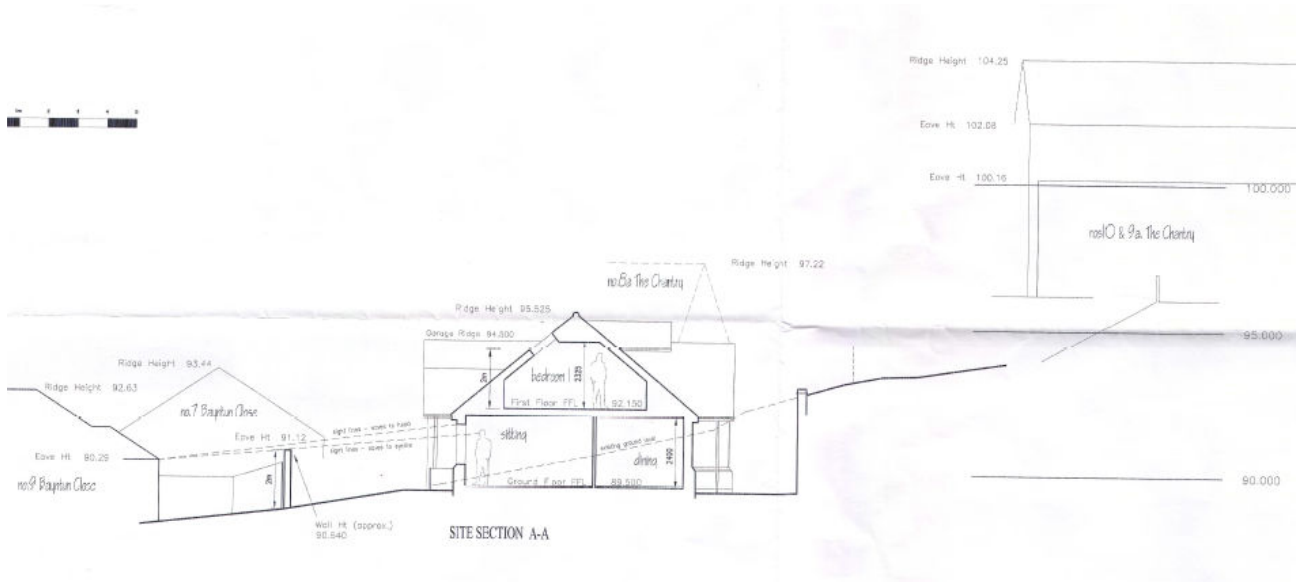


Block Plan



Elevations

AMENDED



Section Drawing

6. Planning Policy

Policies PD1 & HC22 of the Kennet Local Plan 2011 are relevant to the consideration of this application.

7. Consultations

Bromham Parish Council – supports the original and amended proposals, as the dwelling will enhance its surroundings. Also comments that a drainage condition should be considered.

Wiltshire Council Highways Officer – has made the following comments on the application:

'I have no highway objections subject to planning conditions to cover the following points:-

1. The surfacing of the first 2 metres of the access in a well-bound consolidated material (not loose stone or gravel).
2. The provision of a channel cut-off drain at the rear edge of the public highway area across the driveway so that surface water from the driveway shall not discharge out onto the public highway.

Please inform the applicant of the following, both now, and on any grant of permission:

A claim for a right of way has been made which would affect this site. It passes through the NE section of the site, including through the NE part of the proposed house. While this has been turned down by Wiltshire Council, the applicant has the right to appeal and there is the possibility that the Secretary of State could require Wiltshire Council to make an order to record the right of way. Were the house to be built it is possible that the part of the house on the line would be required to be demolished unless an application for a diversion was submitted and was successful. The applicant is strongly advised to contact Wiltshire Council's rights of way section before beginning any development on this site.'

Wiltshire Council Archaeologist – no conditions required.

Wiltshire Council Drainage Engineer – a condition should be imposed stating that before any works on the development, the full details for the surface water and flood risk assessment must be agreed by the drainage team, this would include the calculations, outlining any Suds (Sustainable Urban Drainage Systems) with full infiltration testing results for any soakaways. As the retaining wall as outlined in the application will be supporting a right of way, our structures team may need to be

consulted and the calculations and design specification checked and verified prior to the start of any construction. This should be conditioned.

Wessex Water – no objection.

8. Publicity

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

Seven objections were received in respect of the original plans, which raised the following key concerns:

- The proposed dwelling would have the appearance of a house not a bungalow, as approved under the 1967 consent. The roofline should accord with the existing bungalows in Bayntun Close. There is no precedent in the vicinity for buildings taller than the neighbouring properties.
- The proposed dwelling is too large for the plot.
- The proposed dwelling would be overbearing and block light to the windows of no. 7 and no. 9 Bayntun Close.
- The proposed wall may not prevent overlooking of no. 9 Bayntun Close.
- The taller dwelling in Bayntun Close (Longspee House) should not be used for comparison purposes, as it is set down at a lower level and therefore its ridge height appears lower than that of the adjacent bungalows.
- Drainage is an issue of concern. There have already been issues with flooding. The drainage issues may be result of surface water run-off or as a result of rising springs. The application form states that there are no watercourses within 20 metres, which is untrue if there are rising springs. The drainage problem has been exacerbated by the removal of trees and vegetation on the site.
- There are concerns that the level of excavation works required could increase the possibility of a landslip occurring.
- The proposed 2 metre wall would be affected by the roots of the conifers on the boundary with no. 9.
- The volume of construction traffic is a concern. The exit from Bayntun Close into Church Hill is blind looking both left and right and is therefore hazardous for vehicles and pedestrians.
- One local resident has requested that if approval is given, conditions are imposed requiring:
 - The construction and retention of the wall adjacent to no.9 Bayntun Close prior to the construction of the dwelling.
 - No further changes to the elevations should be allowed, to protect the neighbour's (no.9) privacy.
 - Drainage details should be submitted and agreed and installed prior to the construction of the dwelling.

Four objections have been received in respect of the amended plans, which raise the following additional concerns (the objectors have requested that their original comments still stand):

- The computer generated image does not give a true indication of the height of the proposed roof or the levels to the new driveway (the existing driveway to 8 The Chantry has a slope). The proportions do not appear to be accurate, for example, the windows are a third of the size and the relationship between the length of the garage and the ridge does not appear to be in proportion. It is also difficult to assess the proposal accurately as it is obscured by trees on the image. The image omits views of the south elevation and there are concerns that there will be overlooking from the French doors and balcony towards no. 9's garden.
- The proposed dwelling is still too large.
- The owners of the plot have agreed to deal with drainage, although detailed plans are awaited.

9. Planning Considerations

a) Principle of development

The site lies within the Limits of Development defined for Bromham in the Kennet Local Plan 2011. Policy HC22 of the local plan would permit residential development, providing that it is in harmony with the village in terms of its scale and character. It is considered that the proposal would comply with the first part of this policy as the site lies within the defined Limits of Development for Bromham. The issue of scale and character will be considered in the next section of the report.

b) Impact on the streetscene

The design of the dwelling has been simplified and the materials have been changed. The removal of some of the overly fussy features and the use of render in lieu of brick is welcomed, as the existing properties in Bayntun Close typically have a simple, unfussy design and have been constructed of similar materials. Notwithstanding this and despite the amendments submitted to date, it is considered that the proposal still fails to respect the scale and character of surrounding development, as required by policy HC22 of the Kennet Local Plan 2011 and would detract from the streetscene. The submitted section drawing demonstrates that the ridge height of the proposed dwelling would still be 2.9 metres taller than the tallest part of the modest bungalow immediately in front of it (no. 9) and 2 metres taller than the similarly modest bungalow to the side (no.7). The bungalows in Bayntun Close have a uniform appearance, are positioned at a similar level, have similar heights and have a proportional relationship between their roofs and walls. In contrast, the proposed dwelling would be significantly taller, would have a larger expanse of roof and would be positioned at a higher level. As a consequence, it is considered that the proposed dwelling would appear incongruous and unduly prominent in the context of the other bungalows in the close.

The agent attaches weight to the original planning permission for 10 bungalows in 1967 in the design and access statement. The Council no longer holds records of this. It is considered that little weight should be attached to this decision as it pre-dates current planning policy. Notwithstanding this, it is understood that the extra dwelling was intended to be a bungalow of the same size and appearance to the ones that have been constructed, not a significantly taller and less well-proportioned building like that proposed.

Reference has also been made in the design and access statement to the fact that there is a precedent for two and three storey properties on the north-east side of the plot higher up the slope and lower down the slope in Bayntun Close itself. There are taller properties further afield, however, the proposed dwelling would very much be seen in the context of the adjacent bungalows and not the properties further away. The two-storey dwelling in Bayntun Close is set back from the road and is sited at a much lower level. Consequently, its ridge sits well below that of the neighbouring bungalows.

Members may wish to note that there have been two recent appeal decisions involving either new dwellings or an extension to an existing dwelling which would have been significantly taller than adjacent bungalows. Both of these appeals have been dismissed and in both cases, the inspector considered that the height difference was such that the proposals would be out of keeping with the adjacent bungalows. The first case at 2 Chapter Close, Marlborough (reference E/10/1081/FUL) was for the replacement of an existing bungalow with two 2 storey dwellings, which at 8.3 metres tall were considered by the inspector to be out of keeping with the nearby bungalows in Chapter Close. Application reference E/10/1567/FUL, which was for the raising of the roof of an existing bungalow in Willis Close, Great Bedwyn, is considered to be even more relevant. The ridge height of the extended bungalow would have been 1 metre taller than the adjacent bungalows. The inspector commented that the existing bungalows have a uniform appearance, a broadly similar height and a proportional relationship between walls and roof. On this basis, she considered that the proposed raising of the roof would result in it being significantly higher than others in Willis Close, a much steeper pitch and a radically different proportion of roof to wall. She therefore

concluded that the proposal would appear incongruous in its immediate context. It is considered that the issues raised in this particular appeal are directly comparable to those relevant to this application. If anything, the impact would be greater as the proposed dwelling would be 1.9 metres taller than the appeal proposal.

c) Impact on residential amenity

Although the ridge height of the proposed dwelling would be 2.9 metres taller than no.9 Bayntun Close and 2 metres taller than no.7 Bayntun Close, it would be in excess of 10 metres away from no.9 and 3.5 metres away and set back from no.7. In addition, the roof would slope away from both properties. For these reasons, it is not considered that the proposal would have an overbearing impact on the occupiers of the adjacent properties.

It is not considered that reasonable living conditions of the occupiers of the adjacent properties would be compromised by reason of overlooking. A 2 metre high wall is proposed to be constructed to the front of the dwelling which would restrict overlooking of the windows in the east elevation of no.9 and the area beyond that wall and the boundary. The positioning of the rear garden to no.9 and its distance away from the proposed dwelling is such that it could not be readily overlooked. No windows are proposed in the elevation facing towards no.7.

d) Impact on flooding

Local residents have expressed concerns about the potential for flooding as a result of the development. The site does not lie within a designated flood zone, however, the Council's Drainage Engineer has confirmed that there are drainage issues on the site. These in themselves are not considered sufficient to warrant the refusal of planning permission, particularly as in the event that planning permission were to be granted, conditions could be imposed requiring the submission and approval of surface water details and a flood risk assessment prior to the construction of the dwelling.

e) Other Issues

Local residents have raised a number of other issues, including the potential for landslip, the likelihood of tree roots affecting the foundations of the proposed wall and the risks to pedestrians and vehicles of construction traffic exiting Bayntun Close. The first two issues are considered to be private matters. With regard to the third issue, the highway authority has raised no objections on highway safety grounds and construction traffic would only use the access for a temporary period. It is therefore considered that a refusal on this particular ground could not be substantiated.

10. Conclusion

Officers consider that the height of the proposed dwelling, the elevated nature of the site and the ratio of roof to wall is such that it would be out of character with the bungalows in Bayntun Close. These bungalows have a uniform appearance and are well-proportioned and as a consequence, it is considered that the proposed dwelling would detract from the streetscene.

RECOMMENDATION

Refuse planning permission for the following reason:

1.	The proposed dwelling, by virtue of its height, elevated position and ratio of roof to wall, would appear incongruous and unduly prominent in the context of the bungalows in Bayntun Close, which have a uniform, well-proportioned appearance. It would therefore detract from the streetscene and consequently would be contrary to policies PD1 and HC22 in the Kennet Local Plan 2011.
----	---

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file and history file and the appeal files referred to in the report.