

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

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| Date of Meeting | 07.09.2011 | | |
| Application Number | W/11/01224/FUL | | |
| Site Address | 18B Newtown Bradford On Avon Wiltshire BA15 1NE | | |
| Proposal | Erection of single storey rear extension and installation of additional window in main property | | |
| Applicant | Martin Newman | | |
| Town/Parish Council | Bradford On Avon | | |
| Electoral Division | Bradford On Avon South | Unitary Member: | Malcolm Hewson |
| Grid Ref | 382205 160786 | | |
| Type of application | Full Plan | | |
| Case Officer | Mrs Kate Sullivan | 01225 770344 Ext 15244 kate.sullivan@wiltshire.gov.uk | |

Reason for the application being considered by Committee

Councillor Hewson has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties

1. Purpose of Report

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

Neighbourhood Responses

6 copies of a standard letter were received along with an additional 3 individual letters of representation from neighbours. (One letter was later withdrawn)

Town Council Response

Objects to the application.

2. Report Summary

The main issues to consider are:

- * Impact on the neighbouring amenity
- * Impact on the Conservation Area
- * Impact on the setting of listed buildings

3. Site Description

The application site is a detached dwelling that was built in the early 1980s with the main living accommodation on the first and second floors and garaging and car parking provided on the ground floor. The dwelling is surrounded by listed buildings and situated within the Newtown and Bradford on Avon Conservation Area.

4. Relevant Planning History

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| 82/00765/FUL | Two Cottages | Permission | 22.09.1982 |
| 83/00957/FUL | Erection of two houses | Permission | 24.12.1983 |

5. Proposal

This application seeks permission for a single storey rear extension and the insertion of a new window to serve the kitchen in the existing side elevation of the property.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

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| C31a | Design |
| C38 | Nuisance |
| C19 | Alterations in Conservation Areas |

Planning Policy Statement 5 – Planning for the Historic Environment

7. Consultations

Town Council

Bradford on Avon Town Council recommends refusal on the grounds that the proposed alterations to the existing building which involves the installation of additional windows, will have an unacceptable adverse effect on the neighbouring property.

Conservation Officer

This would be a subservient extension to a non-listed building in the Conservation Area and would be built of matching materials to the host building. The scale and design of the development would not result in harm to the special character and appearance of the Conservation Area or to the settings of the surrounding listed buildings.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 15.05.2011. Objections have been received from local residents and the Bradford on Avon Preservation Trust

Summary of points raised:

- * The artificial stone is inappropriate in the Conservation Area and next to a listed building. That there is already artificial stone does not mean more should be permitted.
- * Two windows look directly into the neighbouring garden and main door which could be avoided by the use of patterned glass or the removal of the window.
- * Modern materials such as metal framed windows or upvc are inappropriate in the Conservation Area.
- * The view from the neighbouring dwelling of the limestone wall and the view over Bradford on Avon would be obscured.
- * 18B was built prior to the nearby buildings being listed. Allowing this extension would "exacerbate the ignominy of the present building."
- * Having researched the title deeds 18B has been constructed 2 metres further northeast than the indicated building line. Therefore if this extension is permitted it should be constructed 2 metres to the southwest.
- * The proposed lantern would present "a strange effect on a presently dark and Georgian corner as electric light spills out". A flat skylight would be simpler and avoid light pollution.
- * Question the accuracy of the boundary line.
- * The ground structure for this proposal is questioned given the underpinning exercise carried out a few years ago.
- * Impinges on the view from number 20 Newtown.

9. Planning Considerations

Impact on the amenity of neighbouring properties

Following negotiation, the proposal has been amended so that the side window of the extension would be obscure glazed to mitigate the concerns for overlooking the neighbouring property. However, this does not overcome the objection raised by the neighbour to the new window in the existing house.

The area for the proposed extension is located where a patio is currently sited, at the rear of the dwelling at first floor level. By enclosing some of this area, and by inserting obscure glaze in the side window of the extension, the potential for overlooking the neighbouring property from here would be prevented. It should also be noted that the patio area currently provides unrestricted views across to the neighbouring property.

The insertion of a new window (0.6 m wide) to provide light into the existing kitchen is objected to by the neighbouring properties. The distance between this side elevation and the neighbouring property's side elevation is approximately 16 metres and the window directly overlooks the existing car park that sits between the two properties. Whilst there would be some overlooking of the garden area, to an extent this is to be expected in urban situations such as this and it is not considered that the impact is materially significant and that obscure glazing of this window should as a result be required.

The proposed insertion of a lantern light within the new extension has caused concerns relating to light pollution that would be emitted. However, it would not cause such harm as to be detrimental to the neighbouring amenity or conservation area.

The 'right to a view' is not a material planning consideration and should not therefore influence the determination of this application.

On the basis of the above, the proposals are considered acceptable in terms of adopted Council policy and guidance.

Impact on the Conservation Area

Policy C19 of the West Wiltshire District Plan lists the criteria that all unlisted buildings within the Conservation Area should meet. This includes that "matching materials, characteristic of the local area, are used". However, given that the main dwelling has been constructed of artificial stone and Ashlar, it would be inappropriate for a small extension to be clad in natural stone. In visual terms, the use of matching materials would create a more coherent building and would preserve the appearance of the conservation area. The use of any other stone would be incongruous in this location.

The extension is located at the rear of the site, and although visible from the street, it is not in prominent and will not detract from the character or appearance of the area. It is subservient to the existing dwelling.

The insertion of a window in the side elevation would not detrimentally affect the Conservation Area. With the use of timber and metal reflecting the materials already used within the dwelling it would serve to break up the side elevation when viewed from the street, where there is already a side window located close to the front of the boundary.

Impact on the setting of listed buildings

The host building is located within an area where many of the buildings have been listed, although it is noted that the host dwelling was constructed prior to the listing of many of these dwellings.

Whilst the proposed extension and alterations would be visible from surrounding buildings and the street, when approaching from the northeast, the extension is located at the rear of the property and would not have any significant impact on the setting of any listed building.

Other Matters

A neighbour representation has alleged that the red line of the boundary was incorrect as shown on the site plan. The Agent has confirmed that the red line of the application matches the applicant's deeds and that they are of the opinion that it is correct. Civil disputes regarding the ownership of land are outside the planning remit and so further discussion is not appropriate within this application.

Questions have also been raised regarding the structural integrity of the building following the underpinning exercise carried out on the property several years ago. This is not a material planning consideration and the applicant would be responsible for obtaining the relevant building regulation consent and for the safe construction of the extension.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

- 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 No development shall commence on site until details of the obscure glazing to be used in the window in the north east side elevation of the extension, as annotated on the amended plans has been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the extension and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

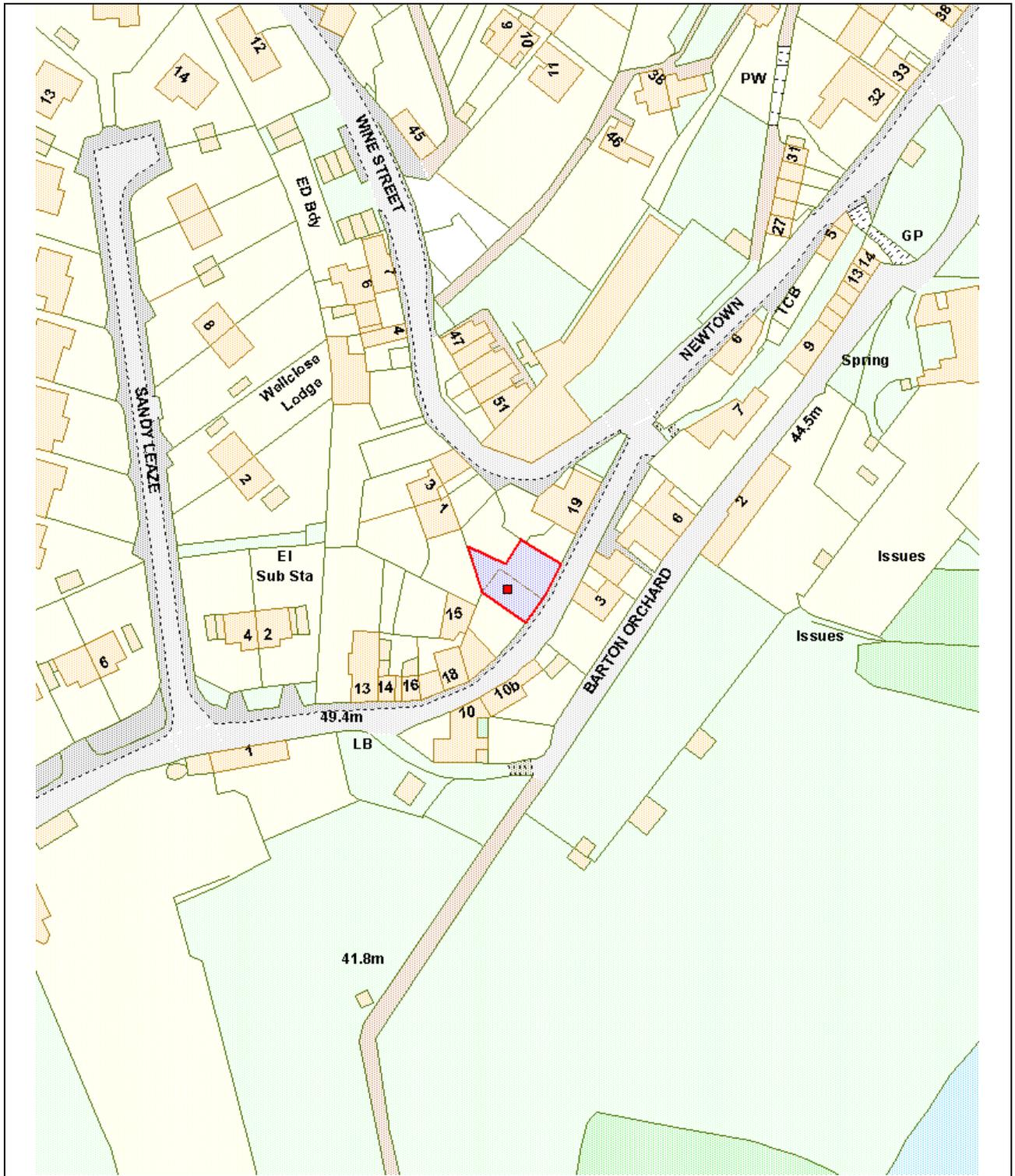
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Plan received on 04.04.2011
N/11 Rev B received on 04.04.2011
N/12 Rev B received on 04.04.2011
N/13 Rev C received on 04.04.2011
N/14 received on 04.04.2011
N/15 Rev B received on 04.04.2011
N/16 received on 04.04.2011
N/17 received on 04.04.2011
N/18 received on 04.04.2011
N/19 received on 04.04.2011

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

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| Appendices: | |
| Background Documents Used in the Preparation of this Report: | |



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