

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	30.11.2011		
Application Number	W/11/02648/FUL		
Site Address	Land Adjoining 16 Wiltshire Crescent Melksham Wiltshire		
Proposal	Proposed conversion of existing garage into new dwelling		
Applicant	Mr Geoff Long		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham South	Unitary Member:	Jon Hubbard
Grid Ref	391191 163198		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk	

Reason for the application being considered by Committee

With officers minded to accept this application, Councillor Hubbard has requested that this item be determined by Committee due to:

- Relationship to adjoining properties
- Environmental or highway impact
- Car parking

1. Purpose of Report

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

Neighbourhood Responses

4 letters of representation were received.

Parish Council Response

Objection.

2. Report Summary

The main issues to consider are:

Additional residential development within town policy limits
 Design and detailing
 Site servicing
 Impact on neighbours and immediate surroundings

3. Site Description

The application site forms part of an L shaped curtilage of 16, Wiltshire Crescent, Melksham which is located within town policy limits. The garage lies to the south east of the main dwelling house.

To the north of the garage lies a row of four terraced properties set perpendicular to 16, Wiltshire Crescent. To the east lies a row of garages that are accessed by resident by a service road to the north of the four terraced properties. Directly adjacent to the south of the garage is a private road/ right of way- check whether this is definitely Longleaze lane. To the north-west is the main dwelling house of 16 Wiltshire Crescent and directly west are the back gardens of 10 – 14 Wiltshire Crescent.

The garage has a width of 7.8 metres x 7.9 metres length and has a height to the apex of 5.4 metres. The building is constructed from red brick, with concrete profiled tiles. There are two separate garage doors facing the east direction under the gable of a double pitched roof, which face the entrance of the car park and associated garages. On the existing (south) side elevation there are two boarded up windows facing Longleaze lane. The existing rear (west) elevation has two windows and a door and this faces the garden of no. 16, Wiltshire Crescent. The existing (north) side elevation is a blank wall with no rooflights in the roof and faces the side of no 18, Wiltshire Crescent.

The garage can only be accessed from the service road to the north of the site. Selwood Housing are responsible for the maintenance and servicing of the garages and service road from Wiltshire Crescent.

The public right of way Melk 13 runs along the entrance to Longleaze Lane from Spa Road past the garages.

4. Relevant Planning History

87/01227/OUT – Withdrawn – 27/11/1987 – One dwelling

87/01851/OUT – Refusal – 16/2/1988 – Single dwelling and parking space

89/00252/FUL – Permission – 27/6/1989 – Erection of a double garage

97/00382/FUL – Refusal – 18/9/1997 – Conversion of double garage to dwelling as annexe.

11/01412/FUL – Withdrawn – 16/9/2011 – Proposed conversion of existing garage into new dwelling

5. Proposal

The proposal is to convert the existing detached garage from a ground floor garage into a chalet bungalow. The two garage doors on the east elevation, would be replaced by a front door and two ground floor windows. The south elevation would have two dormers inserted on the roof and two windows on the ground floor. The west elevation would retain an existing window and have one window and door replaced by a patio door. On the north elevation, three rooflights would be inserted on the roof. The materials would match and the windows and doors would be UPVC.

Access to the site is on land, which is not owned by the applicant and certificate D of the application form has been duly completed with press advertisement notices in the Melksham Times duly issued. There is already a right of way across the highway verge, owned by Selwood housing, to the track south of 16, Wiltshire Crescent that was part of the sale under the right to buy scheme.

6. Planning Policy

National Guidance

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

Planning Policy Statement 9 - Biodiversity and Geological Conservation

Planning Policy Guidance 13 - Transport

Planning Policy Guidance 24 - Planning & Noise

Wiltshire Structure Plan 2016

DP1 – Priorities for sustainable development
DP9 – Re use of land and buildings
C1 – Nature conservation
C3 – Nature conservation
HE7 – Conservation Areas and Listed Buildings

West Wiltshire District Plan - First Alteration 2004

C31a – Design
C32 – Landscaping
C35 – Light pollution
C38 – Nuisance
H1 – Further housing development within towns
H24 - New Housing Design
T10 – Car parking
U1a – Foul water disposal
U2 – Surface water disposal

7. Consultations

Melksham Town Council

Objection received 6/9/2011

Councillor Hubbard explained various residents in his constituency had raised concerns regarding this application i.e access to the site is off Longleaze Lane, a private road, which has not been adopted by the local Highway Authority and is maintained by residents of the lane. There is an issue with rights of access to this site, which is currently being investigated by local residents.

Car park opposite the proposed access to this site, which may cause difficulties,

It is understood refuse lorries often have difficulty getting down this lane, due to parking problems, which will be exacerbated by this application.

RESOLVED : The Town Council objected to this application on the following grounds:

- * Will set a precedent for similar applications
- * Exacerbate existing parking problems

Highways Authority

Comments received 26/10/2011

I do not wish to raise any objection subject to conditions. It is understood that there may be third party ownership claims on Longleaze Lane, that could jeopardise the ability of the applicant to confer access rights on any subsequent owner of the application site and make the proposal unviable in access terms. This is, however, a civil matter and does not alter my above recommendation. Clearly, if the applicant was unable to provide the on-site parking proposed and vehicular access from it to the public highway, I would recommend refusal of the application on highway grounds.

Environment Agency

Comments received 13/10/2011

We have no comments on the above planning application. The proposal is outside those topics requiring consultation with the Environment Agency, as set out in Article 16 and 17 and schedule 5 of the DMPO.

Wessex Water

Comments received 19/10/2011

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Applications forms and guidance information is available from the Developer Services web pages at our website www.wessexwater.co.uk/developerservices

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Trees and landscaping

Comments received 11/11/2011

There are no landscape or tree related objections to this application. Due to limited space, there is no requirement to place any landscape related conditions to this application if it is to be approved.

Public Rights of Way

No objection - Comments received 11/11/2011

8. Publicity

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

Expiry date: 11th November 2011

Summary of points raised:

4 letters of representation was received raising the following points:

- Extra traffic out in and out of Longleaze Lane onto the Spa Road will cause extra problems
- Potentially extra noise at night if drivers from Wiltshire Crescent were to start taking short cuts along the lane
- No. 16 already has access on to Wiltshire Crescent and there is no need to have vehicular access onto Longleaze Lane.
- Problems of refuse lorries having access to the entrance at the Spa Road with cars parked at the end of Longleaze Lane
- Risk to school children crossing the junction twice a day
- The applicant was only ever given verbal neighbourly permission to access his garden with his caravan or twice a year in order to take his asthmatic son to the seaside
- Applicant does not have a right of way onto Longleaze Lane from the existing building and has never been given formal or legal permission to access the lane.
- Longleaze lane is private lane, so the Council does not own the lane it cannot give permission for access on to the lane.
- Longleaze Lane is a single lane track and there is only one possible passing place located outside 375 Longleaze Lane. The other passing places between the proposed development and the road are usually obstructed by parked vehicles. The passing place outside 375 was created when 375 was built, prior to this, in order for two vehicles to pass one had to mount the grass verge. The other 7 residents of the lane live beyond the proposed development and so there is a likelihood that we will meet oncoming traffic from the proposed development's access on to longleaze Lane and as the access from this proposed development is in the narrow part of the lane we would therefore be faced with the prospect of having to either mount the verge or reverse in order to pass.

- Currently vehicles leaving the lane have to swing out into the oncoming traffic in Spa Road in order to clear the pavement.
- Concerns regarding pedestrian safety and that is that pedestrians approaching the lane from Snowberry Lane end are hidden until they are at the mouth of the lane.
- Concern that it is not possible for new occupants of the dwelling to see any vehicle entering the Longleaze Lane, as it passes the last passing point between the entrance to Longleaze Lane and the application site.
- Concerns that if this proposal was approved that cars from the development would not be parked on Longleaze Lane adding further to the headache of access to the existing residents and service vehicles.
- The lane was unadopted and the 7 residents have paid thousands to maintain a first class footpath from Spa Road to Snowberry Lane.

9. Planning Considerations

Additional residential development within town policy limits

Government advice contained within PPS 3 (as revised in June 2010) states, amongst other things, that the outcomes which the planning system and decisions should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

It is duly acknowledged that PPS3 (as revised) removed the prescriptive minimum housing density requirement and also de-classified residential garden land as "brownfield" or previously developed land.

Whilst having due regard of the above, the site is located entirely within the defined town policy limits of Trowbridge and under Policy H1 of the West Wiltshire District Plan, proposals for new housing development in this area may be permitted provided, amongst other things, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development.

This proposal would be acceptable in terms of PPS 3 and in terms of site size the plot would measure approx. 18 metres x 10 metres, which would only be marginally smaller than the plots in the surrounding area. It would not constitute backland or tandem development and would be broadly in accordance with policy H1.

Design and Detailing

Policy H24 states that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics. The frontage would face a public place, albeit a sole dwelling house frontage in that location and whilst a street facing frontage would be more desirable it would not be sufficiently detrimental to warrant a refusal under Policy H24.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. The surrounding area to the south comprises of an estate of a mixture of semi and detached red brick properties accessed from Snowberry Lane. To the east along Longleaze Lane there are primarily period properties, with a contemporary detached chalet bungalow no. 376a backland development accessed from the lane. To the north and west there are terraces of ex Local Authority properties of brick and render construction. The alterations to create a red brick and concrete tile dwelling house, would not result in a dwelling that is uncharacteristic of the local area. This would be broadly in accordance with policy.

Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected. The rooflights across the north elevation would be an internal height of approx 1.5 metres and it would be possible to look out from this windows to the neighbouring dwelling house 18, Wiltshire Crescent's garden which is only 0.2 metres away. Although the property is approx. 11 metres away with no first floor windows it would be necessary to condition these rooflights to be obscure glazing to prevent overlooking. The dormers on the front (south) elevation face the mature vegetative screening for the rear gardens of Lavender Close and are approx 9 metres away. The dormers would be approx 23 metres from the rear of 22, Lavender Close and it would be considered a sufficient first floor window to first floor window to avoid detrimental overlooking.

The existing footprint and height of the building would not be altered to increase the overshadowing effect on the surrounding properties.

To ensure that the privacies of existing and future residential occupiers are protected, a planning condition removing PD rights is considered necessary in terms of further extensions and/or new wall openings.

Site Servicing

The Council's Highways Authority has no objections, subject to planning conditions.

The comments of Wessex Water are duly noted and should be attached as informatives to any grant of planning permission. Notwithstanding the local concern raised about the capacity of the public sewer, Wessex Water maintain that subject to agreeing the connection points, the proposed new housing can connect to the sewage infrastructure.

The site is not recorded to be at risk of flooding, and the site is located within flood zone 1. The proposal will be require appropriate surface water drainage treatment and this will be conditioned.

Impact on neighbours and immediate surroundings

It is duly noted that the neighbours have concerns regarding the ownership of Longlease Lane. The Highways department has been aware that there are third party ownership claims which could jeopardize the ability of the applicant to confer access rights on any subsequent owner of the application site and make the proposal unviable in access terms. This is a civil matter and falls outside the remit of the Planning System.

Conclusion

The proposal does comply with policy and planning permission should be granted.

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.

Subject to the following condition(s):

- 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 take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

- 4 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

- 5 The development hereby permitted shall not be occupied until provision shall have been made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of this provision shall have first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy U1A

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no vehicular access shall be made between Longleaze Lane and the adjacent garage court.

REASON: In the interests of highway safety

- 7 The development hereby permitted shall not be occupied until the access and parking spaces have been surfaced and completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 8 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres to the west and east from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1;, Classes A,B,C,D,E,F & G, of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable

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

Location plan received on 3/10/2011
AH2010/30/1 Rev A received on 19/10/2011
AH2010/30/2 Rev A received on 19/10/2011

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

Informative(s):

- 1 It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex Systems.

The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

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

