

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	14 December 2011		
Application Number	N/11/02637/FUL		
Site Address	38 Stone Lane, Lydiard Millicent, Swindon, SN5 3LD		
Proposal	Demolition of existing building and erection of replacement dwelling		
Applicant	Mr Frith		
Town/Parish Council	Purton/Lydiard Millicent		
Electoral Division	Wootton Bassett East	Unitary Member	Councillor Mollie Groom
Grid Ref	410859 186644		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706 686	Christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been referred to the Northern Area Planning Committee at the request of Councillor Mollie Groom to consider the scale of development, visual impact, relationship to adjoining properties, design and environmental / highway impact.

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to the receipt of revised plans, specifically in respect of the highway verge and conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated objections from Lydiard Millicent Parish Council, and two letters of objection.

3. Site Description

The site has an area of approximately 0.12 hectares. At present there is a four bedroom detached two storey dwelling on the site which sits approximately 8m from the edge of the carriageway. The existing dwelling is plain in appearance with the only discernable features being the two balanced bay windows on the front elevations. The rear elevation accommodates a hipped two-storey extension.

The dwelling is finished in a white render and is set in a relatively large plot comprising 0.12 hectares. The application site falls outside any framework boundary.

Stone Lane is a road which is a route into Swindon west from Lydiard Millicent.

The character of the area is defined by detached dwellings of varying styles and scales set within large plots both along the lane and in the locality.

4. Relevant Planning History		
Application Number	Proposal	Decision
05/01508FUL	Rear extensions The approved scheme comprised large extensions primarily to the rear of this property. The permission was never implemented.	Approved
04/00036FUL	Rear Extensions Refused for the following reason: The proposed two storey extension would be unduly prominent to the side of the dwelling and would fail to harmonise with the character and appearance of the street scene in general contrary to Policy RH14 of the North Wiltshire Local Plan 2001.	Refused.

5. Proposal

This proposal is for the demolition of the existing dwelling and its replacement with a new 6 bedroom detached dwelling.

The proposed dwelling would be set back further into the site by some 6 metres (to the two storey element). The proposed dwelling would be two storey in scale defined by a central gable to the front elevation with bay windows at ground floors and chimney stacks on each end gable. The scale of the accommodation provided is facilitated by two large gables on the rear elevation together with a single storey hipped boot room.

The dwelling is proposed to be constructed of natural slate roofing, natural stone with recon. stone cills and quoin detailing and upvc windows.

The application has been the subject of recent revisions and this is discussed in more detail below.

6. Planning Policy

North Wiltshire Local Plan:

Policies NE15 H4 C3 CF3

7. Consultations

Reconsultations on revised plans were carried out on the 25th November 2011 and any additional comments received will be reported in the additional information.

Purton Parish Council - were consulted as the parish boundary runs to the rear but outside of the site. The Parish Council have not objected noting the fact that it is not within their area.

Lydiard Millicent Parish Council have objected for the following reasons; the dwelling is not acceptable in terms of its design, and materials which are not in keeping with the character of the area; it being too large and not compliant with policy H4 as it is not of a similar size and scale; unacceptable access due to boundary treatments; and loss of light and privacy to adjacent dwellings.

Highway Engineer - no objection raised although it appears that the front boundary wall as proposed encroaches on the highway verge.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Two letters of letters of objection have been received on the following grounds:

- Loss of light and privacy to adjacent dwellings exacerbated by the slope in the land.
- Proposed dwelling too large 44% larger than existing house. Scheme does not comply with policy H4 as it is not of a similar size and scale.
- Disturbance to neighbours during construction period.
- Existing building can be retained.
- A taller building set back in the site not acceptable, design and materials not in keeping with the character of the area.
- Dimension inaccurate.
- Unacceptable access due to boundary treatments.
- Encroachment onto neighbour's highway new boundary treatments.

9. Planning Considerations

Principle of development

The replacement of a dwelling within the countryside is acceptable subject to the criteria as set out in Policy H4 of the Local Plan. Criteria (ii) to Policy H4 states:

"ii) It is a replacement for an existing dwelling where:

a. The residential use has not been abandoned;

b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings; and

c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.

In considering these criteria, the residential use has not been abandoned.

Whilst the existing property is not of a design or character which is out of keeping with the character of the locality, it is in a poor state of repair. A structural survey has been submitted with the application and this has been considered by a Building Control Officer. It is considered that it would not be justifiable to insist that this building be repaired and retained. It is also noted that the Council have been unsuccessful at appeal in presenting a refusal on these grounds and as a consequence such is no longer routinely pursued as a reason to refuse proposals for replacement dwellings.

The curtilage of the proposed dwelling is the same as the existing. The dwelling has been set back further into the site by some 3.5 metres (to two storey).

It is considered that the main issue when considered against Policy H4 is whether the replacement dwelling is considered to be of a similar size and scale to the existing.

Both the existing and replacement dwellings are two storeys in height.

The dimensions (approx) of the existing and proposed (as revised) are as follows:

Footprint:

Existing 87sqm Proposed (as Revised) 149.2sqm

Floorspace (over two floors):

Existing: 163sqm Proposed (as Revised) 330sqm

Volume:

Existing: 622m³ Proposed (as Revised) 855m³

The 2005 permission, which was not implemented, is considered an important material consideration. Whilst the Local Plan has changed and the policies therein, the extension would still be supported if considered against Policy H8 of the current Local Plan.

That 2005 extension permitted an additional footprint of 90.25 sqm although it is accepted that 22sqm of that was two storeys in height with the remainder a single storey extension. Nonetheless the floorspace over two floors comprised some 275sqm. The volume was 878m³.

Therefore it is considered that the proposed replacement dwelling merely replicates in a slightly different form, the volume permitted the principle of the acceptability of development is similar in respect of extensions to dwellings under the 2006 plan. Therefore it is considered reasonable to accept that a replacement dwelling could be considered appropriate if it was the same volume as the previously approved extended property.

The matters of design and amenity are covered below but the principle of the scale of the replacement dwelling is accepted to be in the region of 878m³ which is the volume of the dwelling with its approved extensions 2005.

Impact upon highway safety

This is an existing residential plot with an existing access. The Highway Engineer has not raised any objection to the scheme although it appears that the front boundary wall, as proposed, does encroach on the highway verge.

This matter has been raised with the applicant an amended plan is awaited.

Impact upon visual amenity and landscape character

The application has been the subject of considerable negotiation between the case officer, the applicant and agent. As a result of the negotiation amended plans have been submitted which have reduced the volume of the proposed dwelling down to 855m³.

This volume remains larger than the existing dwelling on the site but is in line with the volume of the dwelling as permitted in 2005.

The roof has been lowered in height bringing the ridgeline down to 7m. This is in line with the existing dwelling to be replaced. Additionally, the proposed dwelling is shown to be set back from the front boundary wall by 6m this distance is 3.5m further back into the site than the existing dwelling.

The design of the dwelling makes use of natural stone with a reconstituted stone plinth and quoins. Whilst this is not particularly typical of the locality, the variation in style and design in the vicinity would not prohibit a dwelling of this character particularly as the site is not within any designated area e.g. Conservation area/AONB.

The new dwelling is detached as the existing is and therefore, it is not considered that the design siting scale and mass of this proposed house will detract from the rural character and appearance of this locality.

Impact upon neighbour amenity

The amended drawings indicate that the house will sit 7.75m from the east boundary and 8m from the west boundary. The two storey section of the dwelling is 9.5m from the boundary. The amended drawings indicate three ensuite bedroom windows at first floor level on the eastern elevation and two ensuite bathroom windows on the western elevation. The main bedroom windows look to the north and south over the properties garden and therefore it is not considered that the new dwelling should result in a level of overlooking that will render this proposal unacceptable. The properties to either side are detached and sit within their own relatively large plots. It is recognised that there is not a clearly defined building line along this road and therefore the houses do not sit in line.

Concerns have been expressed by neighbours into the loss of light to their properties. However given the size of the plots and the distances between properties it is not considered that this proposed new dwelling sitting slightly further into the site would reduce the level of sunlight at present enjoyed by adjacent residents to a level that would warrant refusal of the application.

Other matters

Objectors have raised the matter of disruption during the construction period. This is not a material planning consideration, although it may be reasonable to impose an hours of construction planning condition which might assist such concerns. It is not therefore a matter that would justify refusal to grant planning permission. In the interest of neighbourliness, the agent has confirmed that the applicant is proposing to erect a temporary shield between the site and nearest neighbour to minimize dust disturbance.

Objectors have also raised concerns in relation to the accuracy of the drawings. There is no evidence to suggest the plans are not accurate. However, to ensure that the building does not 'grow' when constructed it is considered necessary for a condition requesting existing and finished floor levels to be submitted. The development is required to be constructed in accordance with the approved plans as well as plans submitted for conditions discharge.

10. Conclusion

The proposed dwelling is considered acceptable in terms of its mass and bulk. Whilst larger than the existing dwelling on the site the new dwelling has a volume which reflects the size of house as extended and permitted by planning permission granted in 2005. Therefore this proposed dwelling is considered to comply with the requirements of Policy H4 of the Local Plan. The design, siting and materials used for the proposed replacement dwelling are considered acceptable for this locality and are not considered to detract from the character and appearance of this rural area, compliant with Policies C3 and NE15. Further, the amenity of the adjacent residents is not considered to be reduced as a result of this development and thereby Policy C3 has been complied with.

11. Recommendation

Planning Permission be GRANTED subject to:

- the receipt of revised plans addressing the highway verge and boundary treatments;

- no further substantive issues being raised in respect of the revised plans reducing the size of the proposed dwelling;

then, for the following reason:

The proposed dwelling by reason of its scale, siting, massing, bulk and design (including the use of materials) is considered acceptable for this locality and will not detract from the character and appearance of this rural area or affect the residential amenity of adjacent residents. the proposed development thus accords with Policies C3, NE15 and H4 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

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. Prior to the commencement of the development hereby approved details of the existing levels across the site and the finished floor levels of the proposed development shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

3. Notwithstanding the plans submitted no development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

POLICY-C3

4. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

POLICY-C3

5. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY-C3

6. 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 or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY-C3

7. Before the development hereby permitted is first occupied the window(s) in the first floor ensembles east and west elevations shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY—C3

8. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

WM13 A3/A11876/103A, 104A, 105B, 106A dated 3 November 2011

Design and Access Statement dated 3 August 2011.

REASON: To ensure that the development is implemented as approved.

