

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 January 2012		
<b>Application Number</b>	S/2011/1734 Full		
<b>Site Address</b>	Downsway, Brook Street, Fovant, Salisbury. SP3 5JB		
<b>Proposal</b>	Demolition of existing dwelling and erection of two new four bedroom dwellings		
<b>Applicant/ Agent</b>	Michael Lyons Architecture		
<b>City/Town/Parish Council</b>	Fovant Parish Council		
<b>Electoral Division</b>	Fovant & Chalk Valley	<b>Unitary Member</b>	Cllr Jose Green
<b>Grid Reference</b>	400760 128241		
<b>Type of Application</b>	FULL		
<b>Conservation Area:</b>	NA	LB Grade:	NA
<b>Case Officer:</b>	Case Officer Mr Warren Simmonds	Contact Number:	01722 434553

### Reason for the application being considered by Committee

Cllr Green wishes the following issues to be considered:

- Scale of development
- Relationship to adjoining properties
- Environmental or highway impact
- Public interest

### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **GRANTED** subject to conditions.

### 2. Report summary

- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on Highway safety
- Tree issues
- Ecology
- Financial contributions

Seven letters of objection from third parties have been received. The Parish Council object to the proposal.

### **3. Site description**

The application site consists of a parcel of land of approximately 1800 square metres, being the residential curtilage of the dwellinghouse known as 'Downsway', Brook Street, Fovant. The site is located towards the end of a private track shared with 10 other dwellings, and serves as an access track for East Farm, further to the west.

The application site is within the H16 Housing Policy Boundary of Fovant and forms part of the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

### **4. Planning history**

None relevant to the application

### **5. Proposal**

The proposal is to replace the existing bungalow with 2 detached 4-bed dwellings with double garages and associated external works.

### **6. Planning policy**

Local Plan policies G1, G2, D2, H16, C5, C12, R2 (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy)

National planning guidance PPS3, PPS9

### **7. Consultations**

#### **Wiltshire Highways**

No Highway objection, subject to Conditions

#### **Environment Agency**

No comment

#### **Environmental Health**

No objection, subject to no burning and working hours Conditions

#### **Archaeology**

No observations

#### **Wilts Fire & Rescue**

Standard letter of advice re fire appliance access and water supplies

#### **Tree officer**

No objection

#### **Principal ecologist**

No objection, subject to Conditions

## **8. Publicity**

The application was advertised by site notice and neighbour consultation letters.

### Third-Party Representations-

Seven letters of objection have been received, with the main points of objection summarised as follows:

- Overdevelopment of the site
- Impact on neighbour amenity/privacy
- Garage design and appearance
- Impact on character of the AONB
- Highway safety/increased traffic on access track
- Agricultural occupancy restriction

Parish Council:

Object for the following reasons:

- Overdevelopment of the site
- Excessive scale/increase in footprint
- Highway issues
- Contrary to govt. policy on 'garden grabbing'

## **9. Planning considerations**

### **9.1 Principle of housing development**

The site is within the Housing Policy Boundary (HPB) where the principle of new residential development is acceptable, subject to the criteria as set out in Policy H16 of the Salisbury District Local Plan. Of particular importance is that the proposal should not constitute inappropriate backland development and should not result in the loss of an open space, which contributes to the character of the area.

Policy D2 states that proposals should respect or enhance the character or appearance of the area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

PPS3 and PPS1 gives clear guidance to the Government's objective and commitment to promoting the efficient use of land, however, this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and should not be allowed if it would be out of character or harmful to its locality.

It is recognised that the Government has revised its guidance to make 'garden grabbing' more difficult. It has achieved this by revising PPS3's definition of previously developed land, to exclude residential curtilages, and removing indicative density levels. This means that the current garden to Downsway, which could have

been considered as previously developed land under the previous Government's definition, is now considered 'greenfield'.

However, it must be stressed that even if none of the site is now 'previously developed land', the proposed dwellings are still within the Housing Policy Boundary and therefore development is acceptable in principle, despite the change to PPS3. The acceptability of development within HPBs remains as it did before the change to PPS3 came into force. It should be noted that Policy H16 is a saved local plan policy within the approved South Wiltshire Core Strategy.

Therefore, given the siting of the proposed dwellings within the designated HPB, there is no policy objection in principle to proposed development. This does not make development automatically acceptable, however. Policy H16 still contains criteria that have to be assessed, as do the other planning policies set out above.

An assertion has been made in third party representations that the existing bungalow on the site was occupied as an agricultural worker's dwelling. Whilst the property may have previously been occupied by an agricultural worker, there is no evidence from the planning history that the property has any restriction on its occupancy in this respect. In any case, being located within an H16 Housing Policy Boundary, special justification in terms of agricultural need for the proposed development is not required (as it would otherwise be in areas outside of a Housing Policy Boundary).

In summary, considering the proposal against local plan policy, a proposal for new residential development within the curtilage of Downsway in the form of a larger replacement dwellinghouse and a new dwellinghouse is considered acceptable in principle, provided that it can demonstrate an appropriate scale, design and a minimal impact upon the character of the area, residential amenity, highway safety and other considerations outlined below.

## **9.2 Impact on character and appearance of area**

### **Siting**

It is considered that the plot is sufficient in size to accommodate the proposed two dwellings side-by-side without appearing unduly cramped. The footprint and curtilage surrounding each of the new dwellings will remain comparable to those of existing dwellings in Brook Street.

The site is of sufficient width (approx 36 metres) to allow the subdivision of the garden without resulting in uncharacteristically narrow plot widths when compared to the surrounding properties. The proposed dwellings are sited sufficiently far away from the Conservation Area to the north west to have no adverse impact on its existing character.

### **Scale**

The dwellings in the surrounding area consist of a mixture of styles and sizes, including bungalows, cottages and larger detached dwellings. The proposal to

replace the existing bungalow with two detached two-storey houses would therefore not be unacceptable in principle or out of keeping with the surrounding area.

The scale of the two-storey dwellings would be comparable to the nearby properties such as 'Beech Drive' to the immediate west, and 'Summer Cottage' and 'Two Hoots' to the east. Whilst the proposed new house at plot 1 would be taller than the bungalow to the immediate west ('The Lodge'), it is considered the scheme will not appear oppressive or overbearing in design terms.

## **Design**

The exact design of the proposed dwellings and garages is considered appropriate to the existing character of the immediate and wider surrounding area. The predominantly low eaves heights, plain-tiled catslide roofs with small first floor dormer windows, high quality brick and stone external facing materials of the proposed houses are considered appropriate and complimentary to the character of the area.

The proposed detached garages are of simple design and appropriate, high quality materials (plain tiled roofs, horizontal timber boarding for the walls over a natural stone plinth, with vertical timber boarded doors).

It is therefore considered the proposal would respect and enhance the character and appearance of the area in terms of the building line, scale of the area, heights and massing of adjoining buildings. The architectural characteristics and the type and colour of materials proposed are appropriate to those of adjoining buildings and it is considered the character of the area would be enhanced by the proposals.

### **9.3 Impact on residential amenity**

#### **Overlooking – Plot 1**

The proposed dwellings have been designed to avoid undue overlooking of neighbouring properties on either side of the site. The western side elevation of plot 1 (that adjoining 'The Lodge') has a single casement window at ground floor level which serves a small utility room. There is a single side door to the sitting room which would be set approximately 11 metres from the boundary with 'The Lodge'. There are no other door or window openings within the west facing side elevation of the proposed building for plot 1.

The two storey gable element of the proposed building is set away from the side boundary with 'The Lodge' and the proposed dormer windows and small roof window (serving an en-suite shower room) within the front elevation of plot 1 face forwards towards the access track. Rear first floor windows face the rear boundary of the site. As such the potential for the overlooking of neighbouring gardens is limited to an oblique angle and is not considered likely to be detrimental to amenities of neighbouring occupiers.

The existing boundary treatment between plot 1 and 'The Lodge' consists of a post and rail fence with partial hedging and a few trees within the garden of 'The Lodge'.

Taking into consideration the availability of permitted development rights for occupiers to erect a boundary wall, fence or other means of enclosure up to a height of 2 metres above ground level along this side boundary, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook the adjoining dwelling at 'The Lodge' to the detriment of existing occupiers.

### **Overlooking – Plot 2**

The proposed dwellings have been designed to avoid undue overlooking of neighbouring properties on either side of the site. The eastern side elevation of plot 2 (that adjoining 'Beech Drive') has a single casement window at ground floor level which serves a small WC and two casement windows at first floor level serving bedrooms. There are french doors to the kitchen/dining room facing the eastern side boundary. Each of the window and door openings facing the eastern side boundary are set approximately 10.5 metres away from the side boundary with 'Beech Drive'. There are no other door or window openings within the east facing side elevation of the proposed building for plot 2.

The two storey gable element of the proposed building is set away from the side boundary with 'Beech Drive' and the proposed dormer windows within the front elevation of plot 2 face forwards towards the access track. Rear first floor windows face the rear boundary of the site. As such the potential for the overlooking of neighbouring gardens is limited to an oblique angle and is not considered likely to be detrimental to amenities of neighbouring occupiers.

The existing boundary treatment between plot 2 and 'Beech Drive' consists of a post and rail fence with partial hedging and a few trees within the garden of 'Beech Drive'. The detached timber garage building serving 'Beech Drive, is immediately adjacent to the side boundary with the application site and provides significant screening between the application site and 'Beech Drive'. Taking into consideration the availability of permitted development rights for occupiers to erect a boundary wall, fence or other means of enclosure up to a height of 2 metres above ground level along this side boundary, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook the adjoining dwelling at 'Beech Drive' to the detriment of existing occupiers.

The valid concerns of the local residents about loss of privacy have been carefully considered as part of this application, but overall it is judged that by reason of the distance and relationship between the existing and proposed properties, the orientation of the plots, existing boundary screening and that available under permitted development rights, overlooking will not be harmful.

### **Overshadowing/ Over dominance**

The relationship between the application site and the neighbouring properties has been carefully assessed. It is considered that by reason of the distance and relationship between the existing and proposed properties, the siting, scale and form of the proposed new dwellings is such that the proposed development would not result in the undue overshadowing or over dominance of neighbouring properties.

#### **9.4 Impact on Highway safety**

The site is served by a private unmade track. The scheme includes the creation of a new access for each of the two plots, adequate off-street parking and turning space and a detached double garage for each dwelling. The Highways officer has assessed the proposal and raises no Highway objection, subject to Conditions. The issue of maintenance of the unmade track is a private, civil matter between landowners and does not constitute a material planning consideration in the determination of this application. Therefore the third Condition suggested by the Highways officer in respect of the improvement of the existing surface of Brook Street cannot be imposed by the local planning authority, as the land concerned is outside of the ownership and control of the applicant.

#### **9.5 Loss of trees**

The proposal would result in the loss of a mature Fir tree from within the site. The application site is not within a designated conservation area and there are no Tree Preservation Orders in force within or adjoining the site.

The Council's Tree Officer has assessed the proposal and raises no objection.

#### **9.6 Ecology considerations**

In regard to the impact of the development on protected species, the applicant has submitted a survey report (David Leach Ecological Surveys, October 2011) which concluded the existing building is not presently used as a bat roost and has a low potential for bats. To mitigate against the loss of the potential bat roost within the roof void of the existing bungalow, it is proposed to provide suitable bat access and accommodations voids within the roof of each of the new garage buildings.

The Council's Principal Ecologist has assessed the proposal and raises no objection, subject to the proposed bat mitigation being made a Condition of any planning approval.

#### **9.7 Contributions in respect of affordable housing provision and recreational open space (R2)**

The land owner has agreed to undertake a legal agreement with the Council to make the appropriate financial contributions in respect of affordable housing (SWCS Core Policy 3) and recreational open space (saved policy R2).

### **10. Conclusion**

Subject to the land owner entering into an appropriate legal agreement with Wiltshire Council to make the relevant financial contributions in respect of affordable housing provision (SWCS Core Policy 3) and recreational open space (saved policy R2), it is recommended the application be approved, for the following reason:

The proposed development accords with the provisions of the Development Plan, and in particular Policies G1 & G2 (General Criteria for Development), D2 (Design),

H16 (Housing Policy), C5 (Landscape Conservation), C12 (Protected Species) & R2 (Recreational Open Space) of the saved policies of the adopted Salisbury District Local Plan (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy) and the advice contained within PPS3 and PPS9 insofar as the proposed development is considered acceptable in principle and compatible in terms of the siting, scale, design, materials and character of the immediate and wider surrounding area. The proposed development would not unduly affect the amenity of neighbours, and would not adversely affect the natural beauty of the surrounding AONB. The proposal would not be prejudicial to Highway safety and would not have an adverse impact on nature conservation interests.

## **11. Recommendation**

### **Planning Permission be GRANTED for the following reason:**

Subject to the land owner entering into an appropriate legal agreement with Wiltshire Council to make the relevant financial contributions in respect of affordable housing provision (SWCS Core Policy 3) and recreational open space (saved policy R2), it is recommended the application be approved, for the following reason:

The proposed development accords with the provisions of the Development Plan, and in particular Policies G1 & G2 (General Criteria for Development), D2 (Design), H16 (Housing Policy), C5 (Landscape Conservation), C12 (Protected Species) & R2 (Recreational Open Space) of the saved policies of the adopted Salisbury District Local Plan (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy) and the advice contained within PPS3 and PPS9 insofar as the proposed development is considered acceptable in principle and compatible in terms of the siting, scale, design, materials and character of the immediate and wider surrounding area. The proposed development would not unduly affect the amenity of neighbours, and would not adversely affect the natural beauty of the surrounding AONB. The proposal would not be prejudicial to Highway safety and would not have an adverse impact on nature conservation interests.

### **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. This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 09.11.2011 & 14.11.2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3. No development shall commence on site until details of the external materials to be used for the walls and roof(s) on the development 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: D2, C5

4. 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 those Orders with or without modification), no development within Part 1, Classes A-E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage.

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 enlargements.

POLICY: G2, D2, C5

5. The access to each plot shall have a minimum width of 3 metres, shall be constructed 4.5m back from the carriageway edge and their sides shall be splayed outwards at an angle of 45 degrees towards the carriageway edge. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open away from the highway only.

REASON: In the interests of highway safety.

6. The development hereby permitted shall not be first brought into 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.

7. No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 7.30am to 6.00pm, weekdays and 08.00am to 1.00pm on Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of the amenity of neighbours

Policy: G2

8. No burning of waste shall take place on site during the demolition and construction phase of the development.

Reason: In the interests of the amenity of neighbours

Policy: G2

9. The development hereby approved shall be completed in accordance with the recommendations given in sections 5, 6(iv) and 6(v) of the Bat Survey report (David leach Ecological Surveys, October 2011). The bat roosts and their access points will be maintained solely for use by bats for the lifetime of the development.

Reason: To mitigate against the potential impact(s) of the proposed development on protected species (bats).

Policy: C12, PPS9

10. Further details of the size of the roof void which is to be made available for occupation/use by brown long-eared bats within the new garages shall be submitted to, and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the details thereby approved.

Reason: To mitigate against the potential impact(s) of the proposed development on protected species (bats).

Policy: C12, PPS9