

REPORT TO THE AREA HUB PLANNING COMMITTEE

Date of Meeting	2 nd February 2012
Application Number	E/2011/1247/FUL
Site Address	Ashwyns, Kingsbury Street, Marlborough, Wilts SN8 1JA
Proposal	Demolition of existing house and garage and their replacement with a new dwelling; studio space to rear lowered courtyard; extension of front boundary wall (amendment to E/11/0168/FUL).
Applicant	Mr T Rupp
Town/Parish Council	MARLBOROUGH
Grid Ref	418880 169296
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called to committee by the local division member, Cllr Fogg.

1. Purpose of Report

To consider the recommendation that the application be approved subject to conditions.

2. Report Summary

The main issues to consider are whether the amended design of the proposed dwelling is an acceptable alternative to that approved by E/11/0168/FUL in terms of impact on the character and appearance of Marlborough Conservation Area and in terms of impact on neighbour amenity.

3. Site Description

Ashwyns lies within the historic core of Marlborough, situated approximately 90 metres past Marlborough Town Hall on the right hand side of Kingsbury Street. The site lies within the designated conservation area and is surrounded by numerous listed buildings as well as buildings noted as being significant unlisted buildings within the conservation area statement.

Ashwyns is a house of later 20th century date (approved in 1962). It is a two storey dwelling, built from facing brick with a tiled roof. Unlike most of the buildings along the street, it is set back from the road and so has little presence in the street scene until almost immediately facing it with the trees presently at the site partially softening views. The front of the dwelling faces onto Kingsbury Street and relates to the surrounding largely residential dwellings just beyond the retail centre of the High Street. The rear of the dwelling and its garden, however, face towards listed properties of Silverless Street, whose rear elevations overlook the proposal site.

Plate 1 below is a location map of the site and plate 2 contains photographs showing the context of the site.

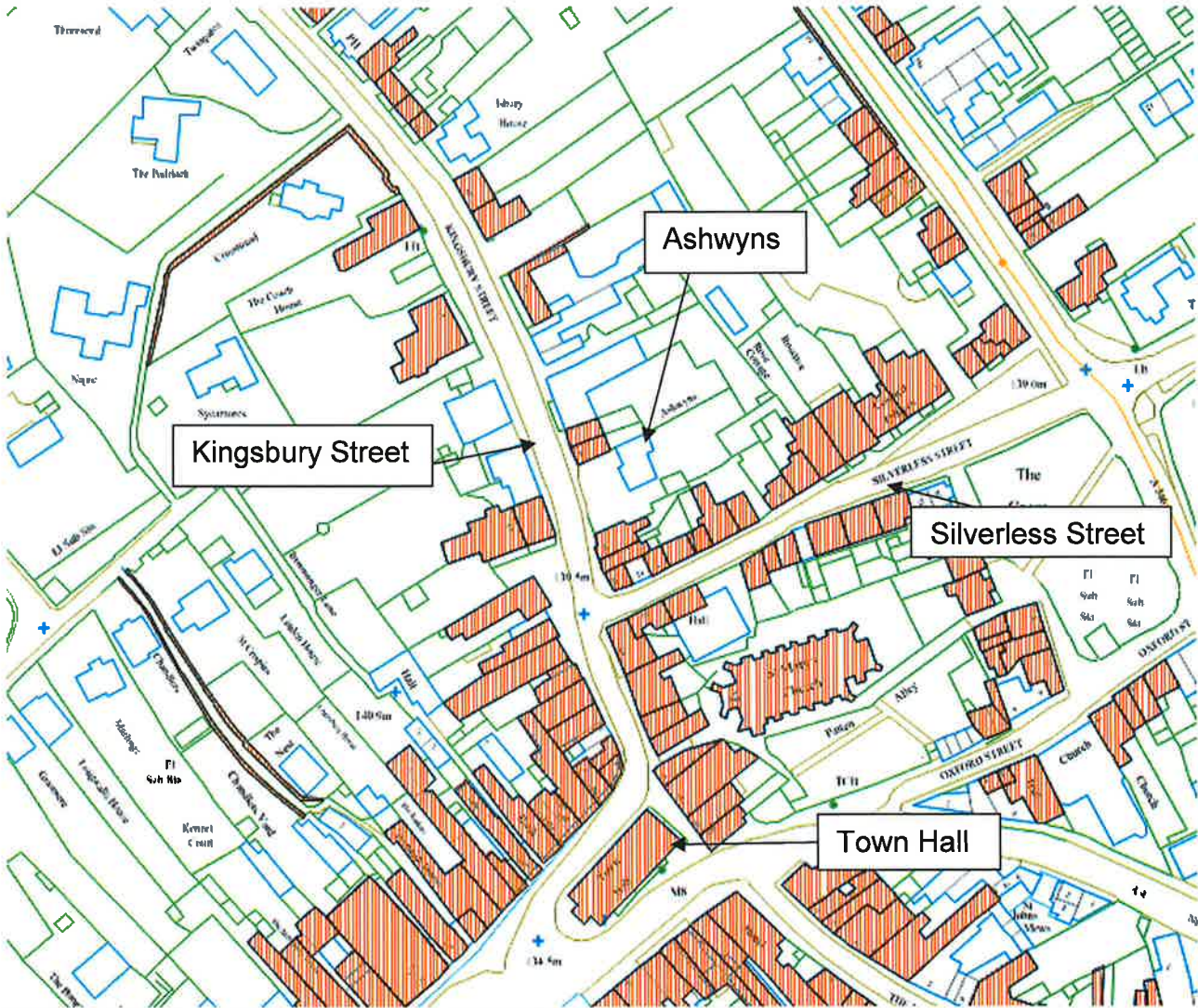


Plate 1: Location plan (not to scale). Shaded properties are listed buildings.



Front elevation facing Kingsbury Street (site hidden)



View from bottom of Kingsbury St (site hidden)



View of site and adjacent listed buildings area



View of part of the rear elevation and garden

4. Planning History

E/11/0168/FUL and E/11/0169/CAC – for the demolition of the existing house and garage, to be replaced with a new dwelling and studio space to the rear lowered courtyard were approved by committee in June 2011. The conclusion in the officers' report was as follows:

“No objection is raised to the principle of replacing the existing dwelling, which is of little architectural merit. The design and scale of the proposal as amended is considered to be acceptable, and would preserve the setting of neighbouring listed buildings and preserve the character and appearance of the conservation area. The design of the proposed office/studio is acceptable. Whilst it would be preferable for its roof not to project above surrounding walls, the proposal would not be detrimental either to the character or appearance of the wider conservation area or to the living conditions of Silverless Street residents. The proposed dwelling would not materially harm the living conditions of surrounding residents. The agent has indicated that construction works will be undertaken with care and local apprehension that the proposed works could impact on the structural integrity of neighbouring listed buildings and walls is not grounds to withhold planning permission”.

E/10/1004/FUL and E/10/1005/CAC - for the demolition of existing house and garage; erection of replacement dwelling and detached garage were withdrawn in September 2010 because of officer concerns relating to neighbour amenity, design and impact upon the conservation area and listed buildings as well as concerns about the impact upon the structural integrity of adjacent listed buildings.

1549/776 – this was the original consent for the dwelling now at the site, approved in 1962.

5. The Proposal

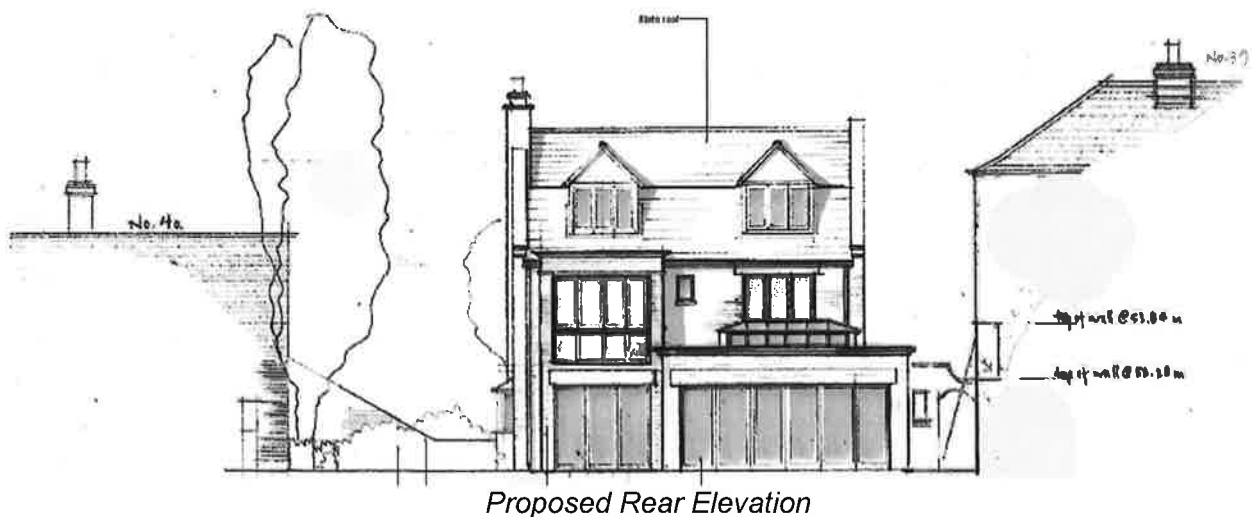
This application comprises three main elements:

1. Demolition of existing house/garage and their replacement with a new dwelling.
2. The erection of a “sunken” office/studio building in the rear lowered courtyard.
3. Extension to the front boundary wall abutting Kingsbury Street.

Only the size and design of the proposed dwelling has changed since the previous approved application. The proposals for the sunken office/studio and the front boundary wall are the same. The principal changes are that: (a) the width of the property at first and second floor level has increased by 1.0m in a northerly direction towards no.39 Kingsbury Street, and; (b) there have been major design changes to the rear elevation: the second floor projecting gable has been

omitted, but larger fenestration has been introduced, namely wider first floor windows and bigger dormers.

The height of the existing and proposed dwellings needs to be clarified. It was reported to the previous committee that the existing dwelling had a ridge height of 7.6m and the dwelling proposed by E/11/0168/FUL had a ridge height of 8.3m. It now transpires that the correct figures are 8.1m and 8.75m respectively. The current proposal is for a dwelling of ridge height 8.7m.



6. Planning Policy

The site lies within the centre of Marlborough where new residential proposals (including replacement dwellings) are assessed against policy PD1 (general development principles) of the Kennet Local Plan. Relevant central government planning policy is set out in Planning Policy Statement 1: 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing' and Planning Policy Statement 5: 'Planning for the Historic Environment'. The Marlborough Conservation Area Statement (2003) is a material planning consideration.

7. Consultations

Marlborough Town Council –
No objection.

WC Archaeologist –

The sunken area of the site could have been a racquets or fives court used by Marlborough College. If this is the case, then it is a significant feature of the local historic environment. The remaining walling and any layer lying beneath the current concrete surface therefore needs to be recorded prior to any works going ahead. An archaeological condition is required to deliver this.

WC Conservation Officer –

No objection to the increased width of the property given that the previously approved full height rear gable is no longer proposed. Initially expressed concern at the increased prominence of the roof compared to the previous scheme. However, the revised plans help reduce the perceived mass of the front elevation.

WC Arboricultural Officer –

The two light standard prunus trees proposed for the front of the site would not create the required instant impact. Larger specimens should be specified.

8. Publicity

A site notice has been posted and neighbour notification has taken place. Letters of objection have been received from 9 local households. Full copies of all representations received can be viewed on the planning file contained at the offices or viewed online.

The main concerns expressed by the objectors can be summarised as follows:

- The existing property should be renovated rather than demolished and replaced.
- The scale of the proposal is out of keeping with neighbouring properties in terms of width, height and overall size. The dwelling will dominate the site and be harmful to the conservation area.
- Concern at the progressive increase in size of the proposed replacement house. It is now 30% larger than the existing and will dominate the site even more than the approved scheme.
- The design is for an “executive” house which is out of keeping with its historic neighbours.
- The now larger first and second floor rear windows are too big and intrusive and will overlook neighbouring homes and gardens, to the detriment of amenity. Rooflights or obscure glazing would lessen the impact.
- The proposed parapet would add bulk, be out of local character and would add height.
- Concern that any security lights will harm the amenity of neighbouring properties.
- Repositioning the north wall of the proposed dwelling closer to the boundary with no. 39 Kingsbury Street will overshadow the kitchen and garden of that property.
- Vibration from heavy plant and machinery during the construction process will damage the neighbouring listed property at no. 40 Kingsbury Street. There is also risk of damage to the ancient walls adjacent the site of the proposed sunken office/studio.
- Dust and noise pollution from the construction process will harm the amenity of local residents.
- The rear garden has been cleared of all plants except for one tree. There is no planting plan for the rear garden to soften the impact of the proposed dwelling.
- The site of the sunken office/studio is on an historic fives court.
- The proposed flat roofed sunken office/studio is out of keeping with its surroundings.
- More work is needed to establish if the site forms part of Roman Marlborough.

9. Planning Considerations

Principle of the Development

The existing 1960s dwelling is of little architectural merit and is out of character with the more

historic dwellings which surround it. It does not make a positive contribution to the character of the conservation area. The principle of demolishing and replacing the existing dwelling has been established by the previous planning permission and conservation area consent.

The design and scale of the proposed dwelling

The existing dwelling is two storeys with four bedrooms with a ridge height of 8.1m. It is constructed of brick and tile and has a flat roofed single garage attached to its northern end. It is situated around 11m back from the road, with a small section of red brick wall partially defining the front boundary. The site lies within Marlborough Conservation Area.

The proposed dwelling would be situated on approximately the same footprint as the existing, the main differences being a 1m ground floor projection and a single storey rear garden room extension. It would be 8.7m high, providing accommodation over three storeys, with the second storey accommodation being provided within a mansard roof with dormer windows. The main part of the dwelling would be constructed of facing brick with stone detailing and cills, with a slate roof. The garden room would be finished in render with a flat roof and parapet, with a glass roof lantern.

The principle of a dwelling of this order of scale has been established by the previous planning permission. The principal differences are that: (a) the width of the property at first and second floor level has increased by 1.0m in a northerly direction towards no.39 Kingsbury Street, and; (b) there have been major design changes to the rear elevation: the second floor projecting gable has been omitted, but larger fenestration has been introduced, namely wider first floor windows and bigger dormers.

The increase in ridge height of 0.6m compared to the existing dwelling is comparatively modest, with the adjacent no. 39 having a higher ridge height. Given the extent to which the property is set back from the road, it will not significantly impact on the street scene, even with the 1.0m increase in width. Furthermore Kingsbury Street is on a hill, and when viewed from the front, the property will step down appropriately in comparison with the adjoining properties.

When the current application was first submitted, officers expressed concern that the initially proposed large front dormers and broad windows would create an unwelcome horizontal emphasis, drawing attention to themselves and representing an intrusive addition to the street scene. However following negotiation, revised plans have been submitted which have scaled down the size of the front windows and dormers whereby the proposed dwelling would sit harmoniously within the street scene, even with the additional 1.0m width at first and second floor level. It would therefore preserve the setting of the neighbouring listed buildings and would preserve the character and appearance of the conservation area.

The Conservation Officer was initially concerned at the increased prominence of the roof caused by the originally proposed large front dormers and removal of the parapet wall. However her concerns have largely been overcome by the revised plans for the smaller front dormers.

The current application proposes the omission of the previously approved rear projecting gable. Officers had sought to negotiate away this gable during the course of the previous application. The reluctance of the applicant to amend this aspect of the scheme was, on balance, not considered sufficient grounds to refuse that application. However the omission of the gable from the current scheme is welcomed.

Two large rear dormers are now proposed, as well as large rear windows at first floor level. This makes for a somewhat imposing rear elevation. However in view of the fact this elevation will not be visible in the wider public domain, and given the omission of the rear projecting gable, the proposed rear elevation is not considered to be unacceptable.

Impact on neighbour amenity

The site is situated within a dense urban area where there is already a high degree of mutual overlooking of properties and gardens. The proposed dwelling has large rear dormers and hence

affords views from higher up. Furthermore, the latest design proposes larger rear windows than previously approved. However, it is still considered that there would be no material worsening of opportunities for overlooking compared to the existing situation, and with no first floor windows being proposed in the side elevations.

The increased ridge height and the profile of the mansard roof combine to make the proposed dwelling bulkier than the existing, and this would be detrimental to the outlook of those properties which lie to the south of it compared to the existing situation. However these impacts are not considered likely to be materially detrimental to the living conditions of the occupiers of those properties and on balance a refusal of planning permission on these grounds is not warranted.

The current proposal will bring the dwelling to within 3.1m of the boundary with no. 39 Kingsbury Street, 1.0m closer than at present. Given that the ridge height will be 0.6m higher than the existing dwelling to be demolished, this will introduce a greater degree of overshadowing of the rear of no. 39 and its garden compared to the existing situation. However the impact is not considered likely to be materially detrimental to the living conditions of the occupiers of no. 39 and on balance a refusal of planning permission is not warranted.

The proposed office/studio

The proposal is identical to that previously approved.

Landscaping

The existing trees to the front of the site are of limited quality and no objection is raised to their removal. Two replacement trees are proposed, together with small planting beds. A detailed landscaping scheme has been submitted. This is broadly acceptable. However, larger planting sizes are required for the two trees. This can be conditioned.

10. Conclusion

The principle of replacing the existing dwelling with a three storey dwelling with mansard roof has already been established by the previous planning permission. Any additional visual impact created by the proposed additional 1.0m width of the new property at first and second floor levels is considered to be offset by the omission from the scheme of the previously approved projecting rear gable. Hence the design and scale of the proposal is considered to be acceptable, and would preserve the setting of neighbouring listed buildings and preserve the character and appearance of the conservation area. Notwithstanding the enlarged rear fenestration and the location of the new dwelling closer to the northern boundary, the proposed dwelling would not materially harm the living conditions of surrounding residents.

RECOMMENDATION

That planning permission be granted for the following reasons and subject to the conditions set out below:

The proposal will not cause any significant harm to interests of acknowledged importance, including the amenity of residents of nearby properties. It would preserve and enhance the appearance of the conservation area and would accord with policy PD1 of the Kennet Local Plan 2011 and with national guidance in PPS1, PPS3 & PPS5.

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 development hereby permitted shall not be exercised in addition to or in combination with the development permitted by the permission granted under Ref. E/2011/0168/FUL dated 23/06/11.

REASON: In the interests of sound planning.

- 3 No development shall take place until details (including samples) of the materials to be used for the external walls and roofs (including details of the colour and type of render to the summer room) 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.

- 4 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and dormers 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.

- 5 No development shall commence on site until details of the bricks, bond, mortar, capping and termination of the extended front boundary wall have been submitted to and approved in writing by the local planning authority. Furthermore a sample wall panel shall have been constructed on site, inspected and approved in writing by the local planning authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 6 Prior to commencement of development, assessment of the listed status of the boundary walls of the sunken garden is to be made and presented to the local planning authority. Full details of proposals for works of repair or rebuilding to any existing boundary wall to the sunken garden wall, including details of new bricks, bond, mortar and capping are to be submitted to and approved in writing by the local planning authority in advance of these works being undertaken. Rebuilding works will involve the re-use of the existing bricks where these are in good condition and shall be carried out in accordance with the approved details.

REASON: To secure the upkeep of these historic walls, in the interests of preserving the character and appearance of this part of Marlborough Conservation Area.

- 7 Prior to commencement of development, the applicant shall advise the local planning authority of results of investigations into depth of foundations of existing historic boundary walls and buildings on the site (in relation to the need to meet building regulations and the Party Wall Act) and advise of any consequential works required to secure the structural integrity of such structures due to the construction of the new development.

REASON: Such details do not form part of the application.

- 8 Notwithstanding the details shown on plan 10085(L)020 Rev A, no development shall take place until there has been submitted to and approved in writing by the local

planning authority a fully detailed scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

REASON: To ensure a satisfactory landscaped setting for the development.

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development.

- 10 The office/studio building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house.

REASON: To define the extent of the permission and given the residential character of the neighbourhood.

- 11 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 to, or extensions or enlargements of 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 enlargements.

- 12 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), no windows, doors or other form of openings shall be inserted above ground floor ceiling level in the northern or southern side elevations of the dwelling hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 13 Prior to the dwelling hereby permitted being first occupied, the roadside kerbs shall have been lowered and raised as necessary to suit the revised access width, with the footway being resurfaced as necessary to suit the revised levels.

REASON: In the interests of highway safety.

- 14 No development shall commence within the site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority;

and

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

15 INFORMATIVE TO THE APPLICANT:

The applicant should note that the costs of carrying out the required archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred. The work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by the County Archaeologist.

16 INFORMATIVE TO THE APPLICANT:

Listed building consent may be required for any repairs to the boundary walls of the sunken garden. This should be obtained before any works commence.

17 INFORMATIVE TO THE APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 18 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

9041-50-02, 9041-100-01, 9041-100-03, 10085(L)004, 10085(L)011B and 10085(L)012B, all received 12/09/11.

10085(L)005G, 10085(L)006J, 10085(L)007K, 10085(L)008H, 10085(L)009F, 10085(L)010H, 10085(L)013F and 10085(SK)039_A all received 19/12/11.