

## EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	15 <sup>th</sup> March 2012
<b>Application Number</b>	E/2011/1701/FUL
<b>Site Address</b>	Kytes Cottage, 10 High Street, Market Lavington, Wiltshire SN10 4AF
<b>Proposal</b>	Erection of 1 no. new dwelling.
<b>Applicant</b>	Mr J Patterson
<b>Town/Parish Council</b>	MARKET LAVINGTON
<b>Grid Ref</b>	401590 154183
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

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### Reason for the application being considered by Committee:

This application is brought to committee at the request of Division Member, Cllr Gamble.

### 1. Purpose of Report

To consider the recommendation that the application be granted planning permission.

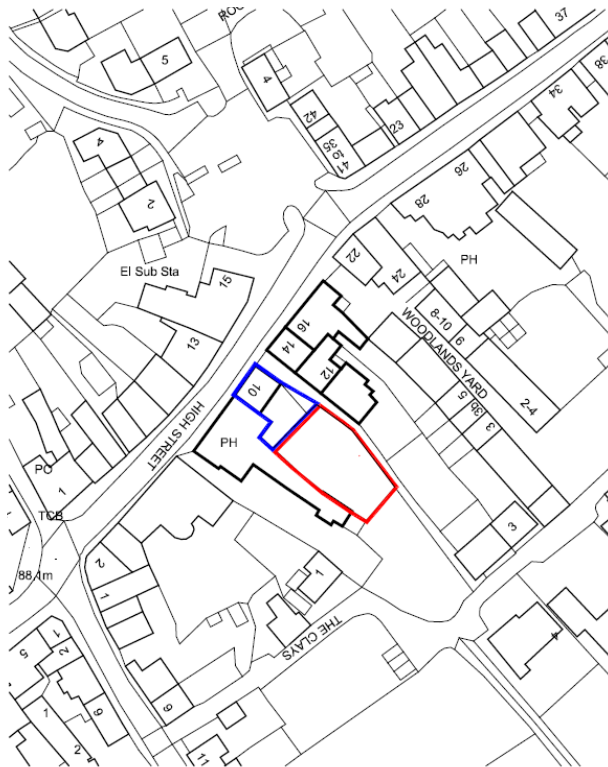
### 2. Report Summary

The key issues for consideration are:

- Whether development is acceptable in principle;
- Whether the scale and design of the new dwelling is considered acceptable;
- Whether the proposal would preserve or enhance the character and appearance of the conservation area;
- Whether the proposal would preserve the setting of the listed building;
- Whether the scheme would have an adverse impact on neighbour amenity; and
- Whether the scheme would prejudice highway safety.

### 3. Site Description

The site lies behind the building frontage on the south side of Market Lavington High Street, almost directly opposite the Co-operative store. Below is a location map with photographs that show the context of the site.



Access way from the High Street



Site entrance



View from rear of development site



The development site



Land to rear of development site



Public footpath to side of site

The site constitutes the larger part of the rear garden area of No.10 High Street (Kytes Cottage), a listed timber framed house dating from circa the C17. A narrow access between this and buildings to the north is used for informal vehicular access coming off the High Street. The access continues as a through-route to the back lane (The Clays) via a public footpath. Buildings to either side of No.10, on the High Street frontage are listed, as are those opposite and those extending along the north-eastern side of the footpath (to the immediate north-east of the site). The whole site lies within the Market Lavington conservation area.



## 6. Planning Policy

Kennet Local Plan 2011 - The site lies within the centre of Market Lavington where new residential proposals are assessed against policy PD1 (general development principles) of the local plan.

Relevant central government planning policy is set out in Planning Policy Statement 1: 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing', Planning Policy Statement 5: 'Planning for the Historic Environment' and Planning Policy Guidance 13: 'Transport'.

The Market Lavington Conservation Area Statement (July 2002) is also a material planning consideration.

## 7. Consultations

### Wiltshire Council Conservation Officer

The conservation officer has provided detailed comments on the application which can be viewed on the planning file in the offices or online. In summary, she has expressed concerns regarding the principle of development in that it is backland development which is out of keeping with the pattern of historic development. The proposals would harm the character and setting of the adjacent listed building (Kytes Cottage) and there is a lack of any justification to suggest that the proposals are required in order to meet a conservation deficit in respect of the listed building. There is no indication of any public benefit which would result from the development and which might be weighed against the harm which would result from the scheme.

### Wiltshire Council Highways Engineer

The highways engineer has no objection to the proposed dwelling subject to the provision of the vehicle parking and turning areas as detailed on the submitted plans, with the areas so provided being thereafter maintained and kept available for the parking and turning of vehicles. The proposed gates should be conditioned to open inwards, away from the public footpath.

The highway engineer makes the following comments in support of his position:

"The access has satisfactory visibility at 2m set back to the west. To the east the visibility is more restricted at 2m set back but becomes acceptable when a vehicle has emerged a little further. The situation is a village environment with parked vehicles generally slowing traffic speeds along the High Street. Number 10 does not currently have a laid out vehicle turning space: I suspect that vehicles turn on the grass although on occasions such as wet weather periods vehicles probably reverse from the access into the High Street which would be quite hazardous. The proposed development therefore creates some highway benefit by providing a turning facility for both existing and proposed dwellings. While the access carries the route of a public footpath I would not wish to justify a highway objection on the grounds of the traffic from one more dwelling conflicting with pedestrian movements."

### Market Lavington Parish Council

The parish council has objected to the application on the grounds that:

- (i) the access to the site is substandard and very narrow with poor sight lines at the junction with the High Street that is effectively reduced to a single lane because of on-street parking;
- (ii) the access is shared with a well used public footpath which serves as a significant thoroughfare from the 'Clays' area and Lavington Hill;
- (iii) being a narrow access there is a potential for problems with construction deliveries with anything larger than a van;

- (iv) the style of the proposed dwelling would be out of keeping with the surrounding area with buildings on this side of the High Street having long narrow gardens;
- (v) the height of the building is too great when compared with the adjacent buildings and it is also too close to them;
- (vi) allowing this application would set a damaging precedent for many other properties.

#### Wiltshire Fire & Rescue Service

No objection – standard advice and guidance provided.

## **8. Publicity**

The application has been publicised by way of a site notice, press advertisement and neighbour notification letters. No representations have been received.

## **9. Planning Considerations**

### 9.1 Principle of the Development

The application site lies within the Limits of Development of Market Lavington where the principle of new housing is considered acceptable, provided that it accords with other policies in the development plan, notably policy PD1 which seeks to ensure high standards of design and developments that are in keeping with the character of the surrounding area.

### 9.2 Design & Impact upon Conservation Area

The proposed development will not extend significantly beyond the rear building line of the adjoining plots and although the new dwelling would be detached from the original building on the plot (No.10), it would not appear alien or out of character with the area. The dwelling would relate well to the adjacent footpath from where it will be viewed in the context of the existing outbuildings of the former Kings Arms Public House which have recently been approved for conversion to residential use. The dwelling would not be prominent when viewed from the High Street.

The application proposes the erection of a new two storey, 3 bed dwelling occupying a footprint of approximately 67m<sup>2</sup>. The dwelling would have a ridge height of 7.15m and it would be constructed out of facing bricks and single roman clay tiles for the roof. Windows and doors are to be timber framed with re-constituted stone sills.

The dwelling would be of modest height and footprint. The design of the dwelling in terms of its materials and details is uncontroversial and although the proposed dwelling is not specifically reflective of more locally distinctive vernacular styles, it is not considered that the design would be harmful to the conservation area.

In terms of scale the dwelling would related well to the existing buildings to the north-east, its roof ridge being 0.12m lower than the neighbouring buildings. The dwelling would be 2 metres taller than the adjacent outbuildings belonging to the former Kings Arms Public House and the buildings would be spaced by approximately 1.9 metres. Whilst this relationship is not ideal, it is not considered that there would be sufficient harm to justify a refusal of planning permission.

### 9.3 Impact upon listed building

The proposed dwelling will be situated approximately 13 metres away from Kytes Cottage which is considered to be a satisfactory separation distance with the listed building. The application proposes to retain some curtilage for the listed building for the purposes of private amenity space.

The historic boundary wall along the public footpath is to be rebuilt as part of the proposals and this will be a positive enhancement to the conservation area and the listed building's setting. Overall, it is not considered that the new dwelling would cause any harm to the character or setting of the listed building.

#### 9.4 Impact upon neighbour amenity

There will be no adverse impact upon the amenity of adjoining occupiers in terms of loss of light as the proposed dwelling would be a sufficient distance away from existing windows and property boundaries.

Windows proposed at first floor level on the south west elevation will look out onto the roofslopes of existing buildings and consequently they will not cause any overlooking issues (the windows will serve bathrooms in any event).

The windows at first floor level in the north east elevation will look out towards Tsang's House which is a Chinese restaurant and fish & chip shop. There would be some views from the master bedroom towards the rear of Tsang's House, but these would not be significant enough to justify refusing the application.

It is relevant to consider that no objections have been received from any of the owners/occupiers of the properties that adjoin the site.

#### 9.5 Impact upon highway safety

The proposal would not have an adverse impact upon highway safety. The extra traffic associated with the addition of one new house would not be grounds for refusing the application as there will not be a significant increased conflict with pedestrian movements along the public footpath. The application provides for two off-street parking spaces for existing and proposed dwellings and there is adequate space for turning within the site to enable vehicles to exit in forward gear. The Highway Authority has raised no objections to the proposal and has even stated that the provision of a proper hard surfaced parking area would provide some highway benefit.

### **10. Conclusion**

On balance, it is not considered that there would be any material harm to the conservation area, the setting of adjacent listed buildings, neighbour amenity or highway safety. Consequently, a grant of planning permission is recommended.

### **RECOMMENDATION**

**That planning permission be GRANTED for the following reason and subject to the conditions set out below:**

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1 as well as Central Government policy contained within Planning Policy Statement 1: 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing', Planning Policy Statement 5: 'Planning for the Historic Environment' and Planning Policy Guidance 13: 'Transport'.

- 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 No development shall commence on site until details of the materials to be used for the external walls and roofs (including samples) 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 secure harmonious architectural treatment.
  
- 3 No development shall commence on site until details of all eaves, verges, windows (including details of heads, sills and reveals), doors, rainwater goods, chimneys and porch canopies to be used 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 harmonious architectural treatment.
  
- 4 No development shall commence on site until details of the bricks, brick bond and coping to be used for the rebuilt boundary wall adjacent to the public footpath 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 first occupation of the new dwelling.  
  
REASON: To secure harmonious architectural treatment.
  
- 5 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 other than those shown on the approved plans, shall be inserted above ground floor ceiling level in the north-east elevation of the dwelling hereby permitted.  
  
REASON: In the interests of residential amenity and privacy.
  
- 6 Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.  
  
REASON: In the interests of highway safety.

7 No development shall commence on 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.

8 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.

Plan Ref: 11014/P001, 11014/P002, 11014/P003, 11014/P100, 11014/P010, 11014/P011, 11014/P015

Received: 15th December 2011

**Appendices:** None

**Background Documents Used in the Preparation of this Report:** None