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|----------------------------|---|-----------------------|-------------------------------------|
| <b>Date of Meeting</b>     | <b>27<sup>th</sup> June 2012</b>                |                       |                                     |
| <b>Application Number</b>  | <b>12/00908/FUL</b>                             |                       |                                     |
| <b>Site Address</b>        | <b>20 St Aldhelm Road, Malmesbury, SN16 0DB</b> |                       |                                     |
| <b>Proposal</b>            | <b>First Floor Side Extension</b>               |                       |                                     |
| <b>Applicant</b>           | <b>Mr Thornbury</b>                             |                       |                                     |
| <b>Town/Parish Council</b> | <b>Malmesbury</b>                               |                       |                                     |
| <b>Electoral Division</b>  | <b>Malmesbury</b>                               | <b>Unitary Member</b> | <b>Cllr Simon Killane</b>           |
| <b>Grid Ref</b>            | <b>392740 187696</b>                            |                       |                                     |
| <b>Type of application</b> | <b>Full</b>                                     |                       |                                     |
| <b>Case Officer</b>        | <b>Sue Hillier</b>                              | <b>01249 706685</b>   | <b>sue.hillier@wiltshire.gov.uk</b> |

**Reason for the application being considered by Committee**

The application has been called to committee by Councillor Killane to consider the scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design – bulk, height, general appearance and environmental/highway impact.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED.

**2. Main Issue**

The main issues in considering the application are:

- Principle of development Policies C3 and H8 of the adopted North Wiltshire Local Plan 2011
- Affect on the privacy and amenity of existing neighbours and potential occupants.
- The design, bulk and height of the proposal.

The application has generated an objection from Malmesbury & St Paul Without Residents' Association and 1 letter of objection.

**3. Site Description**

The dwelling was permitted in 2009 (09/1117/FUL). The site forms the end section of a garden that did belong to 2 Athelstan Road, The area is predominantly residential and to the north west of the site is a relatively new terrace of dwellings. The site is situated within the Settlement Framework Boundary.

#### 4. Relevant Planning History

| Application Number | Proposal   | Decision   |
|--------------------|--|------------|
| 09/00117/FUL       | Amendment to Application 07/02418/FUL – Proposed New Dwelling and Proposed New Access for 2 Athelstan Road Including Single Storey Extension | Permission |
| 09/00043/FUL       | Proposed New Dwelling & New Access (Revised Scheme)  | Permission |
| 07/02418/FUL       | Proposed New Dwelling & New Access   | Permission |
| 07/01331/FUL       | Proposed New Dwelling and Driveway   | Withdrawn  |

#### 5. Proposal

The proposal is for the erection of a first floor extension over an existing single storey living area to this small detached dwelling.

#### 6. Consultations

Malmesbury Town Council - supports the application.

Malmesbury & St Paul Without Residents' Association – state there are a number of aspects relating to this application that the Association is concerned about and hence, on balance, wish to register an objection. If a condition of the original approval was that the new dwelling should be 12m distant from 2 Athelstan Road the developer would appear to be in breach and hence do not believe it would be lawful to approve this application. We further understand that the developer has not paid the S106 contribution associated with 20 St Aldhelms Road and thus is in further breach of the original permission. These are considered serious issues and would wish for these two potential breaches to be cleared away before an assessment of this application is made.

The Highway Authority – The proposed extension results in a 2 bedroom property. As such there is a requirement for 2 parking spaces. The remaining parking space is able to accommodate this requirement and therefore, raise no highway objection.

#### 7. Publicity

The application was advertised by site notice and neighbour consultation.

1 letter of objection received and 1 comment.

Summary of key relevant points raised:

- The original application for this plot was for a 2 bedroom property which was refused. Why is this application being considered only a short time after the refusal?
- The proposed extension will reduce the amount of light to my property.
- The proposed extension will further impose on my property.
- Concerns regarding a proposed balcony.

## **8. Planning Considerations**

Policy H8 of the adopted Local Plan requires that development within a residential curtilage will be permitted provided that it is in keeping with the scale, form, materials and detailing of the host dwelling and that it maintains the scale and siting of the dwelling in relation to adjoining development, open spaces and the character of the area and the wider landscape.

Policy C3 of the adopted Local Plan requires that all development has to respect the local character and appearance of the area with regard to its design, size, scale, density, massing, materials, siting and layout. Policy C3 also requires new development to avoid creating unacceptably low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to the detriment of the existing occupiers in adjacent dwellings.

The site has an area of 12 metres x 11 metres. The siting of the dwelling has been kept in line with the adjacent dwellings i.e. the side elevation of 2 Athelstan Road and 22 St Aldhelm Road, resulting in the dwelling sitting close to the boundary of the site.

The first floor extension would be deeper than the existing ground floor and would create a covered area over the living room window and door to the front of the house. A small hip to the roof is proposed. It is considered that the elements of the design would not be in keeping with the simple design of the existing dwelling.

Critically it must be noted that during the application consideration and determination of the original 2009 application the agent was clearly advised that an extension of a type and scale similar that now proposed would not be supported. This was because of the small plot and to protect the amenities of the occupiers of adjacent dwellings.

The dwelling has recently been constructed and the negotiations on the original application sought to keep the built form to a minimum because of the small plot size and to protect the amenities of the occupiers of the adjacent dwellings. The situation and effect of such an addition has not altered since that time.

## **9. Conclusion**

The extension would result in a flank wall being approximately 7 metres from the rear of No. 2 Athelstan Road. Although No. 20 is sited at a lower level than the neighbouring dwelling, it is considered that there would be considerable harm caused to the amenities of the occupiers of the adjoining dwelling due to the height and proximity of the extension to the rear windows and garden area of No. 2 Athelstan Road.

## **10. Recommendation**

Planning Permission be REFUSED for the following reason:

The proposed extension, by reason of its design, form, scale and siting, would not be in keeping with the host dwelling and would be harmful to the amenities of the occupiers of the adjacent dwelling, contrary to policies C3 and H8 of the North Wiltshire Local Plan 2011.

Informative

1. This decision relates to documents/plans submitted with the application, listed below.

Drawings: 01, 02, 03, 04, 05, 06, 07, 08, 09, 010 & 011

Dated: 26<sup>th</sup> March 2012

