

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22.08.2012		
Application Number	W/12/01107/FUL		
Site Address	Jasmin House 115A Hilperton Road Trowbridge Wiltshire BA14 7JJ		
Proposal	Proposed extension and change of use of existing garage to residential bungalow		
Applicant	Mr R Hibbard		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	386939 158663		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Clark has requested that if officers are minded to recommend permission, that this item be determined by Committee so that -

The concerns of the Parish Council and local residents can be considered by the Elected Members.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses - 2 letters of representation received.

Hilperton Parish Council Response - Objects to this application for the reasons cited within section 7 below.

2. Report Summary

The main issues to consider are:

Principle of Development
 Impact upon the surrounding area (including impact on nearby Conservation Area)
 Relationship to adjoining properties
 Environmental/highway impacts

3. Site Description

The application site forms part of an existing residential property (known as Jasmin House) located within the defined Town Policy Limits of Trowbridge, but located within the civil parish of Hilperton, in a predominantly residential area. The site measures about 500 sq.m and is accessed off the southern side of Hilperton Road. The roadside boundary, including the access point, falls within the Conservation Area which extends northwards and westwards towards the Town Centre. Aside from the access drive, the application site is rectangular in shape with four well established trees, including one large Copper Beech which is covered by TPO.

4. Relevant Planning History

97/00524/OUT - Two dwellings with detached garages and access - Permission 14.08.1997

97/01206/REM - Demolition of existing dwelling "St Helier" and erection of 2 dwellings with detached garages and access - Approval 12.11.1997 -

Note 1: The above development has been implemented.

Note 2: The following planning history does not fall within the defined application site. However, since the planning history relative to the paddock land located to the NW of the application site has been highlighted as part of the public consultation and notification exercise, the following planning history should be noted:

w92/00640/OUT - residential development (limited to four houses) - Permission October 1992 (subject to a legal agreement)

w94/00224/FUL - residential development for four houses - Permission May 1994 - condition 3 specifically excluded permitting any built development on the paddock land and sought to retain it as amenity open space.

97/01536/FUL - Erection of dwelling on land adjacent to St. Helier - Refused 29.01.1998 - Appeal dismissed 12.10.1998

98/00254/FUL - Erection of a bungalow (revised scheme) - Refused 06.04.1998 - Appeal Dismissed 12.10.1998

Note 3: Both above referenced appeals were processed by PINS under one appeal decision letter.

5. Proposal

This application seeks permission to extend and convert an existing double garage measuring 39.6 sq.m to form a single-storey 2-bed dwelling with a total floor area of 81 sq.m (the extension amounts to 42 sq.m). A 2 metre high close boarded fence is proposed along the north-western and southern boundaries. "Open air" car parking shall be provided for both the new and existing host properties. The proposed materials would be matching facing brick under a concrete tiled roof.

The garage, which is the subject of this application, was approved as part of the two-house residential infill development to replace one property (now demolished) known as St. Helier under application references 97/00524/OUT and 97/01206/REM.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016

DP1 - Priorities for Sustainable Development; DP2 - Infrastructure; DP7 - Housing in Towns and Main Settlements; DP9 - Reuse of Land and Buildings; HE7 - Conservation Areas and Listed Buildings.

West Wiltshire District Plan - 1st Alteration

C17 - Conservation Areas; C18 - New Development in Conservation Areas; C31a - Design; C32 - Landscaping; C35 - Light Pollution; C38 - Nuisance; C40 - Tree Planting; H1 - Further Housing Development Within Towns; H2 - Affordable Housing Within Towns and Villages; H24 - New Housing Design; U1a - Foul Water Disposal; U2 - Surface Water Disposal; T10 - Car Parking

Supplementary Planning Guidance

Residential Design Guide (adopted November 2005)

Government Guidance

The National Planning Policy Framework (NPPF)

7. Consultations

Town/ Parish Council - Objects for the following reasons:

- a) The proposal will not be compatible with existing planning permission.
- b) The proposal will conflict with the pattern of development in the area.
- c) The proposal will be visually damaging in the landscape and setting.

The Parish Council would also point out that there has been another application for residential use on this area of land which was refused and which was also turned down on appeal, and there is no change in the situation.

Highways - The development would not detrimentally affect highway safety and no objection is therefore raised.

Wessex Water - New water supply and waste water connections shall be required for this development. No objections raised subject to an informative.

Council's Tree and Landscape Officer - Verbally advised that the proposed development would not compromise the health of the protected Copper Beech which is covered by a TPO. If approved, a planning conditions are required for the submission of tree and root protection measures to protect the Copper Beech which will require the formal approval of the Council before works commence on site.

8. Publicity

The application was advertised by site notice and neighbour notifications.

Expiry date: 13.07.2012

Summary of points raised: 2 letters of representation received raising the following objections:

The proposal would result in an overdevelopment and intensification of the plot.

It would likely result in further residential development.

Previous applications to develop in the adjoining paddock were refused. This development would result in a creeping form of residential development which would result in the loss of the green, open character of the site.

The development would fundamentally change the character of this entry point to Trowbridge. The siting, layout and design are not in keeping with the character of the surrounding area. The proposed structure is in breach of the building line, replacing an ancillary building with a residential property.

There would be a breach of Council's condition which prevents the erection of any dwelling closer than 70 metres from the Hilperton Road frontage, so preventing any rupture of the building line.

The size, massing and location of the dwelling would result in a building intruding into the corridor of open space at the entrance to Trowbridge that would be harmful to the street scene and would neither preserve or enhance the setting of the adjacent conservation area.

Further development of the site would result in increased vehicle activity with insufficient parking and add greater vehicle conflicts.

The garage should stay as a garage. It was never planned as a residential site.

The shared access driveway would be enclosed and would suffer loss of light.

There would be a loss of amenity and privacy through increased number of neighbours.

The proposed development would be contrary to the first criterion of Policy H1 of the adopted local plan.

Whilst recognising that it may not be a valid material planning objection, concern has also been raised about the repair and maintenance of the shared driveway.

9. Planning Considerations

Principle of Development

The recently published NPPF places an importance on the planning system to deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice. Making efficient and sustainable use of land is still an over-arching planning requirement; and, it is recognised that the form and density of a site's surroundings are material considerations.

Paragraph 49 of the NPPF makes it explicitly clear that "housing applications should be considered in the context of the presumption in favour of sustainable development". In this particular case, the site is located within the established Town Policy Limits and can access all the Town's amenities and services in a sustainable manner, including making use of the public transport links. Whilst inappropriate forms of "garden grabbing" should be resisted, where they cause harm, officers submit that this proposal is not considered to be inappropriate. The relatively limited extension to the garage would not result in overdevelopment and even with the proposed sub-division of the existing plot, the host property would still retain a significant rear garden and no demonstrable harm would be created.

The site is located entirely within the defined Town Policy limits of Trowbridge and under Policy H1 of the adopted West Wiltshire District Plan, proposals for new housing development in this area may be permitted provided, inter alia, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development.

Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

Having researched the planning history, including reviewing dismissed appeal decisions attributed to the paddock land (located to the north west of the site), it must be fully acknowledged that the paddock land is in separate ownership and is a completely separate parcel of land with its own planning history. Back in 1994, the paddock land was specifically identified by the former West Wiltshire District Council in approving the four-house development under application w94/00224/FUL, for retention as open amenity space - and a planning condition defined the terms of the permission accordingly. This restriction has been tested by subsequent applications (as noted above) which the Council has consistently rejected: with the decisions being upheld on appeal.

However in this particular case, a clear distinction must be made between the application site (which in part is previously developed land i.e. the garage building) and forms part of an existing residential curtilage; compared with the paddock land, which is neither previously developed land nor is it part of residential curtilage. It is also submitted that the character of the two parcels of land are materially different. Since 1994, the local planning authority has defended the need to retain the paddock land as open amenity ground. The same restriction has never applied to the garden ground at the front of Jasmin House. Officers further submit that approving the garage extension/conversion would not compromise the Council's consistent approach to refusing residential development on the paddock land. There should be no precedent concerns since the fundamental tenet that each planning application deserves to be assessed on its own merits applies.

Impact upon the surrounding area (including impact on nearby Conservation Area)

The proposed design and detailing is acceptable and reflective of the surroundings. The immediate surroundings and neighbouring properties are characterised by relatively large houses set within large plots. Although this proposal would break away from this standard, and introduce a smaller property with a smaller garden, it would not appear discordant in the street scene. The existing garage

building is set back about 50 metres from Hilperton Road, and is not highly visible. It is furthermore recognised that since the extension would respect the garage ridge height (i.e. the new extension would not project above the existing height), the operational development would be relatively modest in scale, which is considered acceptable. The development would not harm the nearby Conservation Area.

Relationship to adjoining properties

The proposed development would not demonstrably harm neighbouring amenities or privacy. No windows are proposed on the north eastern or south western gable elevations and it is recognised that the separation between the extended building and neighbouring properties is acceptable and that adequate external amenity ground shall be provided for the future occupants of the proposed new dwelling. To ensure that future amenities are protected, it is considered necessary to remove permitted development "PD" rights preventing further additions and wall openings. The concern raised about the boundary treatment causing a loss of light to the driveway is not a robust enough reason for refusal. The loss of light concern is disputed since any enclosure facing the shared driveway would only be on one side and daylight/sunlight would still penetrate the driveway from above.

It should be noted that the existing property, Jasmin House, benefits from PD rights in terms of having the ability to convert the existing garage (as it currently exists) to form ancillary habitable accommodation - although it should be noted that PD rights do not extend to creating a new residential planning unit. So, the garage cannot be converted to a new house without permission. However, the owner of the site could undertake some alterations to the garage and erect a 2 metre high boundary fence or wall (not adjacent to the public highway) without requiring planning permission.

Environmental/highway impacts

As reported above, the Council's Tree and Landscape officer is satisfied that the proposed development would not endanger the long term health of the nearby Copper Beech tree which is protected by way of a TPO. No objection is raised to the removal of one of the four fruit trees located close to the garage. A planning condition is necessary however requiring the submission of the requisite tree protection measures and a nod dig specification is required to ensure that the proposed parking provision does not detrimentally affect the tree's root system.

The Council's Highways Authority report having no objections to the proposed development. It should be noted that the repair and condition of the shared driveway is really a civil matter which should be addressed by the individuals concerned.

Wessex Water have confirmed that the site can be adequately serviced with the exact points of connection to be agreed directly with Wessex Water's Developer Services team.

Conclusion

The proposed development is considered to be an appropriate and acceptable residential windfall, which would not result in demonstrable harm to the immediate surroundings, neighbouring interests, trees or conflict with highway safety. The application is therefore recommended for permission, and subject to several conditions.

Recommendation: Permission

For the following reason(s):

This proposed application would be an appropriate form of development within the defined Town Policy Limits without causing harm to the surroundings, neighbouring interests, trees or conflict with highway safety.

Subject to the following condition(s):

- 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 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 the subject 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: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 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 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 in the development hereby permitted, without a separate application being submitted and obtaining the formal approval of the local planning authority.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 5 No development shall commence on site until details of the design, external appearance and decorative finish of the fenced enclosure along the north-western and southern site boundary 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 brought into use.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 6 No development shall commence on site until details have been submitted for the written approval of the Council showing the means by which the tree on the site which is protected by a Tree Preservation Order shall be enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before any fence is erected, the exact specifications and position must be approved the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the Local Planning Authority to ensure the protection of the Copper Beech tree on the site in the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32

- 7 No development shall commence until a full No-Dig specification for works within the root protection area/canopies of the protected and retained Copper Beech tree has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: In order to protect the TPO'd Copper Beech tree on the site with surfacing placed near to or over the trees root system.

- 8 No part of the development hereby permitted shall be brought into use until the turning area and parking spaces as shown on the submitted floor plan layout plan have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In order to define the terms of this permission and in the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and T10.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

EXISTING PLAN AND SOUTH EAST ELEVATION received on 07.06.2012

PROPOSED PLAN AND SOUTH EAST ELEVATION received on 07.06.2012

PROPOSED ELEVATIONS AND SITE PLAN received on 07.06.2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 The developer/applicant is advised to make contact with Wessex Water to agree connections to the public water supply and waste water system.

Appendices:	
Background Documents Used in the Preparation of this Report:	