

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting:</b>	04 <sup>th</sup> October 2012		
<b>Application Number:</b>	S/2012/0883/Full		
<b>Site Address:</b>	137 Netherhampton Road, Salisbury. SP2 8NB		
<b>Proposal:</b>	Erection of a 2 bedroom dwelling and alteration to existing access		
<b>Applicant / Agent:</b>	Mr Nigel Lilley		
<b>City/Town/Parish Council</b>	Salisbury City Council		
<b>Electoral Division</b>	Harnham	<b>Unitary Member</b>	Cllr Brian Dalton
<b>Grid Reference:</b>	Easting: 412872		Northing: 129156
<b>Type of Application:</b>	Minor		
<b>Conservation Area:</b>	Cons Area: - NA		LB Grade:- NA
<b>Case Officer:</b>	Mr Matthew Legge		Contact Number: 01722 434398

**This application has been deferred to allow for a Committee site meeting.**

This report has been amended since the initial presentation to take account of the late representations from the Tree Officer, this resulting in a further recommended reason for refusal.

### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Management that planning permission be **REFUSED** with reasons.

### 2. Report summary

The main issues to consider are:

- Impact on character of area
- Neighbour Amenity
- Highway- Impact on adjacent Bridleway
- Trees
- Planning Obligations

The application has generated objections from Salisbury City Council and 2 letters of objection from neighbouring dwellings.

3 Representation Responses

2 Neighbouring letters received objecting to the proposal

1 letter of support received

0 letters commenting on the application received

### 3. Site Description

The application dwelling is a detached bungalow which fronts onto Netherhampton Road and maintains a vehicular access via Carrion Pond Drove. The application site is located within a Housing Policy Boundary area.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
S/2012/0581	Erection of a 2 bedroom dwelling and alteration to existing access	WD
S/2004/0499	Retrospective erection of fence	AC

#### 5. Proposal

Erection of a 2 bedroom dwelling and alteration to existing access

#### 6. Planning Policy

Adopted policies; G1, G2, D1, D2, R2, H16, CN21 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Adopted South Wiltshire Core Strategy: Core Policy 3  
Wiltshire Local Transport Plan 2011-2016  
Para.53 National Planning Policy Framework

#### 7. Consultations

##### Salisbury City Council

*“SCC objects as per S/2012/0581. Clarification is needed to establish who owns the land at the curtilage. Is access sustainable if this road is unadopted? SCC is not content to see further infill development. SCC would like to raise significant concerns about access to other properties as the plan appears to enclose the bottom section of Carrion Pond Drove which is believed to be common land.”*

##### Environment Agency

The LPA should refer to the Flood Risk Standing Advice.

##### Wiltshire Council Highways

*“It is considered that the development proposed will not detrimentally affect highway safety and I therefore recommend that no highway objection be raised to it subject to the following conditions....”*

##### Environmental Health

*“No Observations”*

##### Rights of Way

None received. Previous application commented: *“I would ask whether the applicants could demonstrate a private vehicular right to drive on the Public Bridleway?”*

##### Wiltshire Council Archaeology

*“There are no historic records within the vicinity of the site. I therefore consider it unlikely that significant archaeological remains would be disrupted by the proposed development”*

##### Wiltshire Council Tree Officer

*“I note the Planning Statement attached to this application states that no trees are affected by the proposal. However, there is a 50 year old Oak tree in the garden of the neighbouring property to the south (1 Montague Road) and the new dwelling seems to encroach in the*

*root protection area of the tree. Furthermore, the canopy of the tree appears to extend over the intended footprint of the new building. This will inevitably lead to future concerns about safety (especially as the tree is relatively young and has considerable growth potential) and other tree related issues such as overshadowing, leaf fall, damp problems etc.*

*I believe the application has failed to consider the impact on the tree which in my view could be damaged by development or come under significant pressure to be felled should Planning Permission be granted.”*

## **WF&RS**

### General Comments

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

**2 letters of objection** have been received:

- Concern over maintaining vehicular access in Carrion Pond Drove during the construction of the proposed dwelling.
- Concern over the maintenance of the drove and potential future financial costs for all drove users.
- Concern over any reduction in the existing width of the Drove and any resultant impact on access to current dwellings.
- *“I am also very concerned about loss of privacy, the bedroom and stairwell window in the proposed building will be overlooking my property”*
- Concern over loss of views
- Concern over lack of drainage plans/details and connection to main sewer.

**1 letter of support** has been received:

- Support from Applicant’s Doctor in relation to the erection of a bungalow.

## **9. Planning Considerations**

### **9.1 Impact on character of area**

This application proposes to erect a two bedroom dwelling with two parking spaces together with outdoor amenity areas within the rear garden of the application site. The application dwelling is a detached bungalow with a gravelled area to the front of the property which appears to allow the parking of between 2 to 3 vehicles. The rear garden is the principle area of outdoor amenity space for the application dwelling. The rear garden measures a distance of about 12.86m from the furthest rear elevation of the application dwelling. This proposed new dwelling would reduce that distance to 3.679m which would significantly reduce the available area of outdoor amenity space for the existing bungalow. Officers consider that this application’s proposed development site is far too small to accommodate a new dwelling and would not allow adequate outdoor amenity space for the existing dwelling and constricted outdoor space for the proposed dwelling. The National Planning Policy Framework (NPPF) is noted to comment that *“Local planning authorities should consider the case for setting out policies to restrict inappropriate development of residential gardens...”*

The aims of the NPPF are clear that the LPA should not encourage or approve inappropriate development of residential gardens, similar to the aims of policy H16 of the Local Plan as contained within the SW Core Strategy. This LPA considers that this

proposed dwelling on such a constrained and small proposed plot is uncharacteristic of the built massing within the area and if permitted would in the opinion of Officers create a precedent which would encourage small and inappropriate sites for the erection of new residential dwellings.

## **9.2 Residential Amenity**

This application's proposed new dwelling would have a gross ridge height of 5.650m. The proposed dwelling would be located within a close distance of 0.45m from the boundary with the southern dwelling (known as No.1 Montague Road) and 0.934m from the western boundary with No.139 Netherhampton Road. The proposed new dwelling is considered to be sensitively designed so not to result in significant overlooking between the surrounding neighbouring properties. The limited number of windows facing toward the southern elevation is likely to result in no demonstrable harm to overlooking; however the single light stair window (which would rise above a 2m boundary fence) could be permanently obscured to ensure no direct views are permitted towards the neighbouring dwellings. The high level glazed apexes within the gable elevations on the north and west elevations would not in the opinion of Officers allow direct overlooking towards the neighbouring dwellings. The glazing within the front eastern elevation would face towards the garaged/parking area of the dwelling known as En-Indoors. Such permitted views towards En-Indoors and the rear parking area of the New Gospel Hall (opposite the application site) is not considered to be unduly harmful to warrant or contribute towards a refusal of the application. Any first floor views towards En-Indoors's front elevation will only be oblique and indirect. En-Indoors principle outdoor amenity area to the south of this neighbouring dwelling is considered to remain unaffected by the creation a new dwelling within the application site.

However, the general massing of the proposed new dwelling is significant. Given the restricted nature of the plot, and close proximity to other residential dwellings and garden areas, it is considered that the dwelling as designed would be likely to have an overbearing impact on the existing dwelling (No.137), particularly given the restricted amenity space provided for No.137. Conversely, it is also considered that the amenities enjoyed by any future occupants of the proposed dwelling would be likely to be significantly reduced by the restricted outdoor space around the planned property, much of which is located to the immediate north of that dwelling and likely to be in shadow most of the time.

It is therefore considered that the proposal would harm the future amenities enjoyed by occupiers of No.137, and the new dwelling, in terms of undue dominance and overshadowing.

## **9.3 Highway- Impact on adjacent Bridleway**

This application proposes to provide access onto Carrion Pond Drove which this LPA recognises as a Bridleway. However notwithstanding the designation of the drove it is noted that Wiltshire Council Highways have not raised any "in principle" objection to the use of this Bridleway for vehicles. Officers note that the Drove already allows access for a small number of vehicles. Whilst Bridleways by definition should not be used for motorised vehicles, this particular Drove has evident precedent towards the Drove's use by motorised vehicles. Officers support the neighbouring comments which seek to ensure that the Drove is free of parked vehicles and Officers also do not support the Drove becoming (over a period of time) a classified part of the highway which would thus encourage yet more vehicles to use the Bridleway. Presently it is noted that the drove is not adopted by Wiltshire Council Highways and that the Drove does not have any road markings or lighting. The principle of vehicular use over the Drove appears to be accepted by Highways and as such Officers are not principally objecting to what appears to be an established use for private

vehicles over the Drove. However Rights of Way have previously requested that the Applicant demonstrate a *“private vehicular right to drive on the Public Bridleway”* which has not been submitted with this current application.

Wiltshire Council Highways have raised no objection to the application but has risen a degree of concern that *“the applicant should ensure that he has vehicular rights over the route of the Bridleway 13”*. There are a number of neighbouring comments which relate to the perceived narrowing of the Drove entrance way and concern is expressed about possible future financial costs relating to the maintenance of the Drove. It appears that it is not possible to clarify who owns the Drove. As a result the Applicant has advertised the proposed development to the satisfaction of the LPA. The issue concerning areas of ownership and possible future financial maintenance costs for the Drove are not considered to be materially relevant to planning and are as such matters to be dealt with civilly.

#### **9.4 Trees**

This application has received an objection from a Wiltshire Council Tree Officer. Concern has been expressed that the Oak tree within the rear neighbouring garden at No. 1 Montague Road could be detrimentally affected as a result of the construction of the suggested new dwelling.

#### **9.5 Planning Obligations**

Policy R2 (saved within Appendix C of the SWCS) makes it clear that all new residential development should either make provision for onsite public recreational open space facilities or contribute a monetary sum towards off-site provision. Adopted Core Policy 3 (Affordable Housing provision) also requires a financial contribution towards off-site affordable housing provision on sites of 4 dwellings or less. Within the Design and Access Statement it is noted by Officers that the Applicant has expressed a willingness to enter into relevant Agreements for required funding.

However, at this point in time, as no obligation has been provided, it is considered that a reason for refusal must be included as part of any decision, in order that this matter is highlighted as a planning issue.

#### **10 Conclusion**

The proposal is therefore considered unacceptable due to its impact on the wider character of the area, the impact on residential amenity, contrary to adopted policies; G2, D1 and D2 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework.

#### **11. Recommendation**

**Planning Permission be REFUSED for the following reason:**

1. The existing property is located in an established residential area, adjacent to a Bridleway. There is a large, established Oak tree located to the immediate south of the site. The proposed sub-division of the existing property to provide an additional dwelling would result in a significant reduction in the size of the rear garden area serving the existing dwelling, and create a new dwelling with limited outdoor amenity space, given the close proximity of the site to the adjacent mature Oak tree. In combination with the close proximity of the established tree, it is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot representing a cramped form of over

development, out of keeping with the general scale and character of existing development in the area. The proposal would also be likely to result in harm to the residential amenity enjoyed by occupiers of both the existing dwelling and the proposed dwelling, and would set an undesirable precedent for the creation of similarly cramped proposals along the Drove and in the surrounding area. The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework, particularly paragraph 53.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.

### **Informative**

1. Officers note that the Applicant within the Design and Access Statement has principally agreed to the submission of funds associated with the required planning obligations. The reason given above relating to saved policy R2 and Core Policy 3 could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement requiring financial contributions towards off-site recreational open space provision and off-site affordable housing.