

## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	04 <sup>th</sup> October 2012		
<b>Application Number:</b>	S/2012/0928/Full		
<b>Site Address:</b>	2 Lovegrove Acre, Dinton, Salisbury. SP3 5DX		
<b>Proposal:</b>	Proposed single storey 3 bed dwelling and alterations to access		
<b>Applicant / Agent:</b>	Mr Gary Singleton, Singleton Design		
<b>City/Town/Parish Council</b>	Dinton		
<b>Electoral Division</b>	Nadder & East Knoyle	<b>Unitary Member</b>	Cllr Bridget Wayman
<b>Grid Reference:</b>	Easting: 401267	Northing: 131511	
<b>Type of Application:</b>	Minor		
<b>Conservation Area:</b>	Cons Area: - Dinton	LB Grade:- NA	
<b>Case Officer:</b>	Mr Charlie Bruch-White	Contact Number: 01722 434682	

### Reason for the application being considered by Committee

Cllr Wayman has called-in the application on the grounds that she considers the proposal to be garden grabbing in an area of housing restraint and the Conservation Area.

#### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manage that planning permission be **GRANTED** subject to conditions.

#### 2. Report summary

The main issues in the consideration of this application are as follows:

1. Principle of development;
2. Previous appeal decision at 3 Lovegrove Acre;
3. Character and appearance of the area;
4. Amenities of adjoining and nearby property;
5. Highway considerations;
6. Affordable housing and recreational open space

#### 3. Site Description

The site relates to the rear garden of 2 Lovegrove Acre, which comprises the central plot of a modern development of 3 no. two storey dwellings, all set within spacious gardens, within the village of Dinton and adjacent to the village recreation ground. The site is situated within the Conservation Area, Housing Restraint Area and AONB.

#### 4. Relevant Planning History

Application number	Proposal	Decision
04/2742	Erection of four bedroomed detached dwelling within rear garden of 3 Lovegrove Acre	Ref 01.03.05 Appeal dismissed 07.10.05

## **5. Proposal**

It is proposed to erect a single storey dwelling and to alter the existing access. Original plans also included a detached garage, although this has been omitted from the scheme.

## **6. Planning Policy**

Local Plan: policies G1, G2, H19, D2, CN8, CN10, CN11, CN22, C4, C5, C12, TR11, TR14, R2

South Wiltshire Core Strategy: core policies 1, 3, 10, 19

Central government planning policy: NPPF

## **7. Consultations**

### **Parish Council**

None received at time of writing report

### **Conservation Officer**

No objection

### **Archaeologist**

No objection subject to archaeological watching brief condition

### **Highways Officer**

No objection

### **Natural England**

No objection but make several recommendations for enhancement

### **Housing Officer**

Accepts the outcome of the applicant's viability appraisal that it will not be viable to seek developer contributions

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

7 letters of representation were received, including:

6 of objection on the following grounds:

- Loss of privacy and light
- Increased disturbance
- Detrimental to character of conservation area
- Previous planning decisions have resisted development to the rear of Lovegrove Acre, and furthermore approval would set a precedent for further development
- Increase in traffic

1 of support on the following grounds:

- Plot is of a substantial size and can accommodate a modest dwelling without affecting neighbours

## 9. Planning Considerations

### 9.1 Principle of development

Local Plan policy H19 states that within Housing Restraint Areas the erection of a new dwelling will be acceptable subject the following criteria being met:

- (i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area;
- (ii) there is no loss of an important open space which contributes to the special character of the area;
- (iii) the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and
- (iv) the development will be in keeping with the character of the neighbouring properties.

### 9.2 Previous appeal decision at 3 Lovegrove Acre

Although this appeal decision relates to the neighbouring site, it provides an indication of key issues that are also likely to be relevant to the current application given the similar nature and location of development proposed, and is therefore a material consideration. Key paragraphs from the Planning Inspector's appeal decision are copied below:

*"I consider, however, that the extensive garden areas to the rear of 1-3 Lovegrove Acre together with the extensive open space to the west contribute significantly to the character of the locality and the conservation area. The proposed dwelling would, in my opinion, reduce the present open and spacious quality of the locality and would, in consequence, significantly harm the character of the Dinton Conservation Area."*

*"I consider that the open and irregular loose-knit pattern of development also characterises the defined Dinton Housing Restraint Area indicated in the LP. In the light of my assessment above that the proposed development would have an adverse impact on the character of the Dinton Conservation Area the proposed development would also conflict with criteria (i) and (ii) of LP policy H19."*

*"I consider that the noise and disturbance of vehicles using the proposed access and penetrating what is at present a quiet and open area would harmfully erode the living conditions of nearby residents and would make their gardens less pleasant to use. Whilst this would not on its own lead me to dismiss this appeal, together with the other factors above, it reinforces my view as to the unacceptable nature of the appeal proposal."*

### 9.3 Character and appearance of the area

It is considered that the same characteristics of the area as identified by the Planning Inspector still define the Conservation Area and Housing Restraint Area, although the open space is likely to have a more green and "leafy" appearance given the maturing of landscaping within the rear gardens of Lovegrove Acre.

However, given the single storey height of the proposed dwelling, its low level cut into the slope of the rear garden, and positioning in relation to existing landscaping, there would

only be limited views of the proposed dwelling from public viewpoints. One of these would comprise a view between two modern bungalows on Snow Hill (Heather Braes and Bueno Vista), although here only the slate roof of the northern side of the dwelling would be visible, from a distance of just under 40 metres, and it would not be such a prominent feature so as to significantly erode the open quality of the Housing Restrain Area. Three eucalyptus trees and a willow would be felled although, given their distance from the road, and the presence of numerous other trees that would not be affected, it is not considered that their loss would have a significant impact. Additional landscaping can also be secured by a condition to the northern boundary of the site, to mitigate their loss and over time would reduce even further the visibility of the proposed dwelling from Snow Hill. The other public viewpoint would be from the recreation ground although only from a relatively limited portion of it, predominantly at its easternmost end, would the dwelling be discernable, likely to comprise only glimpsed views of the northern end of its slate roof.

Consequently the character of the area would not significantly change; the rear gardens of Lovegrove Acre would still comprise a predominantly large open and green space which visually separates development on Snow Hill and Hindon Road. The Conservation Officer confirms that they have no particular concerns regarding the potential impact on the Dinton Conservation Area. No significant features such as important mature trees would be lost, indeed additional planting is proposed and intended to be secured through a condition, and the design of the dwelling would be of a good quality with traditional local materials. As such, it is not considered that there would be significant identifiable harm to the character of the Conservation Area or Housing Restraint Area.

It is noted that originally submitted plans included a detached garage, sited to the north-west corner of the plot. Due to this part of the plot being a more open and visible space from the recreation ground, and closer to Snow Hill, it was considered that it should be omitted. It is also considered that permitted development rights for extensions and outbuildings should be removed, in order that any future additions are sensitively sited/ designed so as not to increase the prominence of development within this important open area.

Concerns have been expressed that this development could set a precedent for further development within the rear gardens of Lovegrove Acre. However, each application is considered on its own merits. Notwithstanding this, it is noted that the other plots at Lovegrove Acre do present greater limitations to development, having consideration of the issues identified above, in that the rear garden of no.1 is more open to views from the recreation ground and no.3 is a smaller plot and sited on potentially more prominent ground due to its higher elevation.

#### **9.4 Amenities of adjoining and nearby property**

Given the low height and level of the proposed dwelling, together with the distances of separation, it is not considered that the amenity of neighbours would be significantly affected. The dwelling also avoids principle rooms to the north elevation to further reduce the impact upon the nearest dwelling to the north. It is noted that the use of the driveway would be likely to lead to some disturbance to the host dwelling and no.1, although there would be generous intervening boundary landscaping to partially mitigate this and, similar to as the Planning Inspector indicated with the appeal application, it would be unlikely to result in sufficient disturbance so as to warrant refusal on its own.

#### **9.5 Highway considerations**

The Highways Officer raises no objection to the proposed development in highways safety terms.

## 9.6 Archaeology

The Council's Archaeologist comments that the site lies within the area that was the centre of the medieval settlement of Dinton and so has the potential to contain significant archaeological remains relating to this period. In addition, the site is close to a large enclosure which is likely to be the site of a prehistoric settlement.

The NPPF states that an application should describe the significance of heritage assets affected by an application, and para. 128 states that '*Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*'

In this case, however, the Council Archaeologist notes that there appears to have been some significant landscaping adjacent to the proposed footprint of the house. In addition, the 1<sup>st</sup> edition Ordnance Survey mapping shows the field boundary running closer to the proposed house than the present boundary. The application site clearly, therefore, has the potential to contain significant archaeological remains, although the Council Archaeologist does not consider a pre-determination evaluation necessary in this case, and rather an archaeological watching brief, carried out during construction, is recommended.

## 9.7 Affordable housing and recreational open space

The applicant has submitted a viability appraisal which demonstrates that it would not be viable to provide a contribution towards affordable housing. This has been verified by the Council's Housing Officer. Consequently this is a case where it is justifiable to waive the normal requirements of Core Policy 3. The applicants have however agreed to the payment towards policy R2 of off site open space provision and therefore this can be secured through a unilateral undertaking.

## 10. Conclusion

The development would be acceptable in principle and the proposed dwelling would be of an appropriate scale, siting and design, so as to preserve the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would not harm archaeological or ecological interests. The applicant has satisfactorily demonstrated through a viability assessment the exceptional reasons for not making provision towards affordable housing within the locality.

## 11. Recommendation

**Subject to the applicant entering into a legal agreement for the provision of public open space Planning Permission be GRANTED for the following reason:**

The development would be acceptable in principle and the proposed dwelling would be of an appropriate scale, siting and design, so as to preserve the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would not harm archaeological or ecological interests. The applicant has satisfactorily demonstrated through a viability assessment the exceptional

reasons for not making provision towards affordable housing within the locality. The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, H19, D2, CN8, CN10, CN11, CN22, C4, C5, C12, TR11, TR14, R2 (as saved within the South Wiltshire Core Strategy), policies 1, 3, 10, 19 of the South Wiltshire Core Strategy, and the NPPF.

- 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 development shall only be undertaken in accordance with the following approved plans:

Plan Ref....P316/03 Rev. B...	Dated....21.08.12....
Plan Ref....P316/04...	Dated....03.07.12....
Plan Ref....P316/06 Rev. A...	Dated....21.08.12....

Reason: For the avoidance of doubt.

- 3) No development shall commence until 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. The programme of archaeological work shall be carried out in accordance with the agreed details.

Reason: To enable the recording of any matters of archaeological interest.  
Policy: CN22

- 4) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be 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 a harmonious form of development.  
Policy: G2, H19, D2, CN8, CN11, C5

- 5) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) details of trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (b) details of new trees and hedgerows to be planted, including species;
- (c) means of enclosure;
- (d) car park layouts;
- (e) hard surfacing materials;
- (f) minor artefacts and structures (e.g. refuse and other storage units);

Reason: To ensure a satisfactory landscaped setting for the development.  
Policy: G2, H19, CN8, CN11, C5

- 6) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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.

Policy: G2, H19, CN8, CN11, C5

- 7) 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 to the dwelling hereby permitted, and no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected anywhere within its residential curtilage.

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 and curtilage outbuildings.

Policy: G2, H19, CN8, CN10, CN11, C5

- 8) Development shall be carried out in accordance with Section 7 of the submitted Ecological Assessment [Lowans Ecology & Associates, 11/05/2012].

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

Policy: C12, NPPF

- 9) No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details before the first occupation of the development.

Reason: In the interests of sustainable development and prudent use of natural resources.

Policy: Core Policy 19

- 10) No demolition or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

Reason: In the interests of neighbouring amenity.

Policy: G2

## **INFORMATIVES:**

### **Water efficiency measures**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting

should be considered. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications. Applicants are advised to refer to the following for further guidance:

<http://www.environment-agency.gov.uk/homeandleisure/drought/38527.aspx>

<http://www.savewatersavemoney.co.uk/>

### **Biodiversity recommendations**

The developer's attention is drawn to the recommendations of Natural England, as contained within their letter of 10/07/12.