

## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	21 <sup>st</sup> February 2013
<b>Application Number</b>	E/2012/1362/FUL
<b>Site Address</b>	23 Astor Crescent, Ludgershall SP11 9RG
<b>Proposal</b>	Erect a bungalow to the side of the existing development and install boundary fence between and to introduce shared access and off road parking for up to two family sized vehicles for both dwellings.
<b>Applicant</b>	T & S Connolly
<b>Town/Parish Council</b>	LUDGERSHALL
<b>Grid Ref</b>	426425 150527
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mike Wilmott

### Reason for the application being considered by Committee

The application has been referred to the planning committee by Councillor Williams, citing the issues of visual impact on the surrounding area and relationship to adjoining properties.

### 1. Purpose of Report

To consider the recommendation that the application should be approved.

### 2. Report Summary

The key issue is considered to be the impact on the character and appearance of the area.

### 3. Site Description

The site comprises a substantial part of the garden of a semi detached house at 23, Astor Crescent. 21/23 Astor Crescent are the only pair of semi-detached houses on this side of Astor Crescent, with bungalows along the rest of this side of the road to the north. To the south is the garden centre.



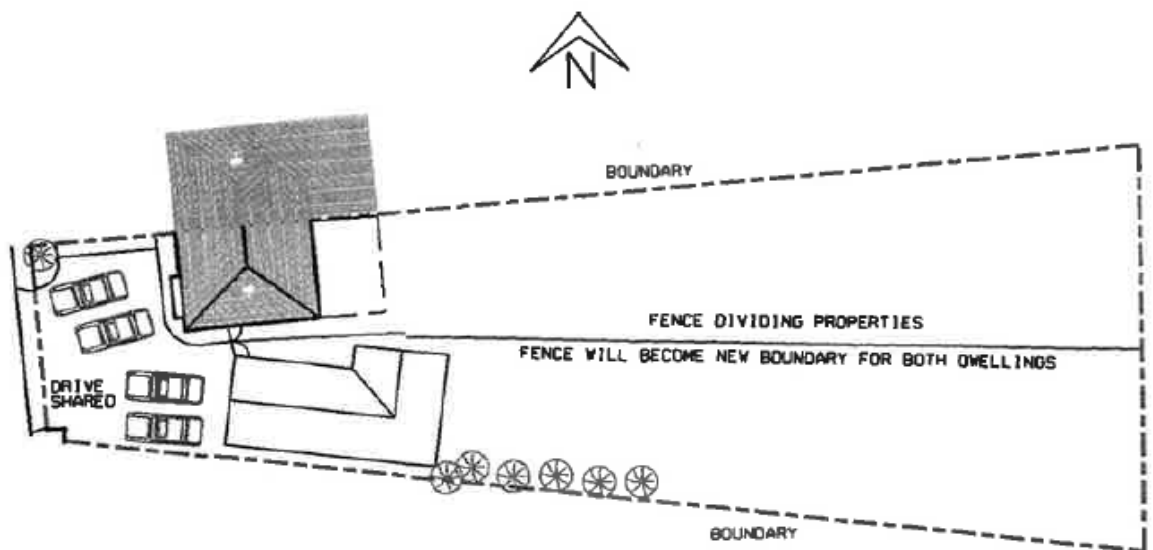
Site Location

#### 4. Planning History

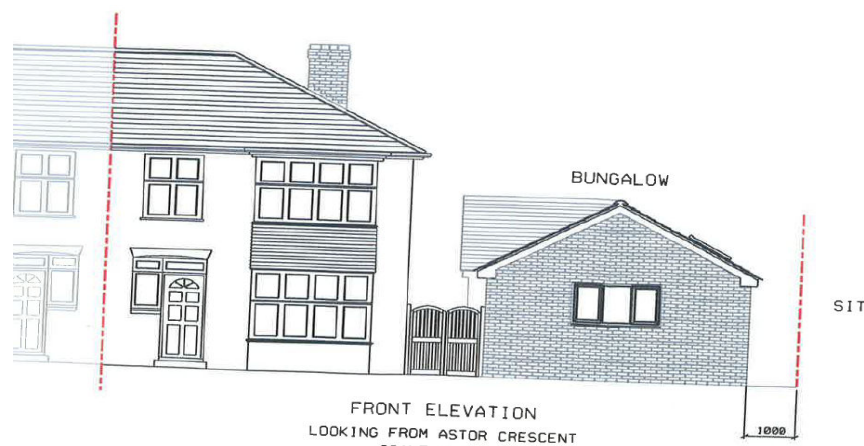
The site has previously been the subject of planning applications to develop the rear garden for backland development. An application for three houses at the rear was refused in 2010 and dismissed on appeal (E/10/0819/FUL). A subsequent application for two dwellings in the rear garden was also refused and dismissed on appeal (E/11/0678/FUL). Finally, an application for a single bungalow in the rear garden was refused in 2012 (E/2012/0345/FUL). This was not appealed.

#### 5. The Proposal

The current proposal is for a development of a single bungalow alongside the existing house, which would effectively seal off the access from Astor Crescent to the rear garden, preventing backland development from Astor Crescent of the nature envisaged in the earlier applications. The rear garden of 23, Astor Crescent would be split between the existing house and the new bungalow. Parking would be on the area between the front of the two properties and Astor Crescent.



*Siting of proposed bungalow*



*Front Elevation*

## **6. Planning Policy**

Kennet Local Plan – the site lies within the development limits of the settlement. Policy PD1 is relevant. The status of the site is not proposed to change in the emerging Core Strategy.

Central Government advice is provided by the National Planning Policy Framework (NPPF). This promotes sustainable development in terms of its economic, social and environmental roles.

## **7. Consultations**

Ludgershall Town Council – objects to the application on the grounds that the bungalow is of poor design and out of character with surrounding properties; that vehicles from the parking spaces will exit onto a 90 degree bend, and that the roots of mature trees outside the curtilage of development could be lost as a result of the development. If permission is granted, permitted development rights should be removed for extensions to both this bungalow and the adjacent house.

Wiltshire Highways – the footway must continue across the access, widened to 2 metres over the entire frontage and a visibility splay provided across the entire frontage.

## **8. Publicity**

The application was advertised with a site notice and neighbour notification. A letter of objection has been received from the Astor Crescent/Lena Close Action Group. The Group objects to the development on the grounds that any dwelling here will compromise the character and appearance of the neighbourhood.

In particular, they are concerned that the rear of the bungalow will overlay the roots of the Ash trees growing alongside the boundary with the garden centre. These trees are of local significance and should be retained. The encroachment into the root protection area of some of these trees, and the ensuing close proximity of the new dwelling to the trees will threaten their continued existence.

The Group is also concerned that the bungalow will dominate the view from the west, resulting in a loss of openness, and would be out of character between the two storey houses on either side of the garden centre entrance. Although recognising that this is more an 'infill' than 'backland' development, the Group remain concerned that it could set a precedent for future backland development in the area. The Group expresses concern at the impact of extra traffic, when taken with the garden centre site and draw attention to the dilapidated condition of the existing house.

The Group remain opposed to any development of the garden of no.23.

## **9. Planning Considerations**

The principle of an infill plot within the development limits of Ludgershall is acceptable and in accordance with national and local planning policies. The issues that need to be addressed in this case are whether the local impacts of this particular development are acceptable.

**9.1 Previous planning history** – all the previous planning applications have been for development in the rear garden, behind the existing properties on this side of Astor Crescent. These have all been deemed unacceptable for various reasons, including the impact of such in-depth development on the character of the area. This application is different from these in that it is on the frontage of the site and effectively blocks any access for further development in the rear garden accessed from Astor Crescent. The normal

problems associated with backland development, such as overlooking of existing properties, therefore do not apply in this case and no objections on these grounds have been received.

**9.2 Visual impact** - the parish council and the local action group are both concerned about the impact of the proposal on the Ash trees that are to the side of the site, although most of them lie outside the curtilage of the property and within that of the Garden Centre.

These trees were the subject of a survey by an arboricultural consultant in 2010, as part of a submission for an earlier application. None of them were identified as being of high quality and value, but were assessed as being of fair physical condition and of moderate/low quality and value. The consultant considered the line of ash trees to be of 'local significance'. A Planning Inspector in the appeal against the 2010 decision (E/10/0819/FUL) noted their local significance and considered that they made an important contribution to the character and appearance of the area and that their reduction or removal would be to the detriment of the character or appearance of the area.

The current proposal does not show these trees being removed (not surprisingly as they mostly lie outside of the site). However, the bungalow would extend into the root protection area of the trees at the western end of the site and it is likely that the three or four Ash trees closest to the bungalow would be affected and would be likely to be removed or threatened with removal.

The issue therefore is whether the potential loss of some of these Ash trees would have an adverse impact on the character and appearance of the area such as would justify refusal of the application.

It is considered that this would not be the case. None of the threatened trees are of high quality and none would merit a tree preservation order in their own right. With the growing threat of Ash die-back disease (not known in this country when the appeal decision was made), it may be better to accept their loss and make provision now for the planting of trees of an alternative species further down the garden where they can grow and make a contribution to the character of the area in the future without affecting the amenity of nearby properties to the east or north.

In terms of the street frontage, the pair of semi detached houses at 21/23 Astor Crescent are followed by a row of detached bungalows, so a bungalow here is not out of character with the area in terms of its built form.

## **10. Conclusion**

Previous applications on this site have been for in-depth development that has been held by planning inspectors to be out of character with the area. This proposal blocks off access to this land from Astor Crescent and provides a modest bungalow with no adverse impact on the amenity of neighbouring properties.

The main issue is the impact on the character and appearance of the area from the potential loss of some of the Ash trees to the south. It is not considered that the loss of some of these trees would have a significant adverse impact that would justify refusal in this case. Accordingly, the application is recommended for approval, with a condition removing permitted development rights to ensure that the impact of any proposed future extensions can be assessed.

## **RECOMMENDATION:**

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

The site lies within the limits of development for Ludgershall defined in the Kennet Local Plan. The proposed development, located adjacent to an existing dwelling, would not have an adverse impact on the character and appearance of the area or the amenities of existing residents, due to its location in line with the existing pattern of development and would not form an inappropriate backland and in-depth development. The proposal is therefore in line with the policies of the Kennet Local Plan 2011.

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. No development shall commence on site until details and, where requested, samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

3. The screen fence shown on the approved plans shall be erected at a height of 1.8 metres prior to the first occupation of the dwelling hereby permitted.

REASON: To prevent loss of privacy to this and the adjacent neighbouring property.

4. Before the property is first occupied:
  - a) the parking facilities shall be provided in accordance with the approved plans, with details of the surfacing material to be approved by the local planning authority prior to commencement and the approved material to be used;
  - b) A visibility splay shall be provided across the site frontage, such that nothing shall obstruct visibility at a height in excess of 600 mm above carriageway level over a strip 2 metres wide parallel to and adjacent to the carriageway edge over the entire site frontage;
  - c) the pedestrian footway shall be continued across the whole of the site frontage, in accordance with details to be submitted to and approved by the local planning authority before development is commenced.

REASON: In the interests of highway safety.

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 extensions to the property hereby permitted shall be

erected without the prior grant of planning permission from the local planning authority.

REASON: To ensure that any proposed extensions are considered taking into account the impact on nearby trees and the provision of adequate parking facilities.

6. Before works commence, a plan showing the location of tree protection fencing shall be submitted to and approved in writing by the local planning authority. The tree protection fencing shall be of weldmesh panels, at least 2 metres high and securely fixed. The fencing shall be maintained for the duration of the construction works and no building materials or other goods or materials shall be stored within it and no construction works shall take place within the protected area.

REASON: To protect the Ash trees that are not immediately adjacent to the site of the bungalow, in the interests of amenity.

7. No development shall commence on site until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include the planting of standard trees within the rear garden of the dwelling hereby approved.

REASON: To provide a satisfactory landscaped setting for the development that makes provision for the potential loss of any of the adjacent Ash trees.

8. 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) or the completion of the development whichever is the sooner; All trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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 and the protection of existing important landscape features.

9. This permission relates to the 1:1250 location plan and to drawing no. TC-12-09-23-1001revision B.

REASON: To define the plans granted planning permission.