

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22.05.2013		
Application Number	W/13/00152/FUL		
Site Address	Land North West Of 6 Holmeleaze Steeple Ashton Wiltshire		
Proposal	Erection of a detached 2-bed bungalow, formation of new vehicular access, provision of on-site parking spaces and boundary works.		
Applicant	Mr Eugene Niemira		
Town/Parish Council	Steeple Ashton		
Electoral Division	Summerham And Seend	Unitary Member:	Jonathon Seed
Grid Ref	390239 157411		
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 Jonathon Seed has requested that this item be determined by Committee due to:

Scale of development  
Visual impact upon the surrounding area  
Relationship to adjoining properties  
Design - bulk, height, general appearance  
Environmental/Highway Impact

### 1. Purpose of Report

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

Neighbourhood Responses to the Original proposal to erect a 1.5 storey dwelling - (8) objection letters received including one from the Friends of Steeple Ashton.  
Neighbourhood Responses to the revised scheme to erect a single storey house - (5) objection letters received including one from the Friends of Steeple Ashton.

Parish/Town Council Response - Object for the reasons given within Section 7 below.

### 2. Report Summary

The main issues to consider are:

The Principle of Development  
Impact on the Surroundings - Design and Detailing  
Living Conditions and Impact on Neighbours  
Highways Safety Interests  
Environmental Considerations  
Developer Contributions

### **3. Site Description**

The application site comprises a parcel of land currently forming part of the garden associated to No. 6 Holmeleaze within the defined Village Policy Limits of Steeple Ashton. It is roughly rectangular in shape and measures approximately 0.23 ha. The surrounding area is predominantly residential. To the immediate south and west of the site, existing neighbouring gardens adjoin the site (including the property owned by the applicant). Further residential properties and garden ground are located to the west and north beyond a densely landscaped northern boundary and public footpath. Common Hill is located to the east of the site - which would provide the site with a dedicated means of vehicular and pedestrian access.

### **4. Relevant Planning History**

There is no relevant planning history applicable to this application site.

### **5. Proposal**

This revised application seeks to obtain detailed planning permission to erect a modest single-storey 2-bed bungalow to be sited on an east-west axis, with the main outlook of the house looking across its own plot in a northerly direction. The house would have a footprint of about 89 square metres and would be about 5.2 metres high, with a shallow 30 degree pitched roof.

The proposed construction materials are facing brickwork for the walls; upvc fenestration and interlocking concrete roof tiles.

The site would have its own private access and on-site parking/turning space provision. Following receiving advice from the Council's highways authority, 90 metre achievable visibility splays have been calculated and are indicated on the submitted plans.

Apart from creating an opening within the existing hedgerow fronting onto Common Hill, the applicant proposes to retain the majority of the well established landscaped boundaries of the site.

### **6. Planning Policy**

West Wiltshire District Plan Policies - C31a - Design; C32 - Landscaping; C38 - Nuisance; C40 - Tree Planting; H17 - Village Policy Limits; H24 - New Housing Design; T10 - Car Parking; U1a - Foul Water Disposal; and, U2 - Surface Water Disposal

Supplementary Planning Guidance - Affordable Housing / Residential Design and Design Guidance SPG and Steeple Ashton's Village Design Statement

Government Guidance - The NPPF

The Emerging Wiltshire Core Strategy

Strategic Objectives - Delivering a thriving economy; Addressing climate change; Providing everyone with access to decent, affordable housing; Helping to build resilient communities; Protecting and enhancing the natural, historic and built environment; and Ensuring that adequate infrastructure is in place to support our communities.

Core Policies - Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development

## 7. Consultations

Steeple Ashton Parish Council - Objects. Steeple Ashton Parish Council still has concerns regarding this Application and as such is unable to endorse it.

The Councillors are principally concerned, from their local knowledge, as to the access to the proposed dwelling from Common Hill (see 4. below) and the visual impact that this proposal will have.

The proposal does not comply with several points of H17 Village Policy Limits of the West Wiltshire District Plan 1st Alteration 2004 which states:

### **1) The development would be in keeping with the character, appearance and distinctive spatial form of the settlement**

It is the opinion of the Councillors that this proposal is not in keeping with the bungalows and houses in Holmeleaze and would change the character of the area. This is inappropriate over development in this situation.

### **2) It would not create inappropriate backland or tandem development**

It is the opinion of the Councillors that this proposal would create tandem development.

### **3) It would not result in the loss of an important open space or visual gap**

The gap between no 6 and 7 Holmeleaze would be lost. Development is very close to the boundary of both properties and the original build was designed not to mar views from either 6 or 7. The plans themselves show the new house is only about 2.5 metres from the boundary to No.7 Holmeleaze.

### **4) It can be satisfactorily serviced, there is adequate infrastructure, including water supplies and sewage treatment and it does not create highway problems**

There is no direct sewage access and it is considered that it would create highway problems.

High Street leading to Common Hill at this point is reasonably straight, although in a 30mph area, has a reputation for speeding problems. The police and the speed gun users are constantly targeting this area. The Councillors are most concerned about the access from Common Hill onto the site, which is close to the junction with Hinton Lane and also adjacent to a public footpath. As the site is several feet above the road and footpath, which would make the entrance difficult and being a small site not sufficiently large to take more than two vehicles, parking for any visitors would be on Common Hill, creating a hazard to the passing traffic. The Parish Council presumes that the officers are satisfied that there is enough room to turn in the driveway, and a further hazard would not be created by cars backing onto the road.

The dwellings of Holmeleaze were deliberately built with only the one access to the main road.

The Councillors wish that the views of the neighbours are taken into account.

The application as presented is contrary to policy for development within the Village Policy Limit and is not supported by Steeple Ashton Parish Council.

The Highways Authority - No objection. An achievable visibility splay of 2.4m by 90m in both directions is illustrated and therefore the principle of creating a new vehicular access off Common Hill - which is a "C" classed road, is acceptable. No highway objections are raised subject to conditions being attached to any planning permission being granted.

Wessex Water - No objection, subject to an informative covering future connections being made to the public water supply and waste water infrastructure.

Council's Tree and Landscape Officer - No objection. There is no justified reason to refuse this application in arboricultural or landscape terms. None of the trees within the site are worthy of a Tree Preservation Order and the hedgerows fall outside of the protection of current hedgerow regulations.

It is important that all hedgerows bounding the site are retained and protected to help retain the general character of the local area, with the exception of the proposed access. Planning conditions are therefore recommended.

Council's Ecologist - No ecology based concerns are raised. An informative should be appended to any grant of permission.

Wiltshire Fire & Rescue Service - Request that any permission be subject to a s.106 legal agreement to obtain a financial contribution from the developer / owner of the site the sum of £76.13 (seventy six pounds thirteen pence) to be used to mitigate the risk posed by new developments and to provide enhanced fire fighting infrastructure in the form of hydrants and water supply. An informative is considered necessary to capture the Fire & Rescue Service's recommendations on installing a domestic sprinkler protection system.

## **8. Publicity**

The application was advertised by site notice and neighbour notification.

Expiry date: 06.03.2013 and 26.04.2013

Summary of points raised: 8 third party representations were received following the first round of public notifications, following the receipt of revised plans and a second round of neighbour notifications, 5 third party representations were received, including comments from the Friends of Steeple Ashton which included the following concerns/objections:-

### **Conformity with Planning Policy and Steeple Ashton's Village Design Statement**

The development runs contrary to the Village Design Statement.

The structure overwhelms the site which would leave the plot unbalanced.

The use of materials would be out of keeping with both Holmeleaze and Newleaze.

Inappropriate garden grabbing.

The site cannot accommodate the proposed building and services.

### **Highway Safety**

Notwithstanding the fact that the highways authority does not oppose the application, Holmeleaze was built with one access to the high street (main road) for obvious reasons. Over the past 40 years no property has been allowed a new access direct to the main road as it would result in highway safety hazards. Concern raised about potential precedent being created.

All the properties in Holmeleaze have been built in a similar design and complement each other. The proposed house would be out of keeping with the surrounding properties and detrimental to the overall character of Holmeleaze.

Creating the new access would disrupt the visual symmetry of Holmeleaze as viewed from the road. The proposed access would be formed off a busy road close to a road junction. The access requires the destruction of a bank and established hedge with access over a pavement. The development would inevitably lead to parking along the High Street.

### **Impact on neighbours**

Neighbouring/existing dwellings were purchased to enjoy a rural tranquillity and privacy of having a rear garden - this development would compromise this.

The house is too close to the adjoining property - and the top of the windows and the roof of the house would be visible

Noisy neighbours and dust and noise from construction processes would compromise existing residential amenity.

### **Other Matters Raised - which cannot be treated as material considerations:-**

The development would devalue existing neighbouring dwellings.

If this application is allowed, will other properties be able to build within their gardens?

It is understood that the applicant- who lives 100 miles away, intends on renting the existing house and this proposed house - we have enough rented properties in this area. The application is solely for monetary gain.

## 9. Planning Considerations

### The Principle of Development

The 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". Indeed, the NPPF stresses that "**great weight**" should be attached to proposals which are sustainable. The NPPF recognises the primacy of any saved Development Plan, and it provides up-to-date Government Guidance on promoting sustainable forms of development. Within the County's defined Towns and Villages, the sustainability benefits of residential windfall opportunities such as the development hereby proposed should be recognised and such proposals should only be refused where there would be demonstrable harm caused. In the absence of such harm being created, Central Government expects Local Planning Authorities to approve such applications without delay.

There is no doubt that the proposal involves development on garden ground and the local concerns raised about "garden grabbing" are recorded. However, it is important to stress that established development plan policies and the NPPF does not preclude infill residential development within gardens. The key test is whether or not there would be significant harm caused.

It is accepted that this infill proposal breaks away from the established cul-de-sac built form. However, within the local context, the proposed bungalow would have a similar level of amenity space to that of several nearby properties. The proposal is not considered to be overdevelopment of the plot. The proposal constitutes as being a 3:1 plot-house ratio, which is not considered inappropriate or particularly out of keeping with the local built form. Furthermore, rather than accede to the view that the development proposal is inappropriate backland development, officers submit that the development would not appear fundamentally at odds with the established slightly staggered building line loosely formed by No's 1- 6 Holmeleaze.

In this particular case, the site is located within the established Village Policy Limits of Steeple Ashton and can access all the village's amenities and services in a sustainable manner, including making use of the public transport links. Under Adopted District Plan Policy H17, 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.

The application site forms part of an existing residential plot within a residential area. The plot can accommodate the modestly scaled "starter" home whilst at the same time, provide a degree of external amenity space; and still leave the host dwelling with adequate amenity ground. It is further asserted that the modest 2-bed bungalow hereby proposed, would make a positive contribution to the local housing stock and would support the construction industry and jobs.

## Impact on the Surroundings - Design and Detailing

Initially, the applicant proposed to erect a dormer bungalow on the site as part of a proposal which had several failings. After negotiations, a revised scheme was put forward comprising the single-storey form re-sited within the plot to orientate it on an east-west axis. By virtue of its single-storey form and modest height without any gable ended windows facing the adjoining property, the proposal would not demonstrably result in significant neighbouring nuisance.

Firstly, it is important to stress that the plot is already garden ground which can be used by any occupier of No. 6. In land use terms, the ground would still be used for residential purposes and have the same level of activity within the garden, so on the basis of the above, it would be difficult to sustain a reasoned objection.

Through negotiations, the applicant accepts that a single-storey property is necessary to ensure that any new building does not significantly disrupt the character and amenities of the area. Once built, the proposed single-storey house would have minimum visual impact on the street scene - as viewed from Holmeleaze cul-de-sac and Common Hill (on the proviso that the road side hedgerow is retained, as proposed). Officers submit that the single-storey development proposal would not be visually obtrusive. In plan form, the development would bring about a change to the spatial relationships between the existing properties, but in this particular case, it would not be detrimental; and the proposed change is not considered robust grounds to substantiate a refusal.

The surrounding area comprises a mix of house types, styles and designs. The mix of detached, semi detached and some terracing proves that there is no unified form of development; and there is a mix of materials used in the locality - including the use of render, having random stone ground floor facades as well as some brickwork.

By virtue of the site being set back from the Holmeleaze cul-de-sac and in recognition that a single-storey house is being proposed, officers assert that the rhythm and spatial relationships / gaps between existing buildings would not be significantly harmed. The proposed facing brickwork for the walls under a tiled roof would not appear demonstrably out of keeping with the rest of Holmeleaze.

## Living Conditions and Impact on Neighbours

The proposal would provide sufficient amenity ground for what would most likely be a "starter" home or retirement property. Given that No. 6 Holmeleaze (the host property) has a much larger residential curtilage/garden than most, if not all the surrounding/neighbouring properties, an opportunity does exist for a limited small scale residential infill - which would not be out of keeping with existing/neighbouring plot and garden sizes.

It is important to appreciate that through negotiations, the applicant proposes having a blank western gable facing No. 7 Holmeleaze to reduce/prevent any future loss of amenity or privacy concerns. Notwithstanding this fact, concern has been raised about the 2.5 metre separation between the new bungalow and the common boundary shared with No. 7. Whilst, the development would be seen from the neighbour's upper floor window, this in itself, is not grounds to warrant a refusal. Whilst the bungalow would be built closer to the neighbouring house than the existing host dwelling, there would be no dominating effect and the development would not demonstrably reduce neighbours' enjoyment of their own rear gardens.

The revised proposals would not result in causing demonstrable harm to residential amenities or privacy levels.

## Highways Safety Interests

As reported above, the Council's highways authority subject to conditions, raise no objection to this proposal; and consequently, officers assert that the site and new house could be serviced with an adequately designed new vehicular access without causing highway safety conflicts.

Whilst the concerns of the Parish Council and local residents are duly noted, the proposed access off Common Hill would not be a tandem development as described by those objecting to the scheme. Tandem development is a form of backland development whereby a new house is proposed to be built behind an existing dwelling and behind the defined site frontage and served off the same vehicular access. In this particular case, the proposed house would be constructed to the side of the host building and would have direct frontage onto Common Hill. Rather than be classed as tandem development, officers submit that this proposal is better categorised as an infill proposal/opportunity.

### Environmental Considerations

There are no environmental constraints affecting this site which cannot be addressed through careful construction practices and robust planning conditions; and after a full consultation exercise, no environmental based objection is raised. Officers do however recommend that if permission is to be granted, conditions are necessary so that the road side hedgerow is retained and protected during construction processes; and that the works on site do not take place during bird nesting season.

### Developer Contributions

At the pre-application stage, it was confirmed that this 1-house proposal would not trigger any s.106 contributions for public open space or affordable housing provision. During the consultation process, Wiltshire Fire & Rescue Service requested a financial contribution which is considered by officers as unjustified and unreasonable and would not satisfy the relevant Planning Obligation Test of reasonableness. The requested contributions being sought to pay for hydrants and other infrastructure, is something which would need to be enshrined within a future, formally adopted Council CIL charging policy.

### Conclusion

Subject to conditions, this negotiated proposal is recommended for permission.

**Recommendation:        Permission**

### **For the following reason(s):**

The proposed windfall development is located within the defined Village Policy Limits of Steeple Ashton and as a consequence is considered a sustainable development proposal with good access to village amenities and services, including public transport links. The proposal would not demonstrably cause any harm to the street scene, character of the area and nor would it detrimentally harm third party amenities or privacy levels. The one-house development would make a modest contribution to meeting local housing need.

### **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     No development shall commence on site until details and 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.

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

- 3     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:-

Location and current canopy spread of all existing trees and hedgerows on the land;

Full details of all trees and hedgerows to be retained;

Where the existing hedgerows are to be retained and where there are gaps requiring infill planting, these areas must be clearly identified on a detailed plan including a hedgerow planting specification, together with measures for their protection in the course of development;

A detailed planting specification showing all new plant species, the supply and planting sizes and planting densities;

Finished levels and contours;

All hard and soft surfacing materials;

Proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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; All shrubs, 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.

- 5 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 6 No part of the development hereby permitted shall be occupied until the access and parking spaces 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 the interests of highway safety.

- 7 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 8 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - policies C31a and C38

- 9 No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure 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 - Policies C31a and C32

- 10 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

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

- 11 During the construction stages, no site deliveries shall take place and no plant machinery or equipment shall be operated or repaired (so as to be audible at the site boundaries) outside the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays; and with no works audible at the site boundary to take place on Sundays or Public Holidays.

REASON: In order to safeguard the amenities of the area in terms of noise disturbance, nuisance and congestion caused by construction traffic and plant equipment.

POLICY: West Wiltshire District Plan - 1st Alteration Policy C38.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plans:

LOCATION PLAN – received 29.01.2013

VISIBILITY PLAN – Drawing No 1300 1-2 – received 14.03.2013

SITE PLAN, FLOOR PLAN AND ELEVATIONS – Drawing No 13001 Rev A – received 14.03.2013

REASON: For the avoidance of doubt and in the interests of proper planning.

### **Informative(s):**

- 1 Wiltshire Fire & Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may be taken on board during the formal Building Regulations consultation process and are made without prejudice to that process.

A core objective of the Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties throughout the County.

There are several good reasons to install residential sprinkler systems:

1. Sprinklers work from a standard main, although a 32mm connection is required;

2. They are inexpensive to install, particularly in new buildings;
3. They do not activate by accident – causing unwanted damage;
4. They only operate through individually activated heads, not the whole system;
5. They can be fitted flush into ceilings behind a flat cover;
6. They cause less water damage in a fire event than normal fire fighting apparatus; and
7. They significantly reduce fire and smoke damage.

2 The applicant is advised that the application site holds potential for protected species. Under the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	