

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 1

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| Date of Meeting | 20 th June 2013 |
| Application Number | E/2013/0261/FUL |
| Site Address | Glebe House, Milton Lilbourne, Pewsey, Wilts, SN9 5LQ |
| Proposal | Construction of new dwelling in part of the garden of Glebe House |
| Applicant | Mrs, Miss and Mr Sparks |
| Town/Parish Council | MILTON LILBOURNE |
| Grid Ref | |
| Type of application | Full Planning |
| Case Officer | Rachel Yeomans |

Reason for the application being considered by Committee

This application has been called to Committee at the request of Councillor Jerry Kunkler.

1. Purpose of Report

To consider the recommendation that the application be refused planning permission.

2. Report Summary

The key issues in determining this application are considered to be;

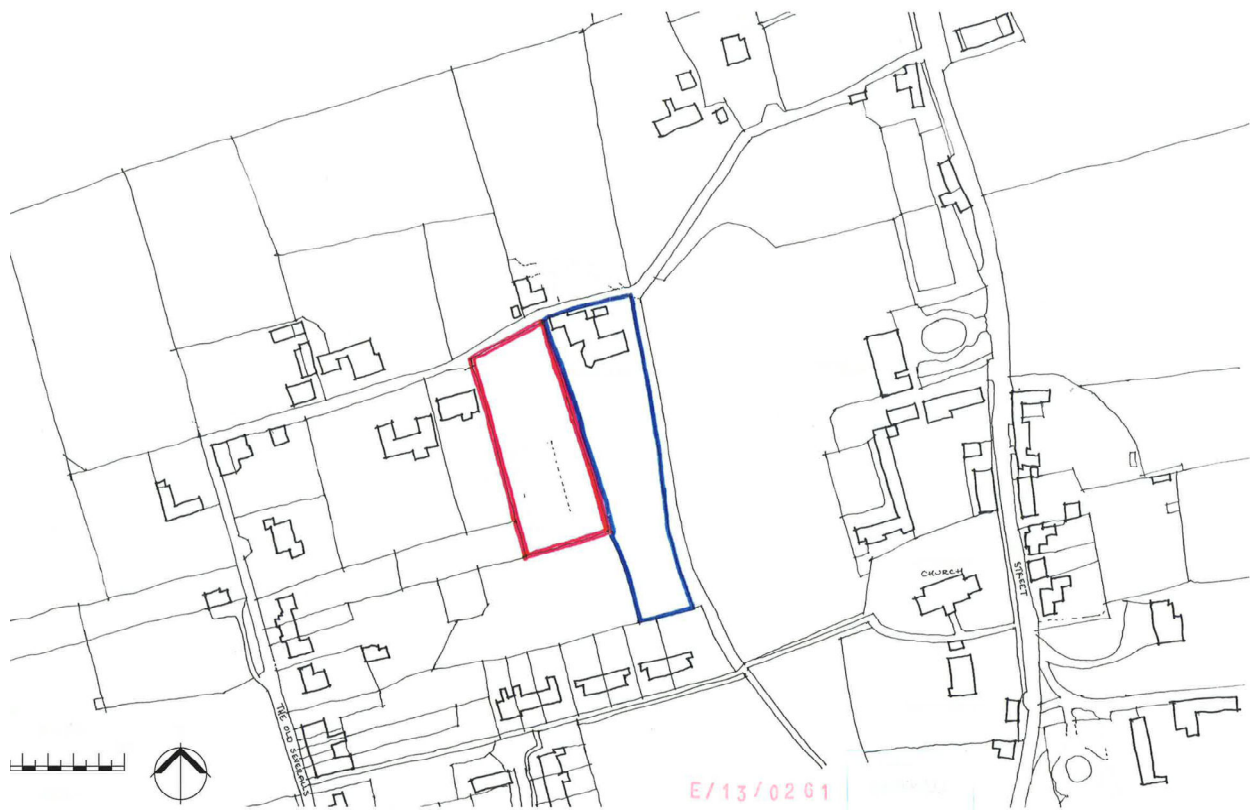
- The principle of the proposed development with particular regard to whether the site can be considered 'infill' and whether the proposed dwelling would be within scale and harmony with the village.
- Whether the proposal would have an appropriate means of access and specifically whether the proposal would be detrimental to highway safety.
- Design and impact on the visual amenities of the area, including impact upon trees and the North Wessex Downs Area of Outstanding Natural Beauty.
- Whether the proposal would preserve residential amenity.

3. Site Description

From the village of Pewsey, proceed along the B3087 in the direction of Burbage. After about 2.5km, you will enter the village of Milton Lilbourne and take the right hand turning into The Street. The right hand turning into Old Severalls can be found beyond the two right hand turnings into no through roads. Proceed along the lane around a left bend and a sharp right hand bend. Glebe House is on left side of this bend and the application site can be found beyond Glebe House. Members may also wish to familiarise themselves with the alternative means of access, by continuing along this lane to a 90 degree bend, which eventually leads to a metalled road which is a

continuation of 'Old Severalls' leading to Havering Lane. By following this loop, upon reaching the T junction of Havering Lane with The Street, turn left up The Street to proceed back out of the village.

The application site lies within a block of development which reads as an additional parcel of development adjoining the linear settlement of Milton Lilbourne. This block is typified by perimeter development along which there are varying individual house types and designs, including detached bungalows, larger houses and attached properties leading to semi-detached properties further to the southwest. To the outer side of this block (that is, on the opposite side of the lane to the application site, dwellings are few and sporadic and the land is characterised by paddocks bounded by hedging and timber post and rail/ wire fencing. The application site itself currently forms a gap in development between Glebe House and dwellings beyond. The land is well vegetated and benefits from a number of significant trees to the frontage. The land gently slopes down to the south.



Site Location Plan

4. Relevant Planning History

Please note this list is not exhaustive but pulls out relevant decisions for dwellings along the stretch of lane in question.

| Planning reference | Year | Site address/ description | Outcome |
|---------------------------|-------------|---|--|
| E/2012/1274/FUL | 2012 | Construction of new dwelling in part of the garden of Glebe House | Application withdrawn following expression of officer concerns regarding highway safety |
| K/14576 | 1989 | Orchard House, additional office and residential accommodation | Refused including on basis of unclassified and poorly surfaced track and byway leading to and adjacent the site is inadequate and unsuitable to satisfactorily serve any additional dwelling |
| K/14117 | 1989 | The Severalls, dwelling | Refused at application stage, appeal dismissed, on basis which included unsuitability of access (see planning officer comments) |
| K/85/0613 | 1985 | The Severalls, dwelling | Refused including on basis of unclassified and poorly surfaced track and byway leading to and adjacent the site is inadequate and unsuitable to satisfactorily serve any additional dwelling |
| K/82/0040 | 1982 | The Severalls, 2 x 4 bed houses and garages | Refused including for reason set out above |
| K/79/1075 | 1975 | The Severalls – | Refused including |

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|-----------|------|--|---|
| | | relates to original permission fro Orchard House | for reason set out above. Allowed on appeal but later effectively overridden by appeal decision K/14117 |
| K/78/0431 | 1978 | The Severalls, dwelling | Refused including for reason set out above |
| K/77/0503 | 1977 | The Severalls, dwelling | Refused including for reason set out above |
| K/77/0327 | 1977 | The Severalls, dwelling | Refused including for reason set out above |
| K/75/0735 | 1975 | The Severalls, dwelling | Refused including for reason set out above |

5. The Proposal

The application proposes the construction of a large, 3 bedroom, single detached two storey dwelling, set behind the trees, with a single storey attached garage to the western side, nearest the neighbouring bungalow to the east. The proposal would involve the loss of some reasonably sized shrubs and trees within the garden area but provides for the retention of the large tree belt along the frontage. The proposal would involve some re-landscaping of parking and garden areas including the removal of the tennis court and its reinstatement as garden.

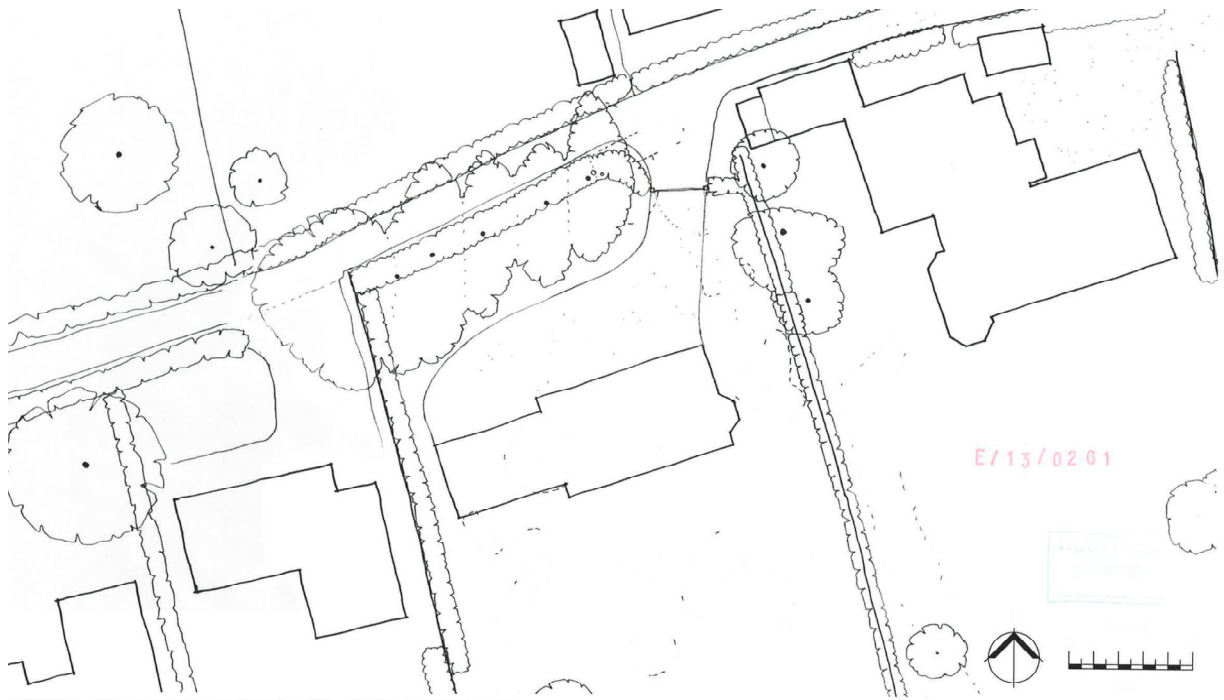


Proposed Front (north) Elevation



E/13/0201

Proposed Streetscene



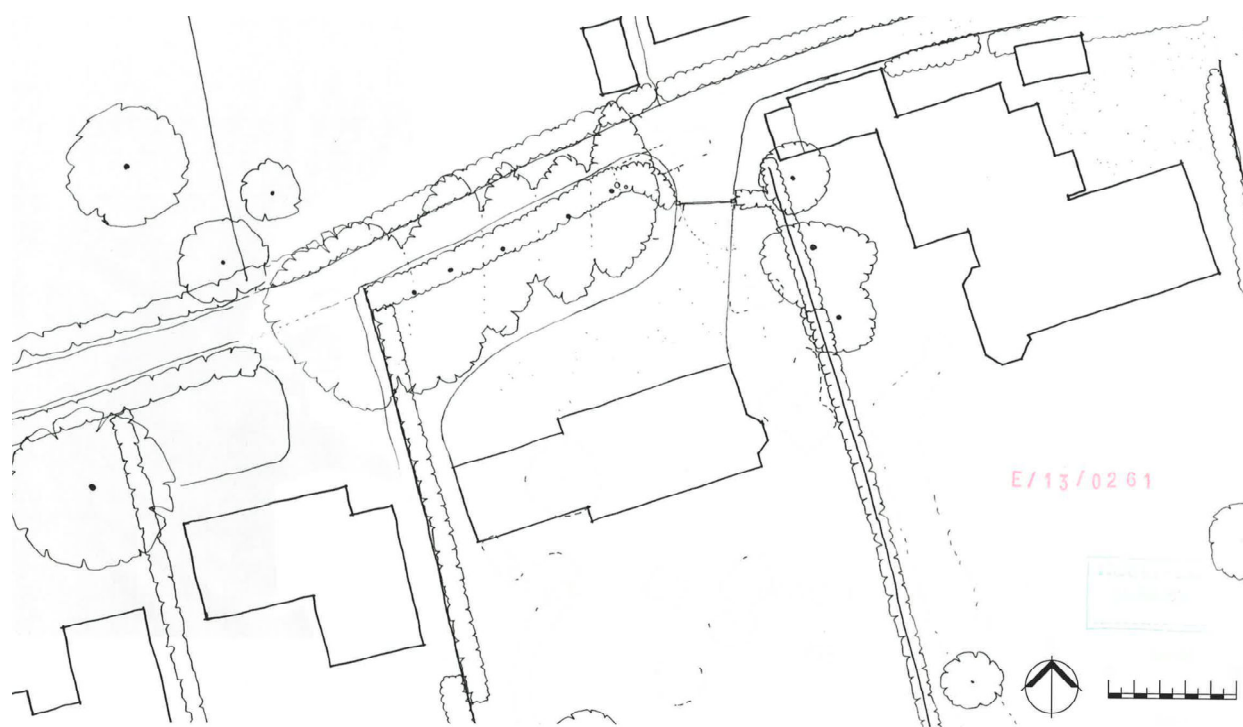
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Proposed Front (north) Elevation



E/13/0201

Proposed Streetscene



E/13/0201

Proposed Site Plan showing Glebe House at the right and the site in the centre

6. Planning Policy

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty but outside the Milton Lilbourne Conservation Area. In this location, the National Planning Policy Framework is relevant, with particular regard to Chapter 6: Delivering a Wide Choice of High Quality Homes; Chapter 7: Requiring Good Quality Design and Chapter 11: Conserving and Enhancing the Natural Environment. The Kennet Local Plan 2011 remains applicable insofar as the following policies are considered consistent with the NPPF namely; policy HC24 (Villages with limited facilities), PD1 (Development and Design).

Draft Wiltshire Core Strategy Policies have not yet been through Examination in Public and are therefore not being afforded any significant weight at this stage, though do indicate the direction the Council wishes to take. Notwithstanding this, it is not considered that these proposed policies differ significantly in content so as would warrant a different recommendation.

7. Consultations

Arboricultural Officer – No objection to the proposed scheme, but would suggest a minor tweak to the tree surgery schedule in respect of the important tree feature on the northern boundary and in particular the proposals relating to trees 20a, 20b and 20c adjacent to the access drive. Concerns that if tree b and c are removed it will leave tree a exposed and liable to possible wind damage, which in turn has the potential to reduce the quality of this important tree feature/screen.

Tree a and b are of a similar size with a the more dominant of the two trees. Both have tight forks within their main branch frameworks typical of the species. Tree b is growing out away from tree a towards the light with low branches over the drive and adjacent access road. Tree c is a small stunted specimen of limited quality/significance.

Proposed modification:

Tree a - light lifting/selective branch pruning undertaken to clear adjacent access road

Tree b – crown lift and shorten limbs back to suitable growth points to provide site access and clear adjacent track. All works undertaken to maintain a balanced shape for the species. Treat trees a & b as having a conjoined crown.

Tree c – remove (no change from the original)

[Officer note: this issue could be dealt with by means of a condition if the issue remains unresolved prior to committee and in the event Members are minded to grant planning permission]

Parish Council -

Please be advised that we have no objections to this planning application, project fits well into site and although there will be an increase in traffic in the lane this is minimal for this type of dwelling.

Wiltshire Highways Officer – recommends that this application be refused on highway grounds for the reason given below:-

1. Old Severalls Lane is inadequate and unsuitable by reason of its; narrow widths, verges in some sections unsuitable for pedestrians to take refuge upon, sections of poor forward visibility, lack of pedestrian facilities, lack of any turning head for

service and delivery vehicles to turn within, and its junction with The Street which is narrow with poor radii and is therefore inadequate to allow two vehicles to pass in the junction, to safely and conveniently cater for the additional vehicle and pedestrian movements which would be generated by the proposed dwelling. The proposed dwelling would consequently be detrimental to highway safety and contrary to policy PD1, Criteria B 4) of the adopted Kennet Local Plan 2011 and Policy 61 of the emerging Wiltshire Core Strategy.

Further details about this assessment and the flaws in the submitted Transport Statement are set out within Section 9 below.

8. Publicity

The application has been publicised by way of a site notice installed at the site and neighbour consultations. No neighbour representations have been received.

9. Planning Considerations

9.1 The principle of the proposed dwelling

Policy HC24 of the adopted Kennet Local Plan 2011 permits the principle of 'infilling' within the built up area of the village subject to certain criteria. As to whether the area in question lies within the built up area has been a matter for debate over previous years. Officers conclude that there is logic in considering this location is within the built up area of the village. The site is closely related to the village, meets the definition of being an infill site, located between other dwellings, and the pattern of development clearly follows the southern / eastern side of the land where the application site is located. The proposed dwelling would fit comfortably within the streetscene and it is not considered that the site would consolidate an existing sporadic, loose knit area of development. However, whilst the proposal would not conflict with these aspects of Policy HC24, there is also a requirement that the proposal complies with other policies of the Plan, including Policy PD1. This will be discussed within the sections below.

9.2 The impact of the dwelling upon the amenities of the area, including design, impact upon trees and the AONB and impact upon residential amenity

The proposed dwelling is of a high quality design, fitting for the vernacular of Milton Lilbourne and is of suitable proportions for the location, such that its appearance would not harm the character of the area or the objectives of the North Wessex Downs Area of Outstanding Natural Beauty. Sufficient landscaping and trees would be preserved to integrate the proposed development with this edge of village location. The proposal would have no windows to side elevations at first floor level, and the single storey garage would be located nearest the neighbouring bungalow. Having regard to the distances from neighbouring properties and the height, position and bulk of the building and positioning of fenestration, it is not considered that the proposal would result in any significant harm to the amenities of neighbouring occupiers.

9.3 Highway safety

The key concern regarding this application is the proposed access to the site. The applicants have submitted a Transport Statement, and Highway Officers have

considered its contents. However, they remain critical of its conclusions. They object most strongly to the principle of a new dwelling in this location and do not consider that the resulting harm could be overcome through the requirement for access improvements. The recommended reason for refusal is contained in the consultees section 7 above. The paragraphs below outline the concerns in more detail and why highway officers consider the Transport Statement is inaccurate.

The recommended highway refusal reason can be broken down into six different elements which make the access route unsuitable to safely and conveniently cater for the additional vehicular and pedestrian movements which would result from the development:-

1. Narrow width
2. Lack of verges in some sections
3. Poor forward visibility
4. Lack of pedestrian facilities
5. Lack of turning head.
6. Junction narrow and with poor radii

This advice is consistent with a pre-application response provided in August 2012. The lane is narrow and does not provide sufficient width for 2 vehicles to pass. The driveways provide the only useable vehicle passing opportunities which is unsatisfactory as they are private areas and in any case a number of the driveways are quite constricted and therefore still create difficulties for a vehicle using them to pass another vehicle.

At the junction with the Street the lane has a narrow section of 76 metres in length between The Street and the first driveway that provides a reasonable passing opportunity. Therefore although a vehicle on the Street can wait on the mainline carriageway while a vehicle exits the lane, this does not take account the situation where a vehicle enters the lane when another vehicle is approaching on the lane from further back. In this situation either the entering vehicle must reverse back out into the mainline carriageway or the exiting vehicle must reverse back to wait in the private driveway a considerable distance of up to 76m. Both situations are not convenient and could be unsafe particularly if there are pedestrians near.

The lane has no turning head and therefore service and delivery vehicles will have difficulty in turning and will often have to turn on private land (driveways). Delivery and service vehicles will often need to reverse considerable distances along a narrow lane in proximity to pedestrians and cyclists (see 3.7 of your statement). A further dwelling would exacerbate this unsatisfactory situation.

The lane is narrow and the verges are sometimes non-existent or in other parts are banked such that often the verges are not convenient for a pedestrian to take refuge upon from a passing vehicle. A new dwelling would increase pedestrian use of the lane as well as increasing the number of vehicles. The street lights are widely spaced and

will not provide lighting to current standards in the hours of darkness. As discussed above sometimes there will be reversing vehicles on the lane which exacerbates hazardous conditions for pedestrians and cyclists. It is considered the lane is inadequate for these reasons to provide access for an additional dwelling. The prevailing low speeds referred to in the Statement are not considered to overcome these limitations.

Parts of the lane have inadequate forward visibility due to the poor horizontal alignment with visibility obstructions on the inside of the bend. A further dwelling will increase the number of pedestrian and vehicle movements at this point increasing highway safety detriment compared with the current situation.

Consequently, the application does not comply with criteria B 4) in Policy PD1 of the adopted Kennet Local Plan which requires proposals to adequately address 'layout, servicing and access arrangements and road safety'.

For clarity, public transport has not been raised as an issue in the highway objection.

Comments on the Applicants' Transport Statement

A dwelling of this size at a village location can be shown by evidence from the TRICS (Trip Rate Information Computer System) national database to generate 8 – 10 trips per day where a trip is a one way vehicular movement. It must therefore be concluded that the proposal would result in an increase in vehicular movements.

There are 8 existing dwellings and it can consequently be estimated that the proposal would increase vehicular movements along the lane by around 12%, which cannot be considered insubstantial.

These are all points of fact which highway officers are confident can be defended.

Turning to the submitted SK Traffic Statement, the Highway Authority was only consulted on one of the 6 applications referred to in 2.3, but in any case it would not normally be the case for the Highway Authority to raise highway objections to extensions and property replacements or to animal housing on narrow lanes etc as none of these are likely to generate significant traffic increases, and in any case to do so is unnecessarily restrictive on a householders ability to make sensible adjustments to their property to reflect changing needs and aspirations. The Statement takes the total area of extensions granted permission and equates them to an average dwelling size which is simplistic, as in reality an extension to an existing dwelling is unlikely to generate as many movements as a stand-alone dwelling of comparable floor area to the extension under consideration.

This is not the case when considering a new dwelling, where, as set out above, the additional vehicular movements can be directly attributed to the development.

The Transport Statement suggests that a precedent has already been set for permitting new dwellings in this location, however the application quoted lies in a different location and is in a position from which the metalled, wider road can be readily access and thus occupants can proceed out of the village via this route, south onto Havering Lane. It is not therefore accepted that traffic to and from site K/57951 (land adjacent 1 Vale View) would be likely to use the route past Glebe House given the safety and convenience issues on this section. Using this route on a regular basis would also mean negotiating the sharp and narrow right-angle bend at the end of this section of Old Severalls lane which is in fact very inconvenient for drivers to use. This is confirmed in the Transport Statement at 3.5 where it states: "Vehicular traffic wanting to travel between The Street and Havering Lane does not normally route via Old Severalls Lane. This is due to a physical restriction to the west of the development site. Old Severalls Lane has a 90 degree bend in the carriageway, coupled with a narrowed section of carriageway past a residential property." The Transport Statement is therefore contradictory in this regard and the site quoted is not considered any precedent for permitting a new dwelling at the application site.

The Transport Statement refers to the lack of recorded traffic accidents in the area. However, the concern is that the additional vehicular movements caused by the proposed dwelling along such a long stretch of narrow, windy lane, which is also a public right of way, may result in future accidents. The current situation is not therefore especially relevant but it is the additional impact the proposed dwelling would have on the future situation.

The trip generation in the Transport Statement focuses on peak hour trips which presents a minimalist picture. Where there are safety and convenience concerns as raised in the highway objection, the overall level of trips generated by the development should be the focus. The correct approach is to consider the increase generated by the development in overall movements, which is 12% or 8-10 trips as above.

Discussion of Planning History

It can be seen from the planning history that the local planning authority has consistently raised concerns about the suitability of this stretch of lane to cater for vehicular movements resulting from any new dwelling proposed and has refused numerous applications on this basis. It is of note that although the Inspector allowed the appeal which related to 'Orchard House' in 1980 (reference K/79/1075), which in any case, is a different, arguably better scenario as the site lies closer to the metalled road and beyond the 90 degree bend where the alternative means of access may be more viable, a later appeal Inspector effectively overrode this position (K/14117).

Interestingly, the local planning authority had relaxed its approach to this later application to the 1 Vale View site on highway grounds following the appeal decision K/79/1075, however notwithstanding that K/14117 was not refused on highway grounds,

the Inspector felt so strongly that he re-introduced the issue at appeal stage and dismissed the appeal on this basis.

The relevant appeal excerpt is paragraphs 8 and 9 which state;

‘Although the Council has raised no objection and the highway authority had approved the proposed access, it is clear that their consideration was influenced by the fact Orchard House had been allowed on appeal in spite of highway objections....

From my site inspection it is clear that traffic along the north-south length of The Old Severalls does use the unsurfaced and very narrow access to the north. Indeed you pointed out that the occupier of Hill View had placed a stout metal post on the corner to protect his house from traffic using this northern access. I am not persuaded by your argument that service traffic would be unaffected by this proposal, that 1 house would generate only 6 movements a day and that traffic speeds are so low as to present no danger. It is clearly impossible for traffic to pass on much of Old Severalls, its surface is in a poor state in spite of remedial work carried out by the parish council and it would be wrong in my view to permit any development which would increase traffic on it.’

10. Summary

In conclusion, officers remain of the view that this site is unsuitable for a new dwelling as the proposed means of access is unsatisfactory to cater for the additional vehicular movements and the proposal is considered contrary to policy requirements as set out above. The Government’s encouragement of sustainably located housing within the National Planning Policy Framework is acknowledged, but the very modest contribution this dwelling would make towards housing supply is not sufficient to override the highway concerns. Consequently, refusal of planning permission is recommended.

RECOMMENDATION

Refuse for the following reason;

- 1 Old Severalls Lane is inadequate and unsuitable by reason of its; narrow widths, verges in some sections unsuitable for pedestrians to take refuge upon, sections of poor forward visibility, lack of pedestrian facilities, lack of any turning head for service and delivery vehicles to turn within, and its junction with The Street which is narrow with poor radii and is therefore inadequate to allow two vehicles to pass in the junction, to safely and conveniently cater for the additional vehicle and pedestrian movements which would be generated by the proposed dwelling. The proposed dwelling would consequently be detrimental to highway safety and contrary to policy PD1, B (4) of the adopted Kennet Local Plan 2011 and Policy 61 of the emerging Wiltshire Core Strategy.