

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	31 July 2013		
Application Number	N/13/01147/FUL		
Site Address	Glen Echo, Lower Kingsdown Road, Corsham, SN13 8BB		
Proposal	Replacement Dwelling		
Applicant	Mr K Stevens		
Town/Parish Council	Box and Colerne Council		
Electoral Division	Box and Colerne	Unitary Member	Cllr Shelia Parker
Grid Ref	381087 167213		
Type of application	Full		
Case Officer	David Cox	01225 716774	david.cox@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Parker, to discuss the design and scale of the development and its relationship with other properties.

1. Purpose of Report

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

2. Main Issues

The main issues in considering the application are:

- Principle of Development in the Green Belt.
- Impact on the openness of the Green Belt.
- Impact on the visual amenity of the street scene.
- Impact on the Area of Outstanding Natural Beauty.
- Impact on neighbouring amenity.
- Land Stability.

3. Site Description

Glen Echo is a detached dwelling located on steep sloping ground. Therefore on approach from the main road it is a bungalow but as the ground slopes away, the rear sections of the building are two storey.

The site is within the Green Belt and Area of Outstanding Natural Beauty.

4. Relevant Planning History

79/594	Extension to Rear	Permitted
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5. Proposal

The proposal is to demolish the existing building and build a replacement dwelling. The dwelling would be of a contemporary design featuring three levels of modular style blocks. Some sections would overhang others with large sections of glazing and a mixture of natural stone walls and vertical and horizontal western red cedar boarding breaking up the elevations. The flat roofs would be green roofs. The footprint of the dwelling has also been re-orientated by approximately 15 degrees to allow for views down the valley .

6. Consultations

Box and Colerne Parish Council - Objection, this is a new dwelling in the Green Belt and ANOB and if allowed would set a precedent.

Highway Officer – The proposal will result in a 4 bed property and will require 3 parking spaces. I am happy that in dimension they are able to accommodate the required level of parking.

The access roads are narrow but as this is a replacement dwelling and of only residential use I do not wish to raise any concerns in regards to vehicle movements.

Concern with the level of the new parking areas and a plan demonstrating cross and long sections of the areas concerned should be submitted to satisfy that the levels will be useable/manageable.

No objection following submission of the approved plan.

7. Publicity

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

2 letters of objection, 1 letter of support and two letters of a mixture and support and objection received.

Objections:

- The proposal would be materially larger than the one it would replace.
- This will be harmful to the openness of the Green Belt.
- The dwelling of this size and design will be out of keeping with the area, Green Belt and Area of Outstanding Natural Beauty.
- Concerned over the groundwork's because of previous insurance right off of Glen Echo. Our property is 15-20 feet above and don't want any landslip (Kingsdown Livery).
- Concerned over the height, bulk and orientation of the top floor results in the south west windows to overlook our garden (Pinewood).
- This will ruin the view from my house (Kingsdown Livery).
- The third level will have a devastating impact on our north west outlook (The Chapels) from our lounge window and greatly impeded on privacy with windows on similar levels.

Support:

- Accept repair is not an option.
- Happy with the scale of the development.
- The design is sensitive to its location.

8. Planning Considerations

Principle of Development in the Green Belt:

The Coalition Government through the new National Planning Policy Framework has given its full commitment to protecting the Green Belt from inappropriate development. Paragraph 89 states

that the replacement of a building should not be materially larger than the one it replaces. Where there is inappropriate development, applications should not be approved except in very special circumstances (p87).

Policy H4 of the Local Plan states that the replacement dwelling should be of a similar size and scale to the existing dwelling within the same curtilage.

The term 'materially larger' was tested in the courts in R (Heath & Hampstead Society) v Camden LBC [2008]. The case concluded that 'materially larger' was a test of size and not of relevant impact.

Therefore when determining size, it is considered that volume, scale and proportions are the best way to measure 'size'. Providing the test of size is acceptable, this will determine whether the replacement dwelling is 'materially larger' or not. The Council has no adopted policy for guidance but delegated powers, Committee and appeal decisions have generally allowed for 30% increases in the past. Additionally, the Council has previously allowed cumulative extensions to original buildings in the Green Belt of 104% in application N/11/01416/FUL at 'The Retreat, Henley, Box'.

Looking at volume calculations first, the applicant has submitted volume calculations generated by computer packages and is therefore far more accurate than that available to the case officer via the planning portal. The existing dwelling has a volume of 775m³ and the proposed dwelling 970m³, an increase of 25%.

It is considered that a 25% increase in volume is a more than reasonable amount and it would not be excessively wider, deeper or taller than the existing dwelling. As the red dotted outline of the existing dwelling shows, the majority of the bulk, mass and volume of the building is within the red dotted lines. Therefore it is considered that the replacement dwelling is not materially larger than the dwelling it will replace. The Council has also approved similar volume extensions/replacements in the past.

Although the proposal is considered to be a modest increase in volume, small increases in volume and proportions could have had an impact on whether the proposal was acceptable or not. Therefore the permitted development rights for extensions and further outbuildings will be removed.

Policy H4 of the Local Plan is also considered to be satisfied as the building does appear to be in a very poor state of repair and from the neighbour consultation where they confirmed that it had been an insurance right off because of subsidence.

Impact on the openness of the Green Belt:

It is considered that on balance, the openness of the Green Belt would not be adversely affected. This follows logically from the 'materially larger' assessment, as a materially larger proposal would also have an adverse impact on the overall openness of the Green Belt.

Although the volume will increase and have a slightly larger building outline, it is not considered to be excessive enough to be harmful to the openness of the Green Belt.

Impact on the visual amenity of the street scene:

Many of the correspondents from the neighbour consultation raised concern over the design impact on the proposal and being out of character with the other dwellings. The proposal would have a contemporary design, which would be very different to anything else in the area. It would have three levels and different sections and materials.

Whilst the design would not match anything in the area, it is not considered that this design would cause any harm to the visual appearance of the street scene. Paragraph 60 of the NPPF states

that “decisions should not attempt to impose architectural styles and they should not stifle innovation, originality or initiative. It is, however, proper to seek to promote local distinctiveness.”

It is considered that this contemporary design is acceptable and preferred over imposing a design such like a direct replacement of the existing dwelling. The existing dwelling is considered to be of poor quality and design and does little for the appearance of the street scene. Whilst within an Area of Outstanding Natural Beauty, the dwellings on Lower Kingsdown Road are not considered to be of any particular ‘local distinctiveness’ other than being two storey, gable ended dwellings built with stone. There are cottages built with natural Ashlar stone, but there are other dwellings built with reconstituted stone of no particular architectural merit.

Additionally, upon arriving at the site, the existing single storey detached garage is quite imposing on the narrow lane. The north east elevation plan 316.06 B shows that the dwelling would be slightly lower than the garage ridge and set back a further metre from the road. This would reduce the built form immediately on the road and ensure that the impact of the replacement dwelling would be acceptable.

The scale of the building would be slightly larger than the building it would replace, mainly the top floor section against the existing pitched roof, but not to an excessive extent. Large sections of the building would be built into the slope, minimising its overall impact and would be subservient to The Chapels and screened by existing hedgerow.

This proposal would seek to blend natural stone with timber cladding, which addresses both the stone of the surrounding buildings whilst also respecting rural backdrop of the valley.

Impact on the Area of Outstanding Natural Beauty:

The neighbour consultation also raised concern over the impact on the landscape character of the Area of Outstanding Natural Beauty.

The proposal would be contemporary and have a slightly higher roof line and a lot of glazing, but it is considered that this would not be excessive enough in which to cause harm to the landscape character of the Area of Outstanding Natural Beauty, particularly given the context of existing development at the site.

Impact on neighbouring amenity:

Two neighbours have expressed concern over the impact on their outlook and privacy (The Chapels and Pinewood).

In regards to Pinewood, the first floor (top floor) plan shows that the master bedroom and study windows would be approximately 25 metres from Pinewood itself and approximately 30 metres from its rear garden. Although Pinewood is on a slightly lower ground level, the distances and that the view into the rear garden would be minimal through the gap between Wansdyke Cottage and Pinewood itself, the level of overlooking cannot be considered as being detrimental.

The Chapels main objection is also with the top floor level of the proposal stating it will impede on outlook and privacy. There will be an approximate 8-9 metre gap between The Chapels and the replacement dwelling. First and foremost this is a sufficient gap to allow for sufficient daylight to reach the Chapels living room.

The submitted photograph from The Chapels lounge window also helps demonstrate that the proposal would not have an adverse impact on it. This is because the existing conservatory roof would be approximately 700mm lower than the sedum roof. The study ‘block’ would be predominately to the east (right) of the ridge of Glen Echo. The Master Bedroom block would be visible and level with head height in The Chapels Lounge but would be approximately 13 metres away. What also aids the application is that the replacement dwelling will be re-orientated, which

actually takes the top floor away from The Chapels. No windows would look directly into The Chapels lounge room.

The letter of objection received from Wansdyke Cottage only related to design and appearance and not on loss of privacy, yet they are arguably more directly affected by the proposal than any other neighbour.

The upper ground floor (middle) would be approximately 4 metres from the boundary with Wansdyke and the master bedroom/study (top floor) 7 metres away. The site section plan relies on a 4 metre tall mixed hedgerow to prevent the view into Wansdyke's front/side garden. On the site visit, this hedgerow has been reduced to 3.8 metres after a recent cut. The applicant has submitted an email to confirm that the hedge will be kept at 4 metres in the future.

The habitable windows of the proposed dwelling would only overlook the garden area that is also visible from the access road. Wansdyke does not have any habitable windows facing Glen Echo. Wansdyke's patio area and main area garden is also on the other side and is screened by the building itself and will remain private. Therefore whilst the study and master bedroom would overlook Wansdyke's side garden, it would not cause harm to warrant the refusal of the application.

The neighbour response from Kingsdown Livery regarding loss of views cannot form as a reason for refusal because there is no provision to take this into account in planning law. Protecting individual views and vistas, such provision would restrict almost all development.

Land Stability:

Land stability would normally be an issue for building control to consider but being on a significant slope and from having suffered subsidence, land stability is a material consideration in this application.

The applicant has submitted a report from a structural engineer to confirm that whilst the site has difficulties, this proposal can be built without causing risk to surrounding properties. Comments from Building Control will be added to the late observations list.

Car Parking:

The plans show that there are three off road parking spaces which meets adopted Council standards. The Highways Officer requested levels of the parking areas to ensure that they are manageable.

An additional plan has been submitted by the applicant to demonstrate that the difference in levels between the driveways and the access road and Highways are happy with the additional information.

9. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development will not be materially larger than the dwelling it will replace and will preserve the openness of the Green Belt. The proposal would have a contemporary design but would not cause harm to the area or the landscape character of the Area of Outstanding Natural Beauty. The proposal would also not result in the loss of neighbouring residential amenity.

The proposal therefore accords with Policies C3, H4, NE1, NE4 and NE14 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 9 and 12 of the National Planning Policy Framework.

Conditions:

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 samples and full details of the stone, timber and sedum roofs to be used on the development 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.

POLICY- C3.

3. 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, B and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of protecting the Green Belt from Inappropriate Development.

POLICY: National Planning Policy Framework.

4. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY- NE14.

5. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY – C3.

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

Design and Access Statement – Received 19 April 2013.
Location/Block Plan 316.01 B – Received 19 April 2013.
Existing Floor Plans 316.02 B – Received 19 April 2013.
Existing Elevations 316.03 B – Received 19 April 2013.
Proposed Upper and Lower Ground Floor Plans 316.04 B – Received 19 April 2013.
Proposed First Floor Plan and Roof Layout 316.05 B - Received 19 April 2013.
Proposed Elevations 316.06 B - Received 19 April 2013.
Proposed Site Sections 316.07 B - Received 19 April 2013.
Shared Access/Parking Cross Sections 316.08 A – Received 21 May 2013.
Land Stability Report – Received 6 June 2013.
Email from applicant – Received 12 July 2013.

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

POLICY- C3, H4, NE1, NE4 and NE14

