

<b>Date of Meeting</b>	1 <sup>st</sup> July 2010
<b>Application Number</b>	E/10/0485/FUL
<b>Site Address</b>	Land adjacent to 6 Oak Lane, Easterton, Devizes, Wilts SN10 4PD
<b>Proposal</b>	The erection of a thatched cottage and cartshed style garage
<b>Applicant</b>	Caroline Long & Paul Hannant
<b>Town/Parish Council</b>	EASTERTON
<b>Grid Ref</b>	401955 154959
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rob Parker

---

### **Reason for the application being considered by Committee**

This application is being brought before Committee by the Area Development Manager who considers that the site's planning history warrants the application being debated in public session, to enable a decision to be reached in a transparent manner.

### **1. Purpose of Report**

To consider the recommendation that the application be approved.

### **2. Report Summary**

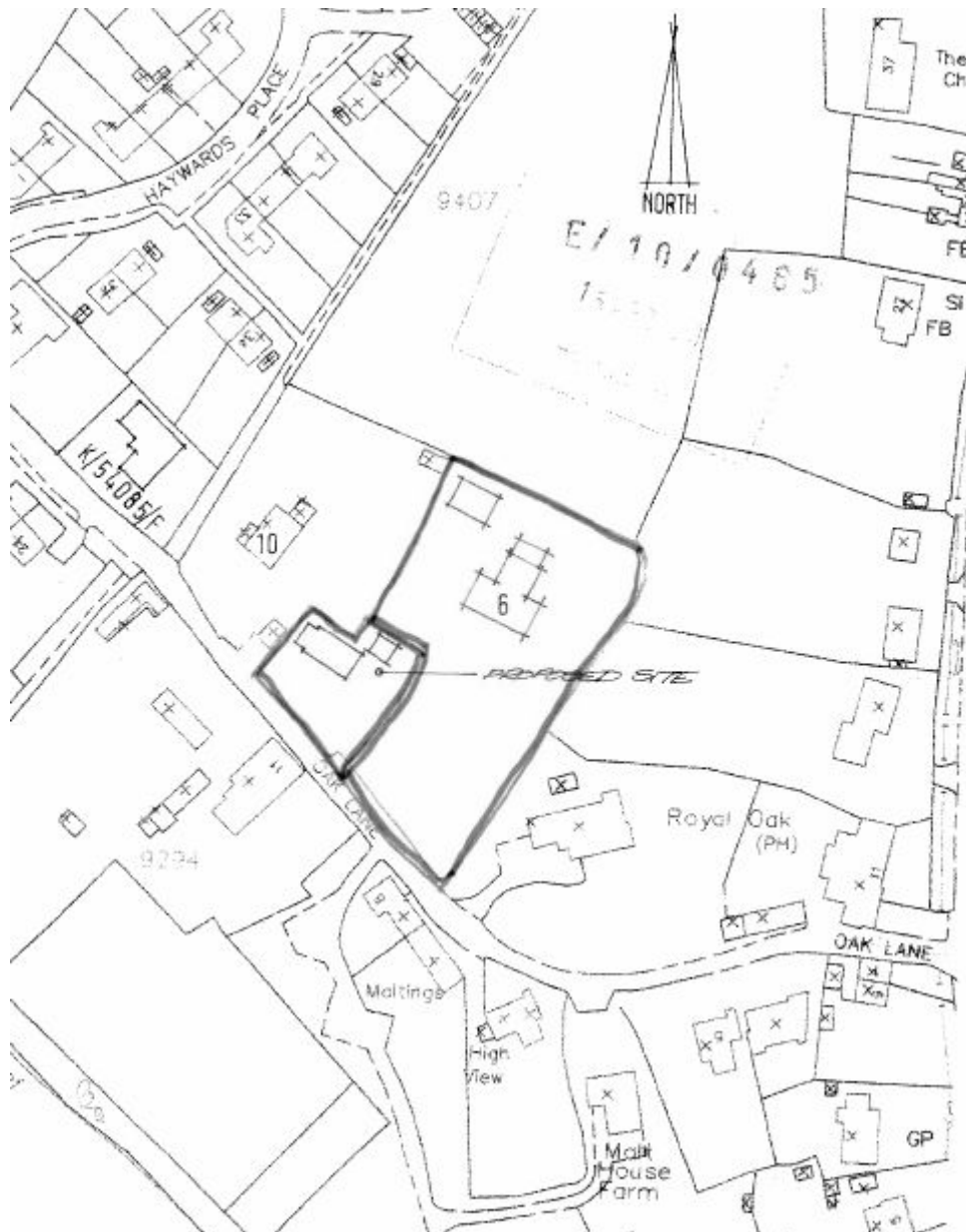
The main issues in this case are:

- whether the proposal would preserve or enhance the character or appearance of the Easterton conservation area.
- whether the proposal would preserve the setting of Kestrels, a Grade II\* listed building.
- whether the proposal would have an adverse impact upon the residential amenities of the occupants of Kestrels and 10 Oak Lane.

### **3. Site Description**

The application site is located in Oak Lane, Easterton. When travelling through the village on the B3098 High Street take the turning adjacent to the Royal Oak public house. The site lies on the right hand side approximately 150 metres further up the hill and directly opposite the property known as 'Kestrels'.

The site comprises an area of land to one side of the driveway to the recently constructed replacement dwelling 'Oaklands' (also known as 6 Oak Lane). The plot has a boundary onto Oak Lane to the front. To the north lies 10 Oak Lane and to the east 'Oaklands'. The site is currently occupied by a timber stable block and a smaller outbuilding.



#### 4. Planning History

K/58928/F – Demolition of existing bungalow with integral garage and construction of new replacement two storey dwelling and detached garage, planning permission granted on 12<sup>th</sup> August 2008 (and permission subsequently implemented).

K/59407/F – Proposed new three bedroomed house and cart shed style garage. Demolition of stable and outbuilding and alteration to existing access, planning permission refused on 30<sup>th</sup> October 2008.

E/09/0075 – New dwelling and cart shed style garaging, demolition of stables and outbuilding, planning permission refused and subsequent appeal dismissed on 30<sup>th</sup> October 2009.

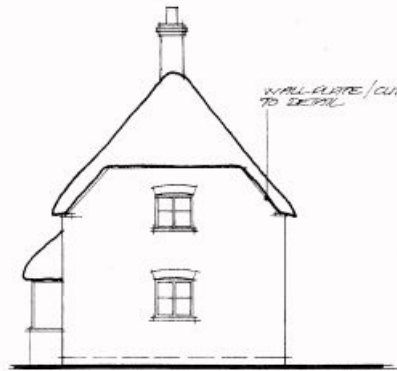
#### 5. The Proposal

The application proposes the construction of a thatched cottage and cartshed style garage.

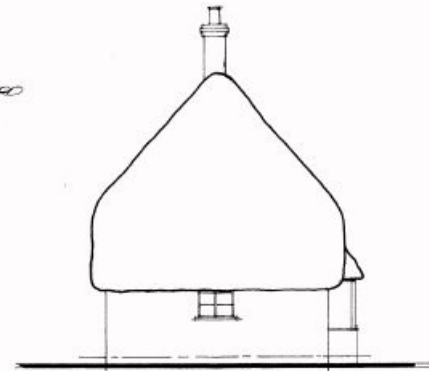


South West Elevation

North East Elevation



South East Elevation



North West Elevation



‘Although this Council decided not to object to this planning application on the basis of "planning issues" some Councillors remain concerned about the effect that the proposed dwelling will have on the immediate surroundings of the adjacent Grade II\* listed property.’

**Wiltshire Council Conservation Officer** – No objection. The final assessment is finely balanced but the Conservation Officer is inclined to think that the revised scheme introduces sufficient mitigating measures to allow officers to conclude overall that the character and appearance of the conservation area and setting of the listed Kestrels will be preserved such that the statutory test can be considered to have been met.

**Wiltshire Council Highways Officer** – No objections subject to a planning condition being imposed on any planning permission to secure a visibility splay.

**Wiltshire Fire & Rescue Service** – standard guidance letter regarding fire appliance/firefighting access, water supplies for firefighting and domestic sprinkler protection.

## **8. Publicity**

The application has been publicised by site notice, press advertisement and neighbour notification.

## **Support**

19 representations of support have been received from the owner/occupiers (or in one case the former owner/occupier) of 13 separate addresses in Easterton. Many of the representations take the form of a proforma letter which makes the following points in support of the application:

- a) The development would enhance this area of Oak Lane, the proposed dwelling being similar in style to the thatched cottages close to Kestrels.
- b) The plans show a distinct improvement on the current site, which has been derelict for a number of years.
- c) The building would not have a detrimental effect on Kestrels, or impinge on the property next door (i.e. 10 Oak Lane).
- d) It is important to have housing of this type in order to keep the village alive.

The following points are made in other representations of support:

- e) The proposed building, being set on much lower ground in a larger than average site, does not seem to impinge on the pleasant views presently enjoyed by neighbouring properties.
- f) The new proposal is certainly an enhancement and very much in keeping with the existing properties and ambience of Oak Lane.
- g) After aligning the cottage with Oak Lane and lowering the roof line it would seem to have very little impact on the neighbouring properties and indeed would be a sympathetic improvement to the site and would sit very well within its

surroundings.

- h) Because of the setting and the low slab level, the dwelling will not be seen by persons travelling up the steep hill approaching the plot. There are no windows facing 10 Oak Lane, and because of its setting will have no impact on their house (All they may be able to see is the top of the thatch). Because the slab level is very low, the foliage will block any view from Kestrel's lower window. Because the proposed building will be set back from the road, and the slab level is considerably lower than Kestrels, the respondent does not believe it will have any impact on Kestrels at all.

### **Objection**

6 representations of objection have been received, which includes three from existing residents in Oak Lane (10 Oak Lane, Kestrels & Malthouse Cottage) and a further two from former residents of Easterton. The following issues are raised:

- a) The proposal does not satisfactorily address the previous appeal inspector's concerns.
- b) The development plot is small and uneven with a most unsuitable entrance and driveway.
- c) Oak Lane is narrow and the proposal would be detrimental to highway safety.
- d) The proposed development would contravene the Building Regulations in relation to fire safety, principally with regard to (i) the dwelling's distance from the plot boundaries and the neighbour's domestic garage; and (ii) the height of its chimney. Concern is expressed that significant changes to the scheme are likely to be required following any grant of planning permission, to ensure compliance with the Building Regulations.
- e) The proposal would change the present natural skyline and affect the remaining open view from 10 Oak Lane.
- f) The dwelling would be overbearing in nature to both Kestrels and 10 Oak Lane.
- g) The proposal would have an adverse impact upon the amenities of 10 Oak Lane; all of the first floor windows to the north would look out directly onto the south facing garden of no.10.
- h) By turning the dwelling through 90 degrees it now looks directly into the two roadside windows of Kestrels, resulting in loss of privacy.
- i) The choice of thatch for the roof would be at odds with neighbouring properties which all have 'hard' roofs constructed of stone, slate or tile. The result will be a dwelling with a greater ridge height than previously proposed and an even taller chimney.
- j) The dwelling would impinge upon the setting of Kestrels.
- k) The proposal will be harmful to the feeling of openness and rustic charm in this part of the lane. The crowding of buildings will alter the character of the area.
- l) The proposal will neither preserve nor enhance the character or appearance of

the conservation area. In fact, if anything, it will do exactly the opposite. If built, this will always appear to those passing by as a house squeezed into a small gap for financial gain, thus changing the character of what is a beautiful rural lane.

- m) The plot is far too small and situated too close to Kestrels to accommodate this proposed building without considerably affecting both Kestrels and the surrounding conservation area.
- n) The site has been deliberately neglected so that anything can be considered as an improvement.
- o) The application contains insufficient detail with regard to the retaining walls needed to address level changes at the boundary. The applicant needs to guarantee that there will be no subsidence or loss of support to the existing boundary walls.
- p) Concerns are expressed that there was insufficient publicity and neighbour notification.
- q) Construction will cause noise and disruption for local residents.

\*\*\* The objectors at 10 Oak Lane have confirmed that the amended plans (which address the two points raised by the parish council) do not address their concerns.  
\*\*\*

## **9. Planning Considerations**

### **Policy Background**

Easterton is identified in the Kennet Local Plan 2011 as a village with limited facilities, to which policy HC24 applies. This policy states that within such villages, new housing development will be restricted to infilling, the replacement of existing dwellings, the re-use of existing buildings or the redevelopment of existing buildings, provided that the development:

- a) is within the existing built-up part of the village;
- b) does not consolidate an existing sporadic, loose-knit area of development;  
and
- c) is in harmony with the village in terms of its scale and character.

The term 'infilling' is defined in the local plan glossary as the filling of small gaps within a small group of houses. Small gaps are interpreted as sites which are not sufficiently large for more than one dwelling.

Policy HC24 is supported by Supplementary Planning Guidance contained in the Easterton Conservation Area Statement dated September 2003.

The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. It also has a statutory duty to have special regard to the desirability of preserving the setting of neighbouring listed buildings.

Government policy is also a material consideration. PPS5 outlines government policy towards the historic environment and PPS1 gives the government's up-to-date

stance on sustainable development and design.

### **Appeal History**

Members will note that planning permission has already been refused for a dwelling on this plot, and a subsequent appeal was dismissed. A copy of the appeal decision has been attached as a background document to this report since the appeal inspector's conclusions are an important material consideration when assessing the current proposal.

In his concluding comments the inspector stated that there was no objection in principle to the development of the appeal site, which lies within the built-up area of the village. However, he considered that the appeal scheme would fail to preserve the setting of the listed building (Kestrels) and also the semi-rural character and appearance of this part of the Easterton conservation area in which the site lies.

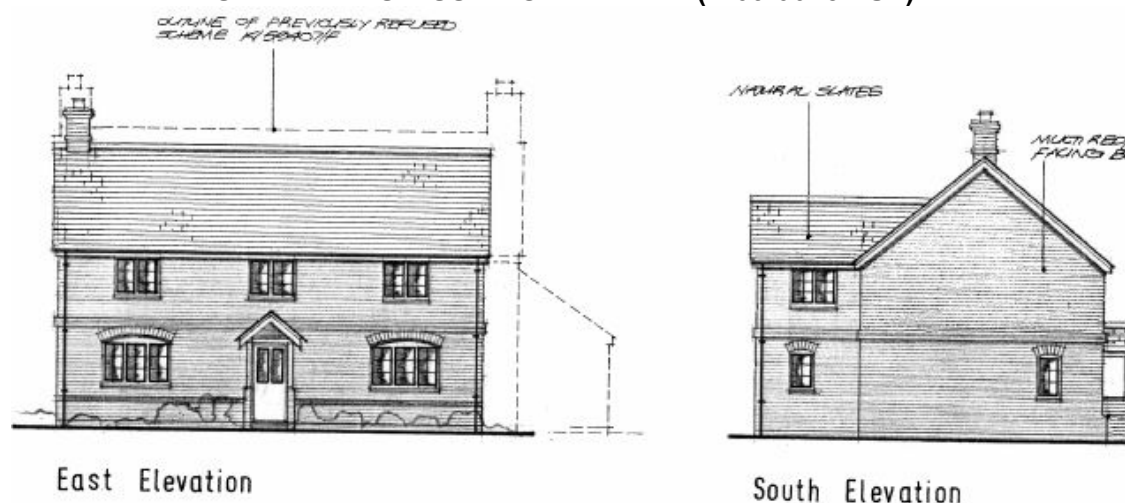
The appeal proposal was for a two storey brick and slate dwelling orientated gable-on to Oak Lane. The inspector's main criticism was the height of the dwelling and its physical relationship to Kestrels (which would have been situated only 13m away on the opposite side of the road).

The inspector's main conclusions were as follows:

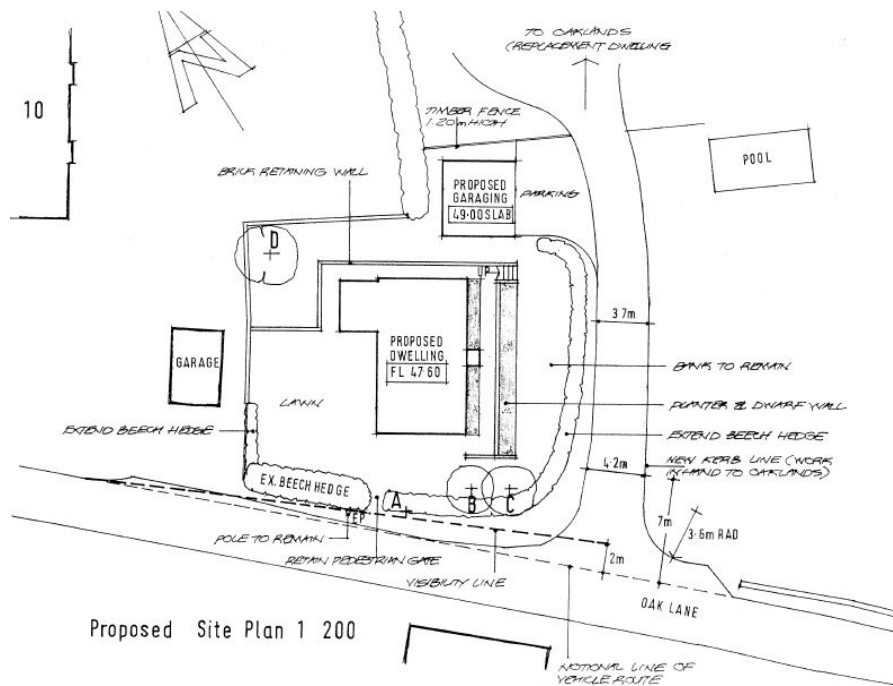
"The resulting prominence of the proposed roof and the proximity of the relatively tall gable and chimney to the listed building would destroy the latter's present open setting, creating a constricted visual pinch point that would urbanise views up and down the hill.

"The relatively close proximity of the existing and proposed buildings would significantly diminish the semi-rural character of the road, resulting in a harmful change to the present setting of Kestrels. I note the appellants' intention to retain and strengthen the existing beech hedge, but saw that this would not be sufficient to prevent the harmful visual intrusion of the roof and gable into views of, and from, the surrounding area."

### **SCHEME DISMISSED ON APPEAL (E/09/0075/FUL)**







## **The Current Proposal**

The applicant has responded to the inspector's comments by rotating the dwelling by 90 degrees and pushing it deeper into the site. The design of the dwelling has been amended and the scheme now features a thatched roof instead of the natural slate being proposed originally.

The impact of these changes will be to increase the distance between the proposed dwelling and Kestrels, and reduce the prominence of the development in the street scene. The re-orientation of the dwelling removes the problem of the 'pinch point' caused by the gable and chimney, and the use of thatch eaves-on to Oak Lane will create a much softer and less intrusive roof profile.

Overall, it is considered that the amendments have been sufficient to ensure that the setting of Kestrels and the character and appearance of this part of the conservation area will be preserved.

## **Objections Received**

Objectors raise a number of specific issues to which officers can respond as follows:

### **a) Impact upon Residential Amenity**

It is not considered that development would have an adverse impact upon the residential amenities of neighbouring occupiers. The scheme has been designed to ensure that the rearward (north-east) facing first floor windows serve the bathroom, en-suite and landing. These are capable of being obscurely glazed and it is therefore recommended that a condition be attached to any planning permission to secure this.

The forward (south-west) facing first floor windows would be approximately 19.5m from windows in Kestrels. Whilst this is slightly below the Council's own 21m

minimum standard for back-to-back spacing in new housing developments, it is not an unusual relationship in a village environment such as this. It is not considered that a refusal of planning permission could be substantiated on the grounds of loss of privacy for the neighbour.

Concerns have been expressed regarding loss of view from 10 Oak Lane. The loss of a view is not in itself a material planning consideration. However, it is worth noting that the siting of the new dwelling would still afford the occupiers of 10 Oak Lane views of Salisbury Plain to the south-east. The dwelling would also be far enough away from neighbouring properties to ensure that it does not have an overbearing impact.

#### **b) Impact upon Highway Safety**

Concerns are expressed regarding the width of Oak Lane and the implications of additional traffic for highway safety. However, the Council's Highway Officer has not raised any objections to the development on highway safety grounds. It should be noted that the previous refusal of planning permission did not include any highway related reasons for refusal.

#### **c) Compliance with Building Regulations**

Two objectors express concern that the proposed development would contravene the Building Regulations in relation to fire safety. This matter is controlled under separate legislation. Nevertheless, it is relevant to consider whether the local planning authority is likely to come under pressure to agree amendments to the scheme after planning permission is granted. The Council's Building Control Team has confirmed that the dwelling would be acceptable for the purposes of the Building Regulations, providing that the "Dorset Model" is used (this involves the provision of a 30 minute fire barrier on top of the rafters under the thatch). Amended plans have been submitted showing an increase in the height of the chimney to meet Building Regulations requirements.

#### **d) Extent of Publicity and Neighbour Notification**

The application was publicised by way of a site notice, newspaper advertisement and neighbour notifications to immediate neighbours. This exceeds the Council's statutory duty under the planning legislation. The site notice was posted in full public view on the telegraph pole adjacent to the road on the site frontage.

The applicants have pointed out that they invited as many people as possible to visit the site during the period between the parish council site visit and the parish council meeting. This explains the large number of letters of support. According to the applicants, all the letters of support were written or signed by long term residents of Easterton, all of whom know and use Oak Lane.

#### **e) Size of Plot**

Several objectors make reference to the small size of the plot and its unsuitability for development. This was one of the Council's concerns when the previous planning application (E/09/0075/FUL) was submitted and it formed part of a refusal reason, principally that the development of this modest plot would be out of keeping with the area immediately surrounding the site which is characterised by sizeable dwellings on spacious plots. The appeal inspector did not use this as grounds to dismiss the appeal; indeed, he commented that the appeal site is "relatively large in overall area" and further stated that "there is no objection in principle to the development of the appeal site". One of the objectors casts doubt as to whether the inspector was also

including Oaklands in his description of the site; however, it is normally held that the 'application site' is the land outlined in red on the site location plan. Regardless, if the inspector was suggesting that the plot was too small for development then he should have couched his decision in different terms.

**f) Choice of Roof Materials**

One of the objectors feels that the use of thatch for the roof would be at odds with neighbouring properties which all have 'hard' roofs constructed of stone, slate or tile. This is a difficult argument to substantiate; thatched cottages are part of the local vernacular and there are examples not far from the site in Oak Lane. Thatch does necessitate a steeper roof pitch than slate or tile, but it does produce a much softer profile. The proposed dwelling would be 0.2m taller than the dwelling dismissed at appeal, but this in itself does not make the development unacceptable. The narrow gable span of the property means that the overall slab-ridge height remains modest at 7.6m. It is also relevant to consider that the dwelling has been re-orientated and would therefore have a different appearance from the scheme which was rejected at appeal.

**g) Details of Retaining Walls**

Sufficient space remains within the site to construct the necessary retaining walls. It is not essential to have this information as part of the planning application. The neighbour at 10 Oak Lane is still protected by the provisions of the Party Wall etc Act 1996. The implications for neighbouring occupiers of construction near the boundary is not a material planning consideration.

**RECOMMENDATION**

Grant planning permission subject to the following 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 Development shall be carried out in accordance with the Finished Floor Levels shown on drawing nos. PL03 Rev B, PL06 Rev A & PL09 Rev A received on 14th May 2010.

**REASON:**

In the interests of visual amenity.

- 3 Notwithstanding the details shown on the submitted application forms, no development shall commence on site until samples of the bricks to be used for the external walls of the dwelling and garage 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:**

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 4 No development shall commence on site until samples of the natural slates to be used for the roof of the garage 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:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) with or without modification, the timber boarding to be used on the external walls for the garage shall be allowed to weather naturally and shall not be painted or stained without the prior written approval of the Local Planning Authority.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 6 No development shall commence on site until a sample panel of brickwork, not less than 1 metre square and showing the proposed bricks, bond, mortar and pointing, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 7 The bricks to be used in the construction of the dwelling hereby permitted shall be laid in Flemish type bond.

REASON: To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 8 The roof of the dwelling hereby permitted shall be thatched in long straw with a flush wrap-over ridge, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 9 The windows in the dwelling hereby permitted shall be white painted timber flush casements installed in accordance with the details shown on drawing no. PL07 received on 15th April 2010. They shall be retained as such thereafter.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 10 The door in the front (south-west) elevation of the dwelling hereby permitted shall be constructed of timber and painted. The door shall be retained as such thereafter.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 11 No development shall commence on site until temporary protective fencing has been erected for the existing beech hedge, in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. After it has been erected, the fencing shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within the protected area. There shall be no excavation within the protected area.

REASON:

To enable the Local Planning Authority to ensure the retention of the existing hedge on the site in the interests of visual amenity.

- 12 The existing beech hedge on the site frontage shall be retained and shall not be removed (in whole or part) or reduced in height without the Local Planning Authority's prior written approval. (For the avoidance of doubt this condition does not preclude the routine trimming of the external faces of the hedge)

REASON:

To ensure a satisfactory landscaped setting for the development.

- 13 No development shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, planting sizes and planting densities for all new planting.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 14 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling 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.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 15 Before the dwelling hereby permitted is first occupied the access, driveway and turning head shall be completed in accordance with the details shown on the approved plans, and these areas shall thereafter be maintained for use in connection with the development.

REASON:

In the interests of highway safety.

- 16 Before the dwelling hereby permitted is first occupied the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point 2.0 metres back from the edge of the carriageway measured along the centre line of the access, to a point on the nearside carriageway edge at the north-western end of the site frontage.

REASON: In the interests of highway safety.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) with or without modification no wall, fence, gate or other means of enclosure shall be erected or placed within the application site forward of the principal elevation of the dwelling facing the highway.

REASON: To enable the Local Planning Authority to retain control over future development within the curtilage of the dwelling in the interests of the proper planning and amenity of the area.

- 18 Before the dwelling hereby permitted is first occupied the first floor windows in the rear (north-east) elevation serving the bathroom, landing and en-suite shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

- 19 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the any of the elevations or roof slopes of the dwelling hereby permitted.

REASON:

In the interests of residential amenity and privacy and the character and appearance of the conservation area.

- 20 **INFORMATIVE TO APPLICANT:**  
The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire & Rescue Service and dated the 7th May 2010.

21 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

(a) Application Form, Design & Access Statement, 1:1250 Site Location Plan and drawing nos. PL01 Rev A, PL04, PL05, PL07 & 0801/01 Rev A received on 15th April 2010.

(b) Drawing nos. PL03 Rev B, PL06 Rev A & PL09 Rev A received on 14th May 2010.

(c) Drawing nos. PL02 Rev B & PL08 Rev A received on 11th June 2010.

**Appendices:**

Appeal decision for history application

**Background Documents Used in the Preparation of this Report:**

The application file, history file E/09/0075/FUL, Kennet Local Plan 2011, Easterton Conservation Area Statement and government guidance contained in PPS1 and PPS5.