

# **REPORT TO THE AREA HUB PLANNING COMMITTEE**

Report No 4

<b>Date of Meeting</b>	18 <sup>th</sup> December 2013
<b>Application Number</b>	13/04560/FUL
<b>Site Address</b>	164 Bath Road Atworth Melksham SN12 8JR
<b>Proposal</b>	Rear sunlounge extension and side garage, utility and office extension
<b>Applicant</b>	Mr & Mrs J Witt
<b>Town/Parish Council</b>	ATWORTH
<b>Grid Ref</b>	386900 165933
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Kate Sullivan

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

The application is brought to committee at the request of the Division Member, Councillor Terry Chivers, on the grounds of the relationship of the proposal with the adjoining properties.

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

To consider the recommendation that the application for planning permission be granted.

Neighbour responses – one letter of objection received as cited within section 8 below

Atworth Parish Council response – object sharing concerns of neighbour for reasons cited within section 7 below.

### **2. Report Summary**

The key issues for consideration are:

- Whether, if the application had been submitted as prior approval under the current General Permitted Development Order, the proposals would have met the criteria for development;
- Whether the design of the proposed development is acceptable;
- Whether the proposed development would harm the neighbouring amenity; and
- Addressing the points raised in the letter of objection.

### **3. Site Description**

The application site is a detached chalet style bungalow located within the village of Atworth. The property which is set back from the road is bordered by open countryside to

the north (rear) and the A365 runs to the south (front) of the site. On either side are detached dwellings.

Currently a stone wall, of varying heights runs along between the boundary of the host dwelling and number 164 Bath Road (located to the west of the host site). Along this boundary the host property currently has a row of timber, pitched roofed sheds which run with a small gap to approximately 10.5 metres in length (as shown on the site plan).

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

06/01164/FUL Extension to dwelling, detached garage and changes to vehicle access, Permission, 13.07.2006

#### **5. The Proposal**

The application seeks to erect a single storey, flat roofed extension to the side of the dwelling which would house a garage, which is set back in line with the rear of the existing dwelling, utility room and study. This flat roofed structure would have three roof lights inserted. The extension would extend by 8.55 metres in total with a width of 4.3 metres and be approximately 2.6 metres high to the eaves. This would be constructed within 0.125 metres of the boundary with the neighbouring property.

In addition the application also seeks to construct a single storey rear extension which would infill the area between the kitchen and the proposed garage. This would extend out by approximately 4.5 metres and would have a large lantern light inserted within the flat roof.

#### **6. Planning Policy**

Town and Country Planning (General Permitted development) (Amendment) (England) Order, 2013. Part 1, Schedule 2, Class A.

West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 – relevant policies are: C31a Design and C38 Nuisance and the National Planning Policy Framework, 2012.

#### **7. Consultations**

##### Atworth Parish Council

Commented that the next door neighbour raised concerns, which were shared by the members, regarding the dry stone wall between the two properties which is in the neighbours' ownership. The wall is 6.5 foot in places and would be very hard to maintain with the proposed extension to be constructed within 9 inches of the wall.

The skylights are also not in keeping with the neighbouring properties.

#### **8. Publicity**

The application has been publicised by way of a site notice which was displayed on the 18 October 2013 and neighbour notification letters. One letter of representation has been received objecting to the application and raises the following points:

- The dry stone wall has been legally established to be in the ownership of the 163a Bath Road;
- There is no provision for maintenance given the proximity of the wall to the

- proposed building;
- It has not been established the affect of the foundations of the extension on the existing wall;
- The flat roof will spoil the outlook from the upper floor windows of the neighbouring property;
- No provision has been made to clean the sky lights;
- Drainage of water has not been addressed;
- Neighbour would prefer a pitched roof;
- The sky lights would sit above the height of the wall and the neighbouring owner appreciates her privacy; and
- Not aware of any other skylights in the village.

## **9. Planning Considerations**

### 9.1 Permitted Development

The rear extension and the length of the side extension are significant; however, on the site at the time of the site visit were a row of sheds which extend along the boundary with the adjacent property to a distance of approximately 10.5 metres as shown on the site location plan. Therefore an extension which replaces these sheds with a permanent structure which extends to approximately 8.5 metres would not cause any further harm to the neighbouring amenity than already exists on the site.

Furthermore, the recent, temporary changes to the permitted development rights for detached properties would allow, subject to a prior notification procedure, an 8 metre long extension on the side/rear elevation of the property as long as the eaves height does not exceed 3 metres where it is adjacent to the boundary and that it does not exceed 50% of the total area of the curtilage (excluding the original dwelling house). Where applications are submitted under the prior notification procedure and where a neighbour objection is raised the only factor that can be considered is the affect on the amenity of any neighbouring property. In this instance there would be no amenity harm caused by the proposed development on any of the neighbouring properties in the form of overlooking. Therefore, if the garage extension was reduced by approximately half a metre it would be considered permitted development under the current General Permitted Development Order.

The single storey rear in-fill would again be permitted development under the new regulations given the dimensions of the proposed development. It would not cause any issue with overlooking any neighbouring property.

### 9.2 Impact on the host dwelling

The design of the proposed extensions, albeit large, would not be incongruous on a property of this style. The extensions would appear to be subservient to the host dwelling and be built of appropriate materials. Given that the proposed side/ rear extension would replace a series of poor quality sheds along this elevation the proposal would enhance the host dwelling.

### 9.3 Impact on the neighbouring amenity

The proposed extensions would be visible from the street scene, however as they are set back in line with the rear elevation of the host property they are not considered to harm the street scene. The length of the extension and rear extension would not be visible from the street.

As the proposed alterations are single storey and the only fenestration in the side extension are to the rear of the development and the roof lights; these are not considered to harm the neighbouring amenity by way of harming the privacy of this property.

The off-road car parking provision and existing access arrangements would not be affected by the proposals.

#### 9.4 Addressing the points raised in the letter of representation

The construction of the extension so close to the dry stone wall may require the owner to be aware of the Party Wall Act. This would be a matter that is outside of the scope of issuing planning permission.

Building regulations would address issues of the foundations and the stability of the wall which is dealt with under separate legislation.

It is considered that the drainage of water could be satisfactorily undertaken on the site, even given the close proximity of the wall to the building. The drainage of water is not usually dealt with as part of the planning application and the lack of details would not be enough to refuse the application. Furthermore there are measures that could be used to mitigate the water runoff and debris building up between the wall and the proposed extension.

The inclusions of the skylights to the extension are not unusual in flat roofed extensions and the maintenance of the flat roof and the lights would not be of concern in granting planning permission. As the proposed lights would be inserted in the roof of the building they would not be considered to cause any overlooking of the neighbouring properties. Furthermore the outlook from the neighbouring property on the flat roof is not a material planning consideration.

It is unknown as to the use of skylights within the village of Atworth, however, the use of them in this property would not be sufficient reason to refuse the application and their use in dwellings of this style and design would not be unusual.

### **10. Conclusion**

Given the currently permitted development rights, and the existing arrangement of outbuildings on the application site, it is not considered that the proposed extension would harm the neighbouring amenity or to be refused on design grounds.

### **RECOMMENDATION**

Permission should be granted with conditions.

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.</p> <p>REASON: In the interests of visual amenity and the character and appearance of the area.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drwg. 1339-1 received 26.09.2013</p> <p>Drwg. 1339-2 received 26.09.2013</p> <p>Site location plan received 26.09.2013</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>