

**REPORT TO THE AREA HUB PLANNING
COMMITTEE**

Report No.1

Date of Meeting	18 th December 2013
Application Number	13/04760/FUL
Site Address	188 Woodrow Road Melksham Wilts SN12 7RF
Proposal	Demolition of existing unsound detached house and replace with 2 no. detached houses (Resubmission of W/12/02026/FUL)
Applicant	Mr John Stainer
Town/Parish Council	MELKSHAM WITHOUT
Grid Ref	391679 165404
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

Councillor Chivers has requested that this application be called to committee if recommended for refusal for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design, bulk, height, general appearance
- Environmental or highway impact
- Car parking

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused

2. Report Summary

The main issues to consider are:

- principle
- design issues and impact upon the immediate area
- impact on amenity
- access
- ecology
- highway and access considerations
- other

3. Site Description

The site is located outside of the settlement boundary of Melksham. It is also located with Flood Zone 2. It is located within a linear form of residential development that spreads away from the existing town. There is an existing two storey dwelling built with stone under a slate roof on the site which is to be demolished. The existing dwelling has been vacant since March 2012.

2. Planning History

W/12/02026/FUL – Demolition of existing dwelling and erection of 2 dwellings – Withdrawn

W/13/00467/FUL –Demolition of existing dwelling and erection of 2 dwellings - Withdrawn

Other related Planning History

W/03/01487/FUL – Erection of a dwelling – Refused by Officers but overturned and approved by Planning Committee.

W/02/01816/FUL Detached Bungalow – Refused 26/02/03

5. The Proposal

The proposal is to demolish the existing dwelling and replace it with two detached four bedroom dwellings with associated access and parking.

6. Planning Policy

West Wiltshire Local Plan

C1 – Countryside Protection

C31a – Design

C38 – Nuisance

H1 – Further Housing Development Within Towns

H19 – Development in the open countryside

National Planning Policy Framework

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

Circular 06/05

7. Consultations

Melksham Without Parish Council: No Objections

Wiltshire Council Ecologist: No Objections

Wiltshire Council Highways: Refuse due to the site being located in an unsustainable location

Environment Agency: No Objections subject to conditions

Wessex Water: New water and waste water connections will be required

Wiltshire Fire and Rescue: A commuted sum of £76.13 would be required

8. Publicity

A site notice was erected at the site on 18th October 2013 and neighbour notification letters were sent out. The consultation period expired on 08/11/2013

No letters of objection from the general public have been received

9. Planning Considerations

9.1 PRINCIPLE

The site is located outside of the development limit of Melksham. Policy C1 states that *development will not be permitted other than those which encourage diversification of the rural economy and rural recreation unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy.*

The site is located within a linear strip of residential development and if approved would set a precedent for further applications for additional dwellings along this road to be approved contrary to the Policies contained in the Local Development Plan and the National Planning Policy Framework.

The application has been submitted with a structural survey which shows that the existing building is unsound due to signs of structural cracking, dampness and rot. However it is important to note that these issues would not be a suitable justification to allow two dwellings on the existing plot.

The design and access statement highlights that in 2003 a dwelling was approved on garden land to the rear of 200 Woodrow Road. This does not set a precedent to allow this particular development as national policy has changed significantly since 2003 and the NPPF key principles include sustainability and protection of the rural countryside. It is also important to note that the application behind number 200 Woodrow Road also received an Officer recommendation of refusal.

The design and access statement also relies heavily on paragraph 55 of the NPPF which states that *housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid isolated homes in the countryside.* The agent is of the opinion that the proposal would not result in an isolated new home in the open countryside due to the existing residential development surrounding the site and that no visual harm would be raised by the development.

The statement provided also states that there is an overriding justification of allowing the proposal as the site is currently run down and is a brownfield site. The Local Planning Authority would raise no objections in principle to a replacement dwelling subject to issues such as design, access and neighbouring amenity but the NPPF clearly states that gardens are not classified as brownfield land and therefore this is not a reason to grant planning permission for two dwellings.

9.2 DESIGN ISSUES & IMPACT UPON THE IMMEDIATE AREA

The dwellings in Woodrow road have no particular building line and the proposed dwellings are located forward of 189 and behind the frontage of 187 Woodrow Road. The location of the proposed dwellings within the plot is therefore considered to be appropriate.

The design of the existing dwellings in Woodrow Road are very mixed. Number 187 is a detached bungalow and number 189 is a terraced dormered bungalow. The proposed dwellings are two storey (dormer bungalow) built with either reconstructed or natural stone under a clay double roman tiled roof. The windows and doors are to be painted or stained timber. It would be preferable to have natural stone walls due to its setting and subject to this the design and materials are considered to be appropriate.

The overall height of the proposed dwellings will be taller than both neighbouring dwellings but this impact is slightly reduced to a lowered roof height above the garage. It is important to note however that the existing two storey building is already taller than both neighbouring dwellings and as such the proposal is considered to be appropriate.

The site is located within Flood Zone 2 and as such a Flood Risk Assessment has been submitted alongside the planning application. The Environment Agency have made no objections to the proposal subject to the FRA being complied with and an informative requiring flood proofing methods to be included within the internal design. Both are considered to be appropriate to add to any approval.

The proposal is therefore considered to comply with Policy C31a. It would be important that any landscaping complies with the character and appearance of the area and therefore it would be appropriate to condition a landscaping plan if recommended for approval.

9.3 IMPACT UPON NEIGHBOURING AMENITY

The proposed dwellings are located 1 metre from the boundary to number 189 and due to the proposals being located west of the existing dwelling and its location within the existing plot it is not considered that they would result in overshadowing to number 189.

The proposed dwellings are located 4 metres from number 187 but due to the siting of the proposed dwellings which is east of number 187 it is considered that they would not result in overshadowing to number 187.

There is only one window proposed at first floor level on the side elevations of the proposed dwellings which serve a bathroom. It is therefore considered appropriate that upon a recommendation of approval these windows should be conditioned to be obscure glazed and fixed shut. It is therefore considered that there would be no overlooking to neighbouring properties and gardens. It is acknowledged that there are 1st floor rear windows that would overlook the neighbouring gardens but this is not considered to be different to what currently exists.

It is therefore considered that the proposed dwellings would not have an adverse impact upon neighbouring amenity in terms of overlooking or overshadowing and as such complies with Policy C38

9.4 ECOLOGY

A bat survey has been submitted with the application which states that there are no bats located within the building to be demolished. The proposed development is therefore considered not to have an adverse impact upon ecology and complies with the guidance contained in Circular 06/05.

9.5 ACCESS

The highways officer has recommended refusal of the application as it is located outside the settlement boundary of Melksham and as such the proposal would be contrary to the sustainability policies contained within the NPPF, the Adopted Wiltshire and Structure Plan 2016, the emerging Core Strategy all of which aim to reduce the need to travel especially by private car.

With regards to the detailed plans, the proposal provides an access for each proposed dwelling with 2 parking spaces and a turning area all of which are considered to be appropriate and comply with the relevant policies and guidance.

Woodrow Road has a bus stop within 100metres of the site and is within cycling distance of the town, however this does not overcome the principle issue that the site is located outside of the settlement boundary where the approval of an additional dwelling would result in further trips by the future occupants in association with shopping, recreation, employment, education etc and therefore constitutes unsustainable development.

9.6 OTHER

Wiltshire Fire and Rescue requested a sum of money however there is no policy in the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so.

10. Conclusion

The proposal fails to comply with the relevant policies of the development plan and as such is recommended for refusal.

RECOMMENDATION

The proposed development would be unacceptable in principle because it is located outside the settlement boundary established in the local plan. It would also cause harm by creating a pattern of development that fails to protect the countryside and is therefore in conflict with the Framework as well as Policy C1 and H19 of the development plan.

Appendices:

Background Documents Used in the Preparation of this Report: