

Date of Meeting	22 July 2010
Application Number	E/10/0725/FUL
Site Address	Longdon, Bath Road, Marlborough, Wiltshire, SN8 1NN
Proposal	Erection of 1 No. dwelling, two storey extension to Longdon.
Applicant	Ms Sarah Lane and Mrs Gillian Mercer
Town/Parish Council	MARLBOROUGH
Grid Ref	417550 168796
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

The application is before the Committee at the request of the Division Member, Cllr Nick Fogg.

Purpose of Report

To consider the recommendation that the application be approved.

At the time of writing the application has generated a “no objection” response from Marlborough Town Council, five letters of objections from third parties, and no letters of support from third parties.

Report Summary

The main issues in this case are as follows:

- The principle of new residential development in this location;
- Assuming the principle is accepted, the impact of the specific proposal on the character and appearance of the area;
- The impact on residential amenity;
- The impact on highway safety;
- The impact on the setting of the adjoining listed property, Upcott Cottage.

Site Description

The approx. 0.3 ha application site is prominently located on the west side of Marlborough in a relatively low density residential area. It has frontage to Bath Road (at the front) and Golding Avenue (at the rear). Either side are detached residential properties – Thuja, Upcott Cottage (listed grade II), and Beech Cottage. To the south (on the opposite side of Bath Road) is open countryside.

The application site supports a single detached house, Longdon, and associated modest domestic outbuildings. Longdon is set well back on the site (approximately 40m from Bath Road) on gently rising land. The site’s boundaries are defined by hedges and/or substantial mature trees (those to the north side being subject to a tree preservation order).

In policy terms the site lies within the Limits of Development of Marlborough. Marlborough and all land beyond its boundaries lies within the Area of Outstanding Natural Beauty.



Site Location

Relevant Planning History

K/09/0892/FUL – Erection of 2 no. dwellings with associated garages. Demolition of outbuildings associated with existing dwelling and erection of new garage – refused 27 August 2009.

K/09/1662/FUL – Erection of 2 no. dwellings with associated garages. Demolition of outbuildings associated with existing dwelling and erection of new garage – refused 03 February 2010.

Proposal

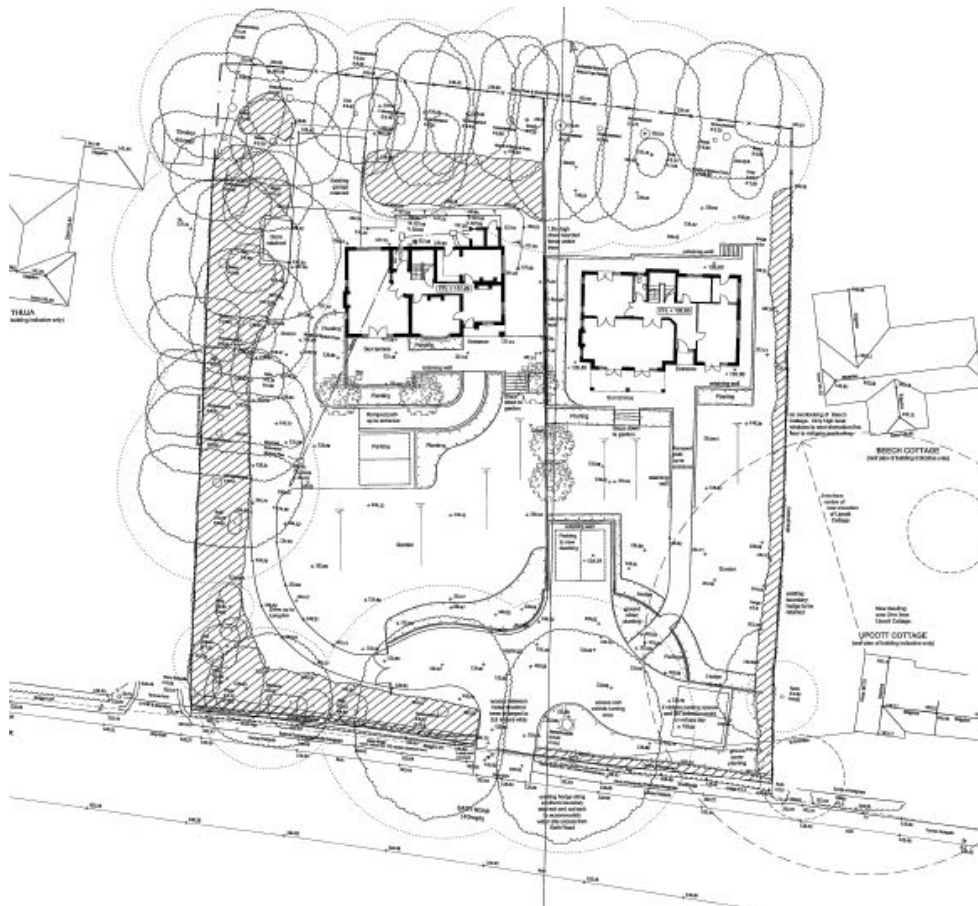
There are two aspects to the application. Firstly, it is proposed to alter the existing house, Longdon, by demolishing a single storey extension to its east side, erecting a two storey extension to its west side, and creating a new driveway, parking area and partly terraced gardens; and secondly, it is proposed to erect a new detached house to the east side of Longdon with associated new driveway and partly terraced gardens. The existing vehicular access to the site would be shared by both Longdon and the new house, albeit in a widened form.

The extension to Longdon would project 6m to the side but follow the front and rear building lines of the existing house. An approx. 13m wide gap would remain between the extension and the side boundary of the property with Thuja. The new driveway serving the house would follow closely the line of an existing driveway in this area, although with an enlarged parking and turning area in front of the house.

The new house would be sited to the east side of Longdon on part of its existing wide side garden. The new plot to accommodate the house would be a minimum of 22m wide (leaving Longdon with a 30m+ wide plot). The house would be set back on the

plot, following closely the building lines of Longdon and Beech Cottage. It would be a traditional two storey house with a similar ridge height to Longdon. Gaps of 3m and 4.5m would be retained to the sides of the house with the boundaries with Longdon and Beech Cottage.

The application is supported by a Design and Access Statement and an Arboricultural Implications Assessment. The latter refers to the condition of trees on the site, and recommends a number of tree removals to both accommodate the proposed development and/or in the interests of good 'woodland' management.



Layout Plan – 'Longdon' to left, new house on the right



New House – front & side elevation

Planning Policy

Kennet Local Plan 2011 – policies PD1 & HC5
PPS1, PPS3, PPS5 and PPS7.

Consultations

Marlborough Town Council: no objection.

Wiltshire Council Highways Officer: recommends conditions.

Wiltshire Council Tree Officer: no objection, although care required in construction of widened access, driveways and fencing to ensure trees on frontage are not damaged during construction.

Wiltshire Council Archaeologist: no requirements.

Wiltshire Fire & Rescue Service: recommends informatives.

Publicity

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

The application has generated objections from four local residents summarised as follows:

- A new dwelling would contravene the guidance of the new government for using existing gardens as development land;
- Out of keeping with the character of area comprising individual houses on reasonably sized plots within area of outstanding natural beauty. Insufficient lateral separation between Longdon and the new house creating visually a monolithic structure. Raised ground level at rear of site where houses are sited would exaggerate impact and dominate surrounding development;
- Harmful impact on the setting of Upcott Lodge which is a listed building;
- Additional traffic entering and leaving site would lead to potential accidents on dangerous stretch of road where speeding occurs;
- Overlooking from verandah;
- Lack of garage at new house is likely to result in future application for one in front garden.

Planning Considerations

The principle of new residential development

The application site lies within the Limits of Development of Marlborough. As a matter of principle new residential development is acceptable in this area being in accordance with sustainable development objectives set out in PPS1 and PPS3, and the related policies of the development plan. It is a classic 'infill' development between existing houses fronting (albeit set back from) London Road in a space wide enough for a single dwelling.

A number of third parties have expressed concern that a new dwelling in this location would contravene recent government guidance for using existing gardens as development land. The recent guidance comprises an amendment to Planning Policy Statement no. 3 (PPS3), and is described in DCLG correspondence as "new powers for local authorities to stop 'garden grabbing'". The priority for new development as defined in PPS3 is 'previously developed land', and until recently such land included private houses and their residential gardens. The amendment is that private residential gardens are now specifically excluded from the definition of previously developed land. Notes accompanying the amendment state "... *[this change emphasises] that it is for local authorities and communities to take the*

decisions that are best for them, and decide for themselves the best locations and types of development in their areas”.

This amendment has clearly taken the edge off the presumption in favour of allowing new development on residential gardens. However, it has not placed a carte blanche ban on such development. Instead it allows local authorities to permit appropriate development in suitable locations but resist inappropriate development in unsuitable locations. It follows that where proposed development is appropriate in terms of issues such as design and impact on character then it should not be resisted under the new powers. With due regard to this interpretation, in this case the proposed location is considered suitable and the proposed development itself is considered appropriate and so, as a matter of principle, the proposal is considered to be acceptable in accordance with PPS3.. The detailed reasons for these conclusions are set out below.

Impact on character and appearance of surroundings

The existing garden at Longdon is unusual in this frontage in that it is uncharacteristically large and wide. Its subdivision as proposed would not, therefore, result in plots out of keeping with others in the immediate locality. The two new plots would be comparable to others in terms of their size and width.

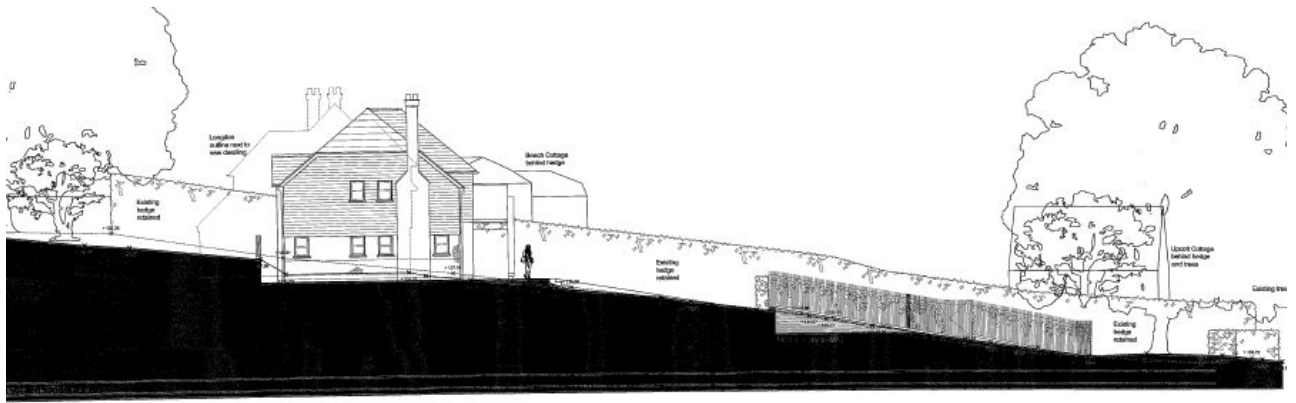
The existing house, Longdon, sits almost centrally on the garden, although set well-back. To achieve an appropriate wide plot for the new house an existing side wing at Longdon would be demolished. The loss of the wing would not detract from the appearance of Longdon. To re-dress the balance an extension is proposed on the west side of Longdon. This is designed to be in-keeping with the style of Longdon and so poses no issues in visual amenity terms.



Longdon – as existing



Longdon – with proposed demolished ‘wing’ & extension (side and front)



Section showing relative positions of Longdon, new house & Beech Cottage

The new house would be set back on its plot, following the building line established by other houses in the frontage including Thuja, Longdon and Beech Cottage. Although on rising ground, the height of the new house would be comparable to that of Longdon and not significantly above that of Beech Cottage, and as such, would be in-keeping with these neighbours. Section drawings provide details of an appropriate slab level for the new house. Adequate space is provided around the new house and Longdon to avoid a cramped or overcrowded appearance.

The driveways and parking areas at the front of the site are quite extensive, but provided they are suitably surfaced in bound gravel would not detract from the appearance of the wider area. Some trees are proposed to be removed. However, these are either diseased or of little amenity value and so no objection is seen to this. With suitable conditions there are no grounds for raising objection to limited works under the frontage trees.

There is no garage proposed for the new house. A garage in front of the house is likely to require planning permission in its own right at which time its merits can be separately considered.

The two previous planning applications were refused in part in view of the harmful impact of the proposals on the character and appearance of the frontage. The applications proposed two new houses in the front garden of Longdon, much closer to the road. The earlier objections have been addressed in this proposal as a consequence of the setting back of the single new house on its wide side plot. The earlier applications and the current proposal are incomparable.

Impact on residential amenity

The modest proportions of the proposed new house and extension to Longdon, the retained wide gaps to the boundaries, and the existing treatment of boundaries would ensure that there is no adverse impact on residential amenity. Most notably, the side to side gap between the new house and Beech House would be 7m with an intervening high hedge, and the corner to corner distance to Upcott Cottage would be approximately 30m, again with an intervening high hedge. There would, therefore, be no adverse overlooking, including from the front balcony and verandahs.

Impact on highway safety

Alterations to the driveway are satisfactory to the WC Highways Officer to ensure safe access. Conditions are recommended accordingly.

Impact on Upcott Cottage

Upcott Cottage which adjoins the site is a grade II listed building. Historically the cottage was a lodge, hence its siting forward of the larger houses to the rear. Its lodge character and appearance has been retained, not least in part as a consequence of its isolated siting away from the larger houses to the rear.

The proposal is to site the new house well back on the plot and as a consequence of this it is considered the setting of Upcott Cottage and its isolated 'lodge' character would be safeguarded. The importance of Upcott Lodge as a 'heritage asset' is, therefore, acknowledged and preserved. This is in accordance with PPS5.

Conclusion

This proposal is considered to be an appropriate form of infill development which would neither detract from amenity (both visual and residential) nor conflict with other policies which seek to protect matters of acknowledged importance. For the reasons given the proposal complies with the development plan (in particular, policies PD1 and HC5 and central government planning guidance set out in PPS1, PPS3, PPS5 and PPS7.

RECOMMENDATION

Approve with Conditions

Reason for granting planning permission –

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 & HC5 of the Kennet Local Plan 2011, and Central Government planning policy set out in PPS1, PPS3, PPS5 and PPS7.

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 Works relating to the construction of the the new house and related terraces/retaining walls hereby approved shall not commence until details and samples of the materials to be used for the external walls and roofs 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.

- 3 The materials to be used in the construction of the external surfaces of the extension to Longdon hereby permitted shall match in material, colour and texture those used in the existing building.

REASON:

In the interests of visual amenity and the character and appearance of the area.

- 4 The access, driveways and parking areas shall have a final surface of bound gravel (porous as necessary within root protection areas) unless otherwise agreed in writing by the local planning authority. The final surface shall be applied in its entirety prior to occupation of the new house hereby approved.

REASON:

To accord with the terms of the application and to ensure an appropriate surfacing treatment in the interests of visual amenity.

- 5 Notwithstanding the details set out in the application particulars, details (including samples and large scale drawings as necessary) of all new boundary structures within the site shall be submitted to the local planning authority for approval in writing before any development commences. The boundary structures shall be erected and maintained in accordance with the approved details.

REASON:

To ensure satisfactory boundary structures in the interests of visual amenity.

- 6 No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works.

REASON:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8 Prior to commencement of development a statement setting out the method by which works will be carried out within, and the design of any constructions within, the root protection areas of trees T1, T2, T18, T19, T24 and T26 shall be submitted to the local

planning authority for approval in writing. Works shall then be carried out in accordance with the approved statement.

REASON:

To accord with the terms of the application and to ensure the long term health of these important amenity trees.

- 9 The new dwelling hereby permitted shall not be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON:

In the interests of highway safety.

- 10 Prior to the first use of the access provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON:

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

- 11 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.

Drawing no. C8460.09.P002 rev A dated 08/05/09;

Drawing no. C8460/09/01 dated 04/06/09;

Drawing nos. C8460/10/050 rev A, C8460/10/051 rev A, C8460.10.100 rev A & C8460.10.010 rev A dated April 2010;

"Arboricultural Implications Assessment" by DPDS Regional Ltd dated June 2010.

Appendices:

None.

Background Documents Used in the Preparation of this Report:

The application file, history files and relevant government guidance.