

Date of Meeting	12/06/14
Application Number	14/03915/FUL
Site Address	Golden Willows, Main Road, Winterbourne Earls, Salisbury, SP4 6HH
Proposal	Erection of detached 5 bed dwelling with integral garage
Applicant	Mr Greg Ball
Town/Parish Council	WINTERBOURNE
Ward	BOURNE AND WOODFORD VALLEY
Grid Ref	417214 133888
Type of application	Full Planning
Case Officer	Louise Porter

Reason for the application being considered by Committee

Cllr Hewitt has requested the consideration of this planning application at a Planning Committee in order to consider the particular personal circumstances of the applicant's son's needs in this case.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be REFUSED for the reasons detailed below.

2. Report Summary

The main issues in the considerations of this application are as follows:

- Principle of Development
- The Applicants Personal Circumstances
- Design and Appearance
- Impact on Neighbour Amenity
- Highways/Transport/Parking
- Affordable Housing Contribution
- Open Space Provision
- Archaeology
- Ecology

3. Site Description

The application site is an area of land within the curtilage of the dwelling known as Golden Willows. Golden Willows is a chalet style bungalow and is located towards the front of the plot on the northern side. Golden Willows has a large garden extending approximately 35m from the dwelling to the side boundary and approximately 53m from the rear of the dwelling to the rear boundary.

4. Planning History

Planning history relating to Golden Willows:

S/2002/1102	Ground Floor And First Floor Extensions Loft Conversion	Approved with conditions 19/07/2002
S/2006/0245	Replacement Flat Roof And Balcony	Approved with conditions 21/03/2006
S/2007/1519	Demolition And Reconstruction Of Existing Outbuildings	Approved with conditions 20/09/2007

5. The Proposal

It is proposed to subdivide the plot of Golden Willows, approximately in half, and erect an additional dwelling. The proposed dwelling will share the existing access onto the highway with Golden Willows, but will have separate parking provision. The proposed dwelling will be a chalet style bungalow which will include an integral double garage, and will be set back from the front of the plot by approximately 20m. Five bedrooms and three bathrooms will be provided within the roof space. The rear bedrooms will each include either a balcony or a Juliet balcony. The external walls of the proposed dwelling will be finished in painted render whilst the roof will be finished in plain tiles.

6. Planning Policy

Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy):

- G1: General Principles for Development
- G2: General Criteria for Development
- D2: Infill Development
- H23: Undeveloped land in the Countryside
- H27: Agricultural/Forestry Workers Dwellings
- C2: Development in the Countryside
- C6: Special Landscape Area
- TR11: Parking
- R2: Open Space

South Wiltshire Core Strategy:

- Core Policy 3: Affordable Housing

Wiltshire Local Transport Plan

- Car Parking Strategy

7. Consultations

Parish Council

Support

Wiltshire Archaeology

Unlikely that significant archaeological remains would be disturbed by the proposed development

Wiltshire Fire and Rescue

Generic response letter requesting consideration for access for fire service and provision of domestic sprinkler system

Wiltshire and Swindon Biological Records Centre

Otter recorded nearby

Wessex Water

Comments regarding need for new connections

Wiltshire Housing

No affordable housing contribution required

Wiltshire Highways

At the time of writing, the Highways response was awaited. Members will be updated with this at committee. See section 9.5 of report.

Wiltshire Spatial Planning

None received for the current application, but comments received at pre-application stage

8. Publicity

The application was advertised by site notice and neighbour consultation letters. No letters of representation were received as a result of this publicity.

9. Planning Considerations

General policies which cover more than one of the issues are Policy G1 and Policy G2:

G1: General Principles for Development – In accordance with the principles of sustainable development, priority will be given to ensuring that development proposals: (i) achieve an overall pattern of land uses which reduce the need to travel and support increased use of public transport, cycling and walking; (ii) promote the vitality and viability of local communities, (iii) conserve both the natural environmental and cultural heritage of the district; and (iv) make effective use of land in urban areas, particularly on previously developed sites.

G2: General Criteria for Development - provides general criteria for development proposals to be assessed against. The criteria relates to the preservation of important landscape and architectural features, residential amenity and highway and environmental issues.

9.1 Principle of development

The application is not located within a Housing Policy Boundary, Housing Restraint Area or Special Restraint Area and as such is considered to be located within the countryside.

Policy H23 – Undeveloped land outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area and not identified for development in the Local Plan will be considered to be countryside, where the erection of

new dwellings will be permitted only where provided for by policies H26 or H27 of the Local Plan.

Policy H27 - permits permanent agricultural or forestry workers dwellings. There has been no information submitted within the application to suggest the dwelling would fit into this category.

Policy H26 has since been replaced by Core Policy 3 of the South Wiltshire Core Strategy.

Core Policy 3 - permits the erection of a new dwelling outside of the settlement boundaries, subject to the requirement that the dwelling is to be an affordable dwelling. The provision of an affordable dwelling is subject to there being a need for such type of housing and it must not compromise environmental considerations. This type of housing is usually built by a social housing landlord or company. There is no evidence to suggest this will be an affordable dwelling, and therefore the proposed dwelling is not considered to be compliant with Core Policy 3.

As a result of neither the criteria of Policy H27 or the criteria of Core Policy 3 being complied with, the proposal is not considered to comply with Policy H23. Therefore the principle of a dwelling in this location is not considered acceptable. Policy C2 supports this stance confirming that “development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment”.

Additionally, the National Planning Policy Framework supports this stance in more than one section:

Paragraph 17 - One of the twelve core planning principles of the National Planning Policy Framework requires planning to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

Whilst it is recognised that the proposed dwelling is to be located within a group of four other dwellings, these are considered to be an isolated group of dwellings, which the addition of another dwelling would intensify the development of this area of countryside. This is considered to be contrary to the desirability to protect the countryside for the sake of its intrinsic character and beauty.

Paragraph 55 – “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;

- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

It is not considered that the current proposal relates to any of these special circumstances, and therefore the National Planning Policy framework supports that additional dwellings within the countryside, such as the one proposed, should not be allowed.

9.2 The Applicants Personal Circumstances

The applicants are aware of the policy restriction of new dwellings in the countryside, but questioned whether an exception could be made due to the special needs of the applicants' disabled son, Jenson. Spatial Planning were consulted on the proposal at the pre-application stage and commented that whilst the personal circumstances of the applicant are not normally a material planning consideration, where these circumstances are exceptional and clearly relevant (e.g. provision of facilities for someone with a physical disability) then some flexibility can be given in determining applications.

In relation to living arrangements, it is understood that Jenson's personal requirements consist of the following:

- Larger rooms, due to Jenson using his feet for everyday tasks resulting in equipment/toys being spread across the floor, and the requirement for low-level accessible storage
- Living in close proximity to the applicant's parents who help care for Jenson
- Specialist toilet, shower and drying facilities
- Dedicated space to develop musical activities
- Kitchen adaptations

The Design and Access/Planning Statement states that four other properties were considered prior to the purchase of Golden Willows in 2013. It is not considered that a search consisting of only four properties is sufficiently extensive to conclude that Golden Willows is the only suitable option available that fulfils the family's needs. It is noted that none of the four considerations were empty building plots where two properties could be built, rather than buying an existing property with a plot large enough to build a second dwelling within the curtilage. Equally, no evidence has been submitted to indicate any research has been undertaken into finding two separate properties in close proximity to each other that would suitably accommodate both families independently, whilst still being close enough to provide the necessary care when needed. For these reasons, it is not considered there are exceptional circumstances which would result in the Local Planning Authority permitting a new dwelling in a location which would be contrary to planning policy.

This approach has previously been endorsed by the Planning Inspectorate under planning reference E/2012/1368/FUL (Appeal Ref: APP/Y3940/A/13/2193537) – see Appendix 1. This application sought planning permission for a new dwelling and car barn on land adjacent to an existing dwelling. The application was refused due to principle of residential development not being acceptable within the proposed location, as well as the proposal having a detrimental impact on heritage assets. The appeal of the refusal of planning permission was justified by the appellant on the basis that the appellants have a disabled daughter who they wished to accommodate in the proposed dwelling in order that she could live independently. The Inspector concluded that "it is not clear that the only possible option is the substantial house proposed and I have no evidence of any other possibilities being explored with the council... Consequently I do not find any matters to outweigh the clear harm to the Conservation Area, the setting of the listed building and the Council's policies HC24 and

PD1” [These policies are contained within the Kennet Local Plan and relate to restrictions on new dwellings within villages with limited facilities (HC24), and sustainability and design issues (PD1)].

9.3 Design and appearance

Whilst the proposed dwelling is a chalet style bungalow, as a result of the depth of the property the resultant ridge height of the main section of roof is still fairly substantial for a bungalow at 7.389m. In addition the front elevation contains two gable-ended projections giving more of a two-storey appearance. Whilst therefore it is considered that the proposed dwelling is of a large scale, the proposal needs to be considered in relation to the adjacent dwelling Golden Willows. Golden Willows has a ridge height of 7.157m (when measured from the ground level outside the front entrance, or 7.485m when measured from the southern gable end where the land slopes away from the house). The ground level where the proposed dwelling is to be located is lower than the ground level adjacent to Golden Willows and therefore the ridge line of the proposed dwelling will be approximately 0.73m below that of Golden Willows. Whilst this step down in ridge height is not substantial, it will assist in ensuring that the proposed dwelling does not dominate the existing plot of Golden Willows. The ridge line of the garage/bedroom 2 section of the proposed dwelling is set down further from the ridge height of the rest of the dwelling, and together with its set back from the front of the dwelling, the dominance of the proposed dwelling is reduced.

The proposed dwelling will be finished in painted render with a plain tile roof. This will match the materials of Golden Willows and therefore is considered to match the existing character of the immediate area. The proposed mix of gable ends and dormers also matches this character.

In terms of the impact on the streetscene, the proposed dwelling will be positioned within a cluster of four dwellings, all located outside of the Housing Policy Boundary. To the south-west of the application site two very modest bungalows are located within narrow plots in close proximity to each other. These bungalows have a significantly lower ridge line than the proposed dwelling. To the immediate north-east of the application site lies Golden Willows, and to the north-east of that one further dwelling is located (known as “Highfield”). Highfield is currently undergoing a complete redevelopment, with the original bungalow having been demolished and a new dwelling of a modern design being erected along the north-eastern boundary of its plot. The view of this group of four properties from the main road is limited as a result of the close-boarded fence, the well established hedgerow and various trees along the boundaries fronting the road. Therefore whilst glimpses of the proposed dwelling will be visible from the main road, it is not considered that the proposed dwelling will have a dominating impact on the streetscene.

9.4 Impact on Neighbour Amenity

The proposed dwelling will be located approximately 8.3m from the boundary with “Kirkwood” to the south-west and approximately 3.8m from the boundary with “Golden Willows”. The separation distance with “Kirkwood” is considered great enough to not cause overshadowing or to have an overbearing impact despite the proposed dwelling being of a greater scale than “Kirkwood”. The distance to the boundary with “Golden Willows” is less, however given the set back of the proposed dwelling in comparison to “Golden Willows”, the proposed dwelling is not considered to have a significant overshadowing or overbearing impact on “Golden Willows”.

The proposed dwelling includes two dormer windows at first floor level facing the rear garden of “Golden Willows”. Given the proximity to “Golden Willows” it is considered appropriate to condition that these windows are obscure glazed and fixed shut to prevent overlooking.

The proposed dwelling contains one large balcony and two Juliet balconies on the rear elevation. The proposed Juliet balconies are not considered to offer different overlooking opportunities from that of a normal window, and therefore are not objected to on the rear elevation. The wider balcony to the master bedroom is contained on either side with the roof structure which disables the ability to significantly overlook the gardens of neighbouring properties.

9.5 Highways/Transport/Parking

Wiltshire Highways were consulted on the proposal at both the pre-application stage and the current application.

The pre-app consultation response was as follows:

“It is acknowledged that the site lies outside of the settlement framework for Winterbourne Earls. I have visited the location of the site and I note that it is within the 50mph speed limit. There are no separate pedestrian facilities and, although the bus stops are reasonably close to the site, anyone wishing to use the bus would be required to walk along the edge of the A338, or on the grass verge, which would not be an attractive option particularly given the speed of passing traffic. In this location, it is likely that the majority of trips would be taken by private car. The proposal is therefore considered contrary to the aims of the NPPF which seeks to reduce the need to travel, to influence the rate of traffic growth and reduce the environmental impact of traffic.

“It is likely that a proposal for a dwelling in this location would attract an adverse highway recommendation for the reason given above.

“Notwithstanding the above, a new access onto the A338 would require visibility splays of 2.4m by 160m in both directions at a height of 0.9m. Should the applicant wish to pursue the proposal, these sight lines should be demonstrated on a drawing. Furthermore, in line with the current parking standards a dwelling of the size proposed would require three parking spaces together with a suitable turning space to allow vehicles to exit and enter the highway in a forward gear.”

In response, the submitted Design and Access Statement has objected to the comments by the Highways Department, describing there being separate pedestrian facilities back into the village between the boundary fence and the highway verge. The Design and Access Statement also clarifies that the proposed dwelling will share the existing access onto the A338 with Golden Willows, rather than a new access being created. It is understood that whilst that access is already in situ and used by Golden Willows, the intensification of the use of the access would result in the need for there to be adequate sight lines along the A338. Wiltshire Highways is currently looking into whether the verge adjacent to the highway to the front of Golden Willows and to the north is highway, as this would have a bearing on whether the required sight lines are achievable or not. Until this information is received, it is unclear whether there will be a highway objection to the proposal. Any Wiltshire Highways consultation response received, and associated reason for refusal if applicable, will now be included as late correspondence to this committee report.

Regarding parking provision, the proposed plans show parking provision for two cars in front of the proposed dwelling, plus two spaces within the integral garage. Policy TR11 requires the provision of off-street car parking spaces, on the basis of the guidance given at Appendix V of the Salisbury District Council Location Plan (This appendix has since been superseded by the Wiltshire Local Transport Plan Car Parking Strategy). This requires that a proposed 5-bed dwelling will have a minimum of 3 spaces. Therefore the proposed parking arrangement complies with this requirement in terms of the proposed dwelling, plus the existing parking

provision of 3 spaces is retained for Golden Willows. It is considered that there is adequate turning space in front of the proposed dwelling to ensure that all vehicles associated with the proposed dwelling and Golden Willows will be able to enter and exit the plots in forward gear.

9.6 Affordable Housing Contribution

Core Policy 3: Affordable Housing – On sites of four dwellings or less a financial contribution will be sought towards the provision of affordable housing.

Core Policy 3 of the South Wiltshire Core Strategy currently sets out a requirement for affordable housing contributions on all sites with a net gain of 1 – 4 dwellings. However, a revised housing policy has been prepared for the Wiltshire Core Strategy which recommends that on sites of 1 – 4 dwellings there will be no affordable housing contribution required. This is the policy which will now be implemented on planning applications and pre-app enquiries submitted from 28th February 2014 onwards. Therefore there is no requirement for an affordable housing contribution to be made in respect of this application.

Although this policy has not yet been adopted or been subjected to scrutiny through the Strategy process, it does define the Council's intended direction of travel on affordable housing based on up to date evidence. This will remain the Council's position unless the revised policy is latterly found by the Core Strategy Inspector to be un-sound. In these circumstances the Council will review its position again.

9.7 Open Space Provision

Policy R2: Provision for recreational open space – new residential development is required to provide an off-site financial contribution towards recreational open space within the locality.

The contribution varies based upon the number of bedrooms provided. For a 5-bed dwelling the required contribution is £2,235.45. This contribution would only be payable if planning permission is to be granted.

A covering letter and template Deed of Unilateral Undertaking was emailed to the agent on 20/05/14 with the instruction to complete and return the document together with the associated legal fee, however no confirmation has been received that the applicants are willing to pay this contribution, nor has the document/fee been returned.

9.8 Archaeology

There are no historic environment records in or in the near vicinity of the site. It is possible that the lack of archaeological finds might be due to a lack of previous archaeological work in this area. However, on the evidence available, the Wiltshire Archaeologist considers it is unlikely that significant archaeological remains would be disturbed by the proposed development.

9.9 Ecology

The Wiltshire and Swindon Biological Records Centre have highlighted that otters have been recorded close by to the application site. Given that the application site is over 250m from the nearest river, it is not considered that the proposed development will impact on the otter population.

10. Conclusion

The proposed dwelling, by reason of its position outside of the Housing Policy Boundary, Housing Restraint Area and Special Restraint Area, for which there is no overriding justification, is contrary to the desirability to protect the countryside for the sake of its intrinsic character and beauty. As such, the proposed dwelling is considered to be contrary to Policy H23 of the Salisbury District Local Plan and which is a 'saved' policy of the adopted South Wiltshire Core Strategy (listed in Appendix C).

The proposed development has not made adequate provision towards off-site recreational open space facilities and as such would put unacceptable additional demand on existing recreational open space facilities. The proposal is therefore contrary to 'saved' Policy R2 of the Salisbury District Local Plan and which is a 'saved' policy of the adopted South Wiltshire Core Strategy (listed in Appendix C).

RECOMMENDATION

Planning permission be REFUSED for the following reasons:

The proposed dwelling, by reason of its position outside of the Housing Policy Boundary, Housing Restraint Area and Special Restraint Area, for which there is no overriding justification, is contrary to the desirability to protect the countryside for the sake of its intrinsic character and beauty. As such, the proposed dwelling is considered to be contrary to Policy H23 of the Salisbury District Local Plan and which is a 'saved' policy of the adopted South Wiltshire Core Strategy (listed in Appendix C).

The proposed development has not made adequate provision towards off-site recreational open space facilities and as such would put unacceptable additional demand on existing recreational open space facilities. The proposal is therefore contrary to 'saved' Policy R2 of the Salisbury District Local Plan and which is a 'saved' policy of the adopted South Wiltshire Core Strategy (listed in Appendix C).

Appendix 1



Appeal Decision

Site visit made on 23 July 2013

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 July 2013

Appeal Ref: APP/Y3940/A/13/2193537

Higher Green Farm, Poulshot Road, Poulshot, Devizes, SN10 1RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs G Curnow against the decision of Wiltshire Council.
 - The application Ref E/2012/1368/FUL, dated 25 October 2012, was refused by notice dated 28 January 2013.
 - The development proposed is new dwelling and car barn on land adjacent to existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether the proposal is infill development and its impact on the character and appearance of the Poulshot Conservation Area and on the setting of the nearby listed building.

Reasons

3. Poulshot is a village with a dispersed settlement pattern, much of it strung out along the sides of a large village green. The site lies at the northern end of the green in what is currently a paddock to the east of Higher Green Farm, a grade II listed building. There is a farmyard to the north of Higher Green Farm which comprises a cluster of buildings. This is subject to a planning application for 9 dwellings which has been recommended for approval by officers. However, this development, should it go ahead, does not impinge on the green itself. The site lies between Higher Green Farm and No 15, and these appear to be the only buildings on this side of the green.
4. Policy HC24 of the Kennet District Local Plan (2004) allows infill development that is within the bounds of the village, does not consolidate a sporadic, loose knit area of development and is in scale and character with the village. The appellant states that the site frontage is 37m, and this is too small for more than one dwelling, hence it must be infill as it is a gap big enough for only 1 dwelling. If I assume for the moment the site is in the village, which the Council dispute, I consider this is clearly not an infill plot. The gap between the two existing dwellings is considerably larger than 37m; that is only the appeal plot size which could itself easily accommodate several small houses. There is a very large space between the existing buildings, and with the tree cover, this end of the green appears to be virtually undeveloped countryside. It is not,

therefore and infill plot. Furthermore, the character of this part of the green is a loose scatter of well spaced houses which would be consolidated by the appeal proposal. For several reasons therefore the proposal is contrary to policy HC24.

5. The design of the proposed house is based on Seend Bridge house, although I would suggest this inspiration has been somewhat diluted into a large, executive style house. It would appear to have no design features in common with, or even loosely related to the nearby traditional houses of the village. It would have 5 bedrooms, one in the roof, creating a third storey with an inset balcony to the rear, another feature not found in the immediate locality. The overall bulk and mass, as well as the design would look out of scale and harmful in the context of smaller, much more modest traditional buildings around. For this reason as well as because it would consolidate the loose pattern of development, the proposal would harm the character and appearance of the Conservation Area, contrary to policy PD1.
6. I accept that in other parts of the village, including other parts of the village green, modern houses sit next to the local vernacular, but that is not the case at the northern end of the green. The introduction of this very large house would be out of place, out of scale and harmful. I have noted the various other developments referred to by the appellant, but these do not necessarily suggest inconsistency on the part of the Council, and they do not have the same relationship to their neighbours or the green as the appeal proposal would. I agree the direct impact of the building would be reduced by the tree screen, but hiding a development does not make it acceptable.
7. There would be a considerable separation between the listed farmhouse and the proposal, with the three storey element further away still. The farmhouse would retain considerable space around it and there would not, therefore, be any direct significant impact on its setting. However, the introduction of a building which I consider to be harmful to the Conservation Area, next to the listed building, would not be a positive element and it would inevitably detract, if only in a small way, from the listed building, which currently stands next to an open paddock. There is thus some, if only minor, harm to the setting of the listed building.
8. I have great sympathy with the difficulties the appellants face in finding suitable accommodation for them, their daughter and her carers, especially as their current house is listed, with uneven floors, low ceilings and internal steps between the rooms. I was shown the considerable efforts they have already made to try and accommodate the equipment necessary for their daughter's condition and integrate her as far as possible into the family routine. They also need to remain close to their business which lies between the farmhouse and the farmyard beyond. However, it is not clear that the only possible option is the substantial house proposed and I have no evidence of any other possibilities being explored with the Council.
9. Consequently I do not find any matters to outweigh the clear harm to the Conservation Area, the setting of the listed building and the Council's policies HC24 and PD1.

Simon Hand

Inspector