

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	16 July 2014
Application Number	14/04152/FUL
Site Address	26 High Street, Sutton Benger, Chippenham, Wiltshire, SN15 4RF
Proposal	Amendments to 12/04032/FUL To Subdivide into 2 Dwellings & New Access (Resubmission of 13/00835/FUL)
Applicant	Mr P Smith
Town/Parish Council	SUTTON BENDER
Ward	KINGTON
Grid Ref	394461 178691
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by Cllr Greenman, in order to consider the impacts of the development on residential amenity.

1. Purpose of Report

To consider the above application and to recommend that planning permission is REFUSED.

Sutton Benger Parish Council supports the proposals, subject to conditions. No public representations have been received in respect of the application.

2. Report Summary

The main issues in considering the application are:

- Principle of development under Policies C3, HE1 and H3 of the NWLP 2011
- Impact on the character and appearance of the area and Conservation Area
- Impact on the privacy and amenity of existing neighbours and future occupants
- Impact on highway safety
- S106 contributions

3. Site Description

The proposal relates to no.26 High Street; at present a modestly-proportioned detached bungalow situated on the main route through the village of Sutton Benger. Until relatively recently, part of the floor space was given over to the village post office, and the stone boundary wall to the highway still features a traditional post box. With the retirement of the local postmaster, the post office has now relocated to one of the two local pubs, and has become well established in a short time. The building is situated within a generous plot

benefiting from vehicular access, parking and turning courtesy of a private lane to the West, whilst the area to the front of the dwelling is occupied by a planted garden bounded by stone walls. The bungalow is finished externally in painted roughcast render under a hipped concrete tile roof with timber-framed fenestration. It is generally starting to show its age and requires some degree of work to maintain.

Work has recently commenced to implement an extant planning permission (10/02190/FUL refers) relating to the erection of a detached one-and-a-half-storey dwelling in the backland area behind no.26 and granted on 19 May 2011. However, it appears that work has commenced in breach of Condition 2 (parts a, b and c) of that permission, requiring protection of trees and full details of tree protection measures prior to any machinery being brought onto the site. Due to the subsequent expiry of the application, and the fact that tree protection goes to the heart of the decision, it is considered that the permission has lapsed and the works are unlawful. S106 contributions have not been paid, but are only required prior to occupation, rather than commencement. A further planning permission (12/04032/FUL refers) relates to the substantial extension of the building, adding a second storey, extending outward and updating external finishes to create a substantial detached dwelling in place of the existing bungalow, whilst retaining the distinct and substantial post office element.

4. Planning History

- | | |
|----------------|---|
| N/04/00049/FUL | TWO NEW DETACHED DWELLINGS |
| N/10/02190/FUL | Proposed New Dwelling |
| N/12/00984/CAC | Demolition of Existing Garage & Shed |
| N/12/01821/LBC | To re-point the front and side elevation of the property: Clean existing stonework; Remove white paint from around the front door, above the front door and on the crest on the front elevation; Repair mullion on the first floor window (front right looking at the house); Re-point front and side elevations using lime mortar; Replace concrete lintel over door to side elevation with an oak one; Replace side door and side uPVC window |
| N/12/04032/FUL | Proposed Front Extension, Raise Roof, Alter Windows & Change External Wall Material to Render |
| N/13/00835/FUL | Amendments to Planning Permission 12/04032/FUL to Subdivide into Two Dwellings and New Access |

5. The Proposal

Planning permission is sought in respect of slight alterations to the permitted scheme of extensions to form two residential units – one 3-bed and one 2-bed – within the building. Following the implementation of the permitted extensions, the buildings are to be of modest two-storey scale, with dual projecting gables on the street-facing South elevation and a single-storey element to the rear. Internally, the larger, western, unit is to comprise a large kitchen/diner and separate living space and study/‘snug’ at ground floor level, together with utility, WC, lobby and hallway leading up to three bedrooms, one with ensuite, and bathroom above. Following some minor blocking-up of internal linkages in the approved scheme, the second unit is to comprise a smaller kitchen/diner, study, sitting room and lobby with WC, with two bedrooms and a bathroom at first floor level. A separate covered entrance is to be created on the East elevation to serve this unit, representing the most significant variation to the exterior. The building is to be finished in natural stone to its front wings and wood float render elsewhere, under a reclaimed clay tile roof, as per the previous permission. In order

to provide adequate access and parking for the smaller unit, a 5m-wide section of the southern stone wall is to be removed and a large area of block paving installed to provide parking for two vehicles, plus turning space. A new stone wall is to be taken back diagonally from close to the existing pedestrian gate to demarcate the boundary of the two plots. Parking for the larger unit is to be provided between the West elevation and existing access track, partially enclosed by soft landscaping.

6. Planning Policy

The following planning policies are relevant:

Policy C3 of the adopted NWLP 2011 (Development Control Core Policy)
Policy HE1 of the adopted NWLP 2011 (Development in Conservation Areas)
Policy H3 of the adopted NWLP 2011 (Residential Development within Framework Boundaries)
Policy H6 of the adopted NWLP 2011 (Affordable Housing in Rural Areas)
Policy T3 of the adopted NWLP 2011 (Parking)
Policy CF3 of the adopted NWLP 2011 (Provision of Open Space)

Sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

7. Consultations

Sutton Benger Parish Council: Support, subject to conditions –
“Access to the dwellings must not compromise the safety of pedestrians waiting at the Bus Stop or impede access of the buses into the lay-by. Consideration to be given to the removal/re-siting of the Post Box”

Highways: No objection, subject to conditions

Wiltshire Fire & Rescue has recommended that contributions totalling £76.00 are sought in respect of the provision of local fire infrastructure.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

No public representations were received.

9. Planning Considerations

Principle of development

It is noted that planning permission for a near-identical scheme was refused in 2013 (13/00835/FUL refers), with the single reason given being that the village post office remained within the building and as such the proposal would result in the loss of a community facility. With the successful relocation of that function into the nearby Bell Inn, it is acknowledged that that reason should logically fall away now the future of that facility is secured in the immediacy at least. The principle of new residential development in this location remains sound under Policy H3 of the Local Plan, subject to resolution of other site-specific considerations as relevant.

Impact on the character and appearance of the area and Conservation Area

Whilst it is understood to be the applicant's intention to implement the permission in relation to the backland plot, notwithstanding the above concerns as to the legitimacy of this, it is considered that the creation of an additional dwelling within the extended fabric of the original dwelling represents a clear overdevelopment of the site. This will result in substantial harm to both the character of the village and to the residential amenities of future occupiers of both units, and of the dwelling to the rear. No objection is raised in principle to the creation of a pair of semi-detached dwellings on the original site of no.26 in full; the consented design and potential layout with linear gardens to the rear being largely in keeping with the well-established built pattern on this side of the High Street. However, this prospect is entirely negated by the introduction of the backland development, which constrains the development to an unacceptable extent.

It is noted that the site lies squarely within the Sutton Benger Conservation Area, where local character should be granted a particular significance in decision-making. Policy HE1 makes explicit reference to the importance of plot distribution and boundary treatments amongst the elements that should be conserved and reinforced wherever possible. The layout of the current proposal fails to recognise these considerations and, through the removal of a substantial section of traditional stone walling and introduction of a visually-dominant parking area, would severely detract from the character and appearance of the Conservation Area. Whilst it is acknowledged that this length of wall along the High Street is regularly disrupted, and that the diagonal stone wall may mitigate some of this loss, most other plots have a significant degree of soft landscaping that provides a distinct 'village' aesthetic altogether lacking from the current proposal.

Although it is noted that the permission granted in respect of the substantial extension of the existing bungalow took significant account of the intention, at the time, to retain the post office and may therefore have allowed a greater volume increase than a conventional householder extension, it is considered that the design is acceptable. At present, the bungalow contributes little to its setting and its scale and form is alien to the prevailing character of the High Street or Conservation Area. The proposed materials are generally of a high quality and its scale is reminiscent of the pairs of semi-detached dwellings that pervade the natural route past the unit. The design proportions sit comfortably together and in their wider context, contributing more effectively to the established character of the street. The addition of the East entrance door on the submitted scheme neither enhances nor harms the overall design quality.

Impact on the privacy and amenity of existing neighbours and future occupants

Turning to the matter of residential amenity, however, once the substantial areas of parking/turning are eliminated, the effective useable amenity space to both units is of an entirely inadequate standard, both in absolute terms and particularly in relativity to the standards expected throughout the locality. The outlooks to the front of the eastern unit and side of the western unit will both be dominated by car parking, with a paucity of useable outside space contrary to what would reasonably be expected of family housing in the locality. The residential amenity of the backland dwelling would also be adversely affected, with the enjoyment of the limited outside space of two units compressed into a small area close to the boundary of the unit's own, rather limited, garden. This arrangement is considered to be contrived and substandard, contrary to the planning principles set out at Policy C3 of the Local Plan.

Impact on highway safety

The Council's Highways Officer has agreed the proposed access, parking and turning arrangements, which in the case of the eastern unit make use of an existing access and turning provision also intended to serve the backland unit. This part has in effect already been approved under the 2012 permission, which otherwise retained the land to the front of the building, including pedestrian access, in its present condition. The proposed new access onto the High Street is assisted by the immediate proximity of the bus stop, which provides something of a ready-made visibility splay such that the further reduction of the boundary wall is not required. Notwithstanding other concerns raised in respect of the overall visual effect of the parking/turning area, this does provide adequate space for parking and on-site turning in line with countywide standards and Policy T3.

S106 contributions

Pursuant to Policy H6 of the adopted Local Plan, it has been confirmed that the scheme attracts a contribution toward local affordable housing of £26,000, in respect of the single additional unit to be created. It is considered that an off-site contribution toward the provision of local public open space should be taken on the basis of the smaller unit to be created, as this is to be accommodated in the part of the extended building previously due to form the non-residential, post office, element. This off-site contribution equates to a sum of £4,200 in accordance with the Public Open Spaces Study and Policy CF3 of the adopted Local Plan. In the current absence of such a legal agreement, a holding objection is raised in this respect. Upon resolution of other matters, it is considered probable that this should subsequently fall away, however.

Conclusions

It is considered that, cumulatively with the backland plot, the proposal represents an overdevelopment of the site and would be detrimental to the critical matters of residential amenity and the character and appearance of the Conservation Area. Although it is believed that the backland unit may not now be lawfully completed, it cannot be guaranteed that this view would be shared by an Inspector at appeal. As such, at the present time the proposal remains unacceptable in planning terms.

RECOMMENDATION

That planning permission is REFUSED, for the following reasons:

1. The proposed development, by reason of its amount, siting and layout, would be detrimental to the residential amenity of existing, future and neighbouring occupiers. The proposal therefore conflicts with Policy C3 of the adopted North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework.
2. The proposed development, by reason of its amount, layout, design and materials, would be detrimental to the character and appearance of the Conservation Area. The proposal therefore conflicts with Policy HE1 of the adopted North Wiltshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.
3. In the absence of a suitable Section 106 legal agreement, the proposal fails to make adequate provision for off-site contributions to local affordable housing and public open space. The proposal therefore conflicts with Policies H6 and CF3 of the adopted North Wiltshire Local Plan 2011.

Appendices:

Background Documents Used in the Preparation of this Report: None