

<b>Date of Meeting</b>	23 July 2014
<b>Application Number</b>	14/03465/FUL
<b>Site Address</b>	93 Victoria Rd, Trowbridge, Wiltshire
<b>Proposal</b>	Proposed extensions
<b>Applicant</b>	Mr David Clarke
<b>Town/Parish Council</b>	TROWBRIDGE
<b>Ward</b>	TROWBRIDGE PAXCROFT
<b>Grid Ref</b>	386704 158559
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

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

This application has been called in at the request of Councillor Oldrieve to consider the size of the proposed extension and its impact on neighbouring amenity.

This application was reported to Members on 2 July with a positive officer recommendation. However, following a debate, Members resolved to defer making a decision until after a Committee site visit which shall take place prior to the Committee meeting.

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

Officers recommend that this application be approved subject to conditions.

### **2. Report Summary**

The proposal would not be an overdevelopment of the site and would have an acceptable impact on neighbouring amenity and the character and appearance of the adjacent conservation area.

### **3. Site Description**

No. 93 Victoria Road is a large detached dwelling located within a residential cul-de-sac comprising only 5 dwellings. Each dwelling is fairly large set within good sized plots. No. 93 is located on the entrance of the cul-de-sac off Victoria Road but also has a long boundary with Hilperton Road.

'Byways' to the north of the application site has its side garden enclosed by a 1.8 metre tall fence with a further hedge in front, adjacent to the cul-de-sac road. This fence largely obscures the views into the site and only No's 93 and No 91 can be seen from the entrance into the cul-de-sac. No. 93 is well screened from both Hilperton Road and Victoria Road and the dwelling is set a good distance back from the access road into the cul-de-sac.

The application site is not located within the Conservation Area, but is immediately adjacent to it with its boundary being the pavement along both Victoria Road and Hilperton Road. The well established Cooper Beech tree located within the application site is not protected by a TPO, is not located within the Conservation Area, but is equally, not considered at risk.

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

No relevant planning history.

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

The proposal comprises a garage extension on the front elevation and a single storey side elevation extension.

Following receipt of concerns raised about the impact the original proposed development would have upon the existing copper beech tree, the applicant deleted the previously proposed summerhouse and re-building of the boundary wall elements of the application.

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

West Wiltshire District Plan (WWDP) 1<sup>st</sup> Alteration 2004 – Policies C17 – Conservation Areas, C31a - Design and C38 - Nuisance.

The Emerging Wiltshire Core Strategy (eWCS) especially strategic objective 5 – Protecting and Enhancing the Natural, Historic and Built Environment; and Core Policy 57 – Ensuring High Quality Design and Place Shaping.

Government Guidance – The National Planning Policy Framework (NPPF).

#### **7. Consultations**

Trowbridge Town Council – Objects on the grounds of overdevelopment and that the extension would project beyond the existing building line at the front of the building. There are also concerns raised about the copper beech tree, which if built close to could suffer. The Town Council requests that a tree preservation order be placed on it and that this application be determined by the Elected Members.

Tree Officer – Following the deletion of the summerhouse proposal, the development would not detrimentally affect the copper beech tree and given that it is not at risk, there is no necessity to place a TPO in this particular case.

#### **8. Publicity**

The application was advertised by site notice and individual neighbour notifications. The timeframe for comments to be received by was 10 April 2014. 6 Letters of objection were received raising the following concerns:

- The garage section protrudes beyond the natural building line of the existing property and neighbouring property. There are 5 properties in the close and with No 93 being the first; the protrusion would affect the visual aspect of the other 4 houses.
- The proposal would be completely out of keeping with the street scene.
- The proposal would represent an overdevelopment of the site.
- The proposal would block light to No. 91 and its front patio.
- The garage extension would be ugly and overbearing on No. 93.
- Three mature trees have been pulled down and the front garden paved over. Did this require planning permission?
- This could result in more noise as the applicant works from home and has a constant stream of workmen to the property.
- Previous works have resulted in blocked driveways.

#### **9. Planning Considerations**

##### Principle of Development:

9.1 Residential extensions are broadly supported by WWDP Policy C31a subject to the design and impact on the street scene being acceptable.

9.2 Third party presentations have raised issues regarding home working and workmen visits. However, where there is no material change in the use of a residential property, people can work from home and run small businesses without the need for planning permission. Officers are not aware a formal complaint having been made to planning enforcement to investigate whether the current activity requires a planning application. Such matters would nevertheless need to be treated separately to the consideration of this application. Any blocking up of a shared driveway is a civil matter between the relevant landowners and such matters cannot influence the determination of this application.

9.3 The driveway which is referenced by objectors is formed of mostly shingle which is a porous material that would provide adequate on-site drainage. For the avoidance of doubt, this did not require planning permission and its formation cannot influence the determination of this submission.

#### Impact on the Host Building and Street Scene:

9.4 No. 93 is a large dwelling comprising of a main two storey section with a projecting subservient gable end section of the front elevation. On its side elevation there is a subservient double garage with a bedroom above.

9.5 Officers assert that the proposed garage extension would remain subservient to the existing garage although it would project 7 metres from the existing front wall. This would be approximately 3 metres further than the existing front elevation gable end projection. The final garage extension would still be set back about 4-4.5 metres from the shared cul-de-sac access road.

9.6 On entering the cul-de-sac, the proposed extension would enclose No. 93 from the rest of the street but it would not build right up to the boundary edge and would not be of a height or size to have a significantly overbearing / dominant impact. The impact of the garage extension on the street scene would be similar to the impact 'Byways' long boundary fence has – which is not considered inappropriate. The cul-de-sac would still retain its overall open characteristic and appearance.

9.7 The proposal would not represent an over development of the site as the footprint of the dwelling would still be less than 50% of the total plot. Additionally each forward projection from the main 2 storey section of the dwelling would be subservient, lowering the built form and impact on the street scene.

9.8 The side extension on the south western elevation would be fairly long but would be a small addition screened from the majority of public views by the existing hedgerow and No. 93 itself.

9.9 The extension would be an appropriately scaled and subservient addition to the host building. It is acknowledged that it would be built forward of the existing building but this would not cause any substantive adverse harm and officers do not consider it warrants a refusal.

#### Impact on the Adjacent Conservation Area:

9.10 The extensions would be largely screened from the Conservation Area by the existing hedgerow which is not proposed to be removed. Therefore the views into and out from the Conservation Area would not be harmed by this proposal. In any regard, even if they could be widely seen, it is not considered that the extensions would be harmful.

9.11 Neighbouring concerns raised about the removal of trees without permission are duly noted. However, consent is not required for works to trees that are not subject to Tree Preservation Orders (TPOs) or those outside of a Conservation Area. In relation to the Cooper Beech Tree, a site visit was conducted with the Council's Tree Officer who advised that the

works to the Cooper Beech Tree have been carefully and sensitively carried out and to a high standard. Following the deletion of the summer house and re-building of the boundary wall from this proposal, there would be no substantive risk to the tree to necessitate the issuing of a TPO.

#### Impact on Neighbouring Amenity:

9.12 Objections have been received from No. 91 which is immediately to the north east of the application site; and it is recognised that this proposal would result in a 13.5 metre long wall being built approximately 1 metre away from the shared boundary. The plans indicate that the boundary hedge belongs to No. 93 and would be retained. In this particular case, a condition is recommended to ensure the hedge is protected.

9.13 The proposed extension would be 3.1 metres to eaves – which is about 0.6 metres higher than the hedge. Therefore the actual increase in height over the hedge would be minimal. The roof would then slope away from No. 91. It is not considered, as the site visit presentation photographs illustrate, that the proposed extension would have a significant overbearing or un-neighbourly impact upon No. 93. This is because it would not be of a height or close enough to have a harmful impact.

9.14 In terms of overshadowing, this would only likely occur from approximately 3pm in summer months and from 1pm in winter months. The overshadowing would only extend over the hedge and No. 93's front driveway and double garage. The front patio of No. 91 would be too far away to be directly overshadowed and there would be sufficient distance to still allow for a good level of natural daylight. Officers advise that the level of harm would not be sufficient to warrant the refusal of the application.

9.15 The first floor of the garage would have a games room, which is considered to be habitable floor space having 3 velux roof lights facing No 91. The velux roof lights would predominately look out over the front driveway which is also visible from the access road. The garage extension would however delete an existing bedroom window which faces the neighbouring plot; and thus, it is therefore considered the overall impact of the velux windows would be neutral. Whilst No 91 has a fairly well screened front patio, only one velux roof light would have a view of it, but it would not be sufficiently harmful in which to refuse the application.

### **10. Conclusion**

The proposal would result in the enlargement of the dwelling, building forward of its existing elevations, but it is not considered that it would be of an inappropriate or unacceptable size or height; and it would not cause harm to the appearance of the street scene or adjacent Conservation Area. The proposal would also not cause harm to neighbouring interests.

### **RECOMMENDATION**

- 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 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.

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

- 3 No development shall commence on site until the hedgerow on the boundary between No's 93 and No 91 is safeguarded by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected, the applicant shall submit exact details of the type, position and defined root protection area for the written approval of the Local Planning Authority; and after it has been erected, it shall be maintained for the full duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). Should the hedge, within a period of 5 years, die, be removed or become seriously damaged or diseased, it 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.

REASON: To enable the Local Planning Authority to ensure the protection of the boundary hedge on the site in the interests of neighbouring amenity.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan - Received 27 March 2014  
Revised Block Plan - Received 17 June 2014  
Drawing 0028/14/C - Received 27 March 2014  
Drawing 0028/14/D - Received 27 March 2014  
Drawing 0028/14/E - Received 27 March 2014  
Drawing 0028/14/F - Received 27 March 2014  
Drawing 0028/14/G - Received 27 March 2014

REASON: For the avoidance of doubt and in the interests of proper planning.