Deadline	06 <sup>th</sup> August 2010			
Application Number:	S/2010/0869			
Site Address:	SITE ADJACENT TO ROSE & CROWN 39 HIGH			
	STREET BULFOR	RD SALISBURY SF	94 9DS	
Proposal:	PROPOSED DETACHED DWELLING HOUSE WITH			
-	DORMERS AND N	IEW ACCESS ON	TO HIGH STREET	
Applicant/ Agent:	MR PATRICK OETIKER - SIXTEEN TWENTY EIGHT			
Parish:	BULFORDBUL/ALLING/FIGH			
Grid Reference:	416811.496788502 143526.042391926			
Type of Application:	Full			
Conservation Area:		LB Grade:		
Case Officer:	Mr O Marigold	Contact	01722 434293	
		Number:		

Application Number: S/2010/0869

Proposed Development: Proposed detached dwellinghouse and new access onto High Street at site adjacent to Rose and Crown, 39 High Street, Bulford

Officer Report

Reason for the application being considered by Committee

Councillor Smale has requested that this item be determined by Committee due to the visual impact upon the surrounding area, the design, bulk, height and general appearance, and the very strong objections from the Parish Council.

# 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

Neighbourhood Responses

2 letters of objection received

Parish Council Response

Strong objection

#### 2. Main Issues

The main issues to consider are:

- 1. The principle of development:
- 2. The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area;
- 3. The impact of residential use on adjacent uses and vice-versa;
- 4. The impact on highway safety
- 5. Other considerations

# 3. Site Description

The application site consists of vacant land between an existing public house (the Rose and Crown) and residential dwelling and a church hall, off High Street in Bulford. A public footpath runs to the rear of the site.

In planning terms, the site is within Bulford's Housing Policy Boundary but outside of the Conservation Area (which starts beyond the public house). It is also within an Area of Archaeological Significance.

4. Planning Histor	у	
Application number	Proposal	Decision
S/2009/1623	Proposed detached dwellinghouse with dormers and new access onto High Street	Withdrawn 10th December 2009

### 5. The Proposal

The application proposes the erection of a three bedroom, two storey dwelling of modern design between the existing public house (the Rose and Crown) and 41 to 45 High Street in Bulford. The dwelling would have an 'L' shaped footprint covering much of the plot's width, though only part of its depth.

The dwelling would measure approximately 13m by 8m, with a height of approximately 5.2m. It has been designed to appear in a 'block' form with flat roof, extensive glazing and overhang at the front. The materials would be horizontal stained timber cladding at first floor, white painted render at ground floor and aluminium windows.

Also proposed is a (relatively small) grassed amenity area to the front, and brick paved turning area. A car turntable is proposed to ensure that vehicles can enter and leave the site in forward

gear. Timber fencing is proposed for the boundary treatments.

## 6. Planning Policy

The following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan (saved policies)

G1, G2 – General Development Criteria

D2 – Infill Development

H16 – Development within Housing Policy Boundaries

CN11 – Views into and out of Conservation Areas

CN21 – Areas of Archaeological Significance

R2 – Public Recreational Open Space

TR13 – public footpaths

**National Planning Policies** 

PPS1 – Sustainable Development

PPS3 - Planning and Housing

PPS5 - Planning and the Historic Environment

PPG24 - Planning and Noise

#### 7. Consultations

**Bulford Parish Council** 

Very Strong Objection, for the following reasons:

Over-Development of a very small and eccentrically shaped site.

The proposed structure would dominate and overshadow the Public Footpath (Bulford ROW 6) that borders the site on the east side of the site. This Footpath already tends to be dark and over-shadowed and, as such, frequently, attracts acts of hooliganism. This proposed development would exacerbate this problem.

The proposal affords no facility for the turning of motor vehicles on site other than by mechanical means. Since this method of turning is relatively cumbersome, inevitably this would degenerate into the reversing of vehicles in or out of the site via the entrance on the main road (A3028 - The High Street). The recent development of the road junction with the A303 at Folly Bottom, has resulted (and continues to result) in ever-increasing use of the A3028 by vehicles of all shapes, sizes, and weights. This would be compounded by lorry deliveries to the immediately adjacent vehicular entrance to the Public House.

The site, in its entirety is overlooked by the immediately adjacent Public House.

At present, the site serves as a small, green buffer in the centre of a fairly closely developed

area; to fill it in a wanton way with this sort of development would be entirely detrimental to the area and its surroundings.

# Design

The proposed structure is startlingly unorthodox in architectural character. Since the site lies close to the edge of the Bulford Conservation Area (and therefore liable to more than normal consideration) and since it immediately borders a number of listed buildings of conventional designs appropriate to their day, it would be wholly out of character with its surroundings.

The argument that has been put forward that it is better to introduce a fresh approach, rather than to attempt to copy the characters of the surrounding buildings, is considered to be a simplistic sophism, since it flies in the face of the whole concept of the conservation of character within an area.

Even accepting that design is a subjective matter, and even conceding that this design might (possibly) be accepted in an urban environment or on an Industrial Estate, in this setting it would be so ugly and out of character as to take one's breath away; it is the opinion of Council that it is an example of the worst kind of gimcrack, modern architectural design that is in danger of ruining the face of rural England today.

#### **Environmental Considerations**

The proximity of the site to the Public House and to the Working Men's Club raises an environmental objection - both, on occasions, are sources of substantial noise pollution and concentrations of motor vehicles and people. The applicant trivialises this on the grounds that this is "... nothing that a solid set of walls and good windows can't overcome", but there are many who would disagree with him and future owners/tenants might well be amongst their number. If allowed to go ahead, the proposed residential house would be a source of friction and complaint waiting to happen.

The proximity to the large and very busy Murco Garage lying immediately to the east of the site raises yet another environmental objection. The comparatively recent development of this substantial Garage, in the middle of a well-developed residential area, was extremely controversial at the time and only succeeded, after two appeals, for historical reasons that legally could not be gainsaid; further residential development close to this facility makes no sense and would not be supported by Council. Apart from fumes, noise, and light pollution, the now very substantial underground fuel storage needs to be taken into account.

#### Conservation

It is understood that the Conservation Officer has raised no objection to this proposal. Council is at a complete loss to understand this as her objections at the time of the last proposal (S/2008/358 dated 22 Feb 2008), ignoring the question of design and taking only those pertinent to the site itself and its proximity to the Conservation Area, were similar to those stated above.

### **Highways**

This is an amendment to a previous application that was withdrawn in 2008. As such it is recommended that no highway objection be raised subject to conditions being attached to any

permission granted relating to the turntable (being kept clear); the surfacing of the access for the first 5m; gates being set back 4.5m from the carriageway and opening inwards only; details of surface water discharge.

#### Conservation

As you will be aware, concerns were raised about the development of the site, not particularly in relation to the impact on the listed building (which is close but which faces in a different direction and is therefore not read with this site) but because of the close proximity of the historic pub, which merits a 'respectful' space; and the impact an opening in the hedge will have in relation to the street scene ie a loss of enclosure. Having said this, the site is not within the Bulford Conservation Area and it is unlikely that the boundary would ever be extended to include this area given some of the development that has taken place in recent years.

In respect of the design, The Conservation Officer defers to the comments of the Design Forum who were presented with two options for the development of the site – a contemporary scheme and a more 'traditional' scheme. The Conservation Officer's view is that a contemporary scheme would be a more dynamic and interesting incursion into the area. Aping the traditional is rarely wholly successful and more likely to detract from adjacent historic buildings.

## Design Forum

The proposal involves the construction of a single house on a narrow 'triangular' plot of land. Access to the site would be via a gate at the front of the site. Because of the narrowness of the plot and Highways' requirement that any driver should exit the site in a forward gear, the applicant proposes to install a mechanical turning circle.

The site is not in a Conservation Area but it is bordered on one side by the Rose and Crown Pub, an attractive 19th century unlisted pub, and on the other side by the gardens of three houses [in fact one is a church hall], two of which are listed. There is a narrow public footpath to the rear of the site. The predominant local material palette is flint and red brick.

The shape of the site and the need to avoid overlooking significantly constrains siting options. The applicant proposes to site the proposed dwelling to the rear of the plot, with the back and left-hand wall of the house following the rear and side boundary. Two design options were presented to the panel.

The first option was for a contemporary scheme with an L-shaped footprint, using render at the ground floor and with a jettied first floor with horizontal timber cladding. The proposed roof is flat with either a single-ply or sedum roof.

The second option was for a new building with a more traditional appearance i.e. that of a barn or outbuilding. It would be constructed of shiplap boarding and a clay tile roof. It would be one-and-a-half storeys in height – but with the eaves lower at the front to give the appearance of a single storey building.

The panel felt that the contemporary scheme had been approached with more conviction than the traditional scheme. Because of the narrowness of the site, the panel opined that views of the new building from the street, would be limited. The panel recommended that the architect consider a shallow pitch to the roof and a sedum roof which would provide some 'softness' to

the building. The panel felt that the glazing of the building needed to be reconsidered; in particular they felt that the single storey flat roofed area could be glazed to give the ground floor more natural light.

In terms of the traditional scheme, this was thought to be rather tame. The panel questioned why a barn/outbuilding and not a detached traditionally detailed house was being proposed. The panel was concerned about individual elements such as the maintenance of timber cladding hard up against boundaries and the potential lack of light (it was felt the roof could sustain more openings and that the ground floor could sustain much more glazing).

In conclusion, the panel preferred the contemporary scheme which it felt had been handled with more conviction, and liked elements such as the horizontal emphasis of the first floor which echoed the flint banding on the nearby listed buildings. It felt that the architect needed to consider future maintenance of the elevations/roof and give greater thought to the light issue, design of the glazing, materials palette and outside storage issues before submitting the application. The panel also recommended that the applicant consult Bulford Parish Council before proceeding with the application.

### **Environmental Health**

We are happy with the system that they have proposed which will provide rapid ventilation to the occupants/rooms and the system will reduce the noise impact on the occupants. A scheme of housing called Passive housing employs this system and people choose to live this way. With this system in place and the windows kept shut there should be adequate airflow into and out the property. Mechanical ventilation will provide adequate living conditions for the occupants.

Archaeology

No Objection

### 8. Publicity

The application was advertised by site notice, press notice and neighbour notification with an expiry date of 15th July 2010.

2 letters have been received (one from CPRE), raising the following objections:

The proposed design is inappropriate for the adjacent Conservation Area and for the nearby listed buildings of conventional designs;

The proposed roofing material is ugly and out of place;

Surrounding structures are brick and/or flint therefore a wooden structure will be out-of-place; Inability to turn vehicles other than by mechanical means, meaning that vehicles are likely to reverse into or out of the site from the main road:

The site is entirely overlooked by the immediately adjacent public house;

Fire hazard because of the close proximity of dwelling to others;

Increased noise levels resulting from the dwelling;

Proposed dwelling use would conflict with church hall, public house, petrol filling station;

Loss of open land which complements current public uses;

Disturbance caused by building works;

Overlooking of land regularly used by children under 16 (church hall youth club);

Loss of light:

Trees were cut down in October 2009 and temporary fence erected on land owned by others

## 9. Planning Considerations

# 9.1 The principle of development

The site lies within the Housing Policy Boundary of Bulford. As such, Local Plan policy H16 permits the development of infilling and small-scale re-development in principle, provided that it does not constitute tandem or inappropriate backland development; does not result in the loss of an important area of open space and does not conflict with the Local Plan's design policies, as well as meeting other Local Plan requirements.

It is considered that the proposal does not constitute unacceptable tandem or in appropriate backland development, given that the dwelling would face the highway (albeit being set well back) and would not have intervening development between. The land is overgrown and unused and the proposal would not involve the loss of important open space. In principle development of this site would comply with Local Plan policy H16, but subject to detailed considerations (including design), below.

9.2 The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area

The Parish Council and local residents have expressed concern about the design of the proposed dwelling and the impact on the character and appearance of the area, including the adjacent listed buildings and the nearby Bulford Conservation Area. In particular, they are concerned about the 'unorthodox' design being ugly, out of place and unreflective of the design of surrounding dwellings.

Local Plan policy D2 is relevant. It requires that proposals for infill development must respect or enhance the character and appearance of the area in terms of the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths. Infill dwellings should also respect or enhance the architectural characteristics of the area and materials of adjoining buildings.

Government advice in PPS1 (paragraph 34) says that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Paragraph 38, however, says that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.

In this case the architectural characteristics of the surrounding area are varied, although generally follow 'traditional' lines. The adjacent Rose and Crown, immediately to the north, is a brick and flint public house of attractive design and proportions though it is not listed. To the

south are 41 to 45 High Street, dwellings and a church hall, of which numbers 41 and 43 are listed. These are also of brick and flint and date from 1769, being a former farmhouse, now divided into two dwellings.

Beyond these, further to the south, are a row of modern terraced bungalows. To the west (opposite the site) are a number of brick two storey dwellings of fairly bland and unremarkable modern design. To the east is a petrol filling station and further relatively recent (possibly 1980s) residential development.

In light of the unusual design of the proposed dwelling and the proximity to the listed buildings, the advice of the Conservation Officer and the Design Forum has been sought. The Conservation Officer had initial concerns about the principle of development because of the need for the public house to have 'respectful' space. However, it is accepted that the pub is not listed, the site is not within Bulford's Conservation Area and that this site is unlikely to have ever formed part of the pub's surroundings.

In design terms, both the Conservation Officer and the Design Forum were supportive of the modern approach proposed here. The Conservation Officer encourages the 'dynamic and interesting incursion' of the proposal while the Design Forum say that views of the new building from the street would be limited, and that the horizontal emphasis of the first floor echoes the flint banding on the nearby listed buildings.

Indeed the Design Forum were presented with an alternative, more traditional, form of development (albeit perhaps less-enthusiastically presented) but still preferred the modern design. Although some of the Forum's suggestions have not been taken up by the applicant (for instance a shallow roof and/or sedum roof) they were nevertheless supportive of the basic concept and design.

In terms of the impact of the listed buildings, it is considered that these and the pub would remain the predominant features of the street scene and that the new dwelling would not harm their setting. Meanwhile Bulford's Conservation Area starts on the other side, and to the rear, of the Rose and Crown, and the proposed dwelling would not be visible from within the Conservation Area.

Public views from the highway are largely screened by the pub or ameliorated (though not entirely screened) by hedging fronting the road boundary. Although the dwelling would be visible from High Street above existing hedging at some points (as well as being seen from the footpath to the rear), it would not be overly dominant in the street scene.

In light of this, it would be difficult to defend an appeal on the grounds of unacceptable design. Although the pub and listed dwellings are brick and flint in terms of their materials, there is not a particularly cohesive local distinctiveness that it can be said the current proposal would not respect.

In terms of plot widths and the risk of 'over-development', the dwelling would largely fill the width of the plot at its western end, but there other examples of existing dwellings that fill the plot width, including the adjacent 43 High Street. The length of the site also helps reduce the impact of the dwelling on its surroundings. It is difficult to conclude that the proposal would result in a 'tight' or cramped' pattern of development.

Overall, it is considered that the proposed design would not be unacceptable, and that the dwelling as proposed on this site would not harm the area's character and appearance. It is

considered that proposal would be acceptable having regard to Local Plan policies G2 and D2, and the advice in PPS1.

9.3 The impact of residential use on adjacent uses and vice-versa

Consideration has been given to the impact of the proposal on adjacent uses (and vice-versa), including the impact on the public house, on the church hall, and from the petrol filling station.

The Council's Environmental Health department expressed initial concerns that the proximity of the public house to the proposed dwelling would result in an incompatibility of uses. They were concerned that noise and disturbance from the public house would be likely to affect the amenities of occupiers of the future dwelling, and that complaints generated from the new dwelling could affect the operation of the pub. Environmental Health were also concerned that the proximity of the petrol filling station could also affect the amenities of the dwelling.

The dwelling has been designed so that there would be no windows on the north, east and south elevations, so no windows would face the pub, filling station or church hall, and all windows (other than flat rooflights for the bathrooms) would face west.

Furthermore, the applicants have undertaken a noise assessment though a firm of Environmental Consultants. PPG24 sets out four noise exposure categories (NEC), based on World Health Organisation guidelines, for determining the effect of noise. The applicant's noise assessment identified that during the daytime the level of noise on the site falls within category A, where noise is not a material consideration.

During the night time, however, the level of noise translates into NEC B, where noise is a material consideration. The reason for increased noise levels at night time relates to lower background noise levels and a greater expectation of quiet. This means that the effect of a chiller unit at the back of the pub is that much greater during the night compared with daytime levels.

In response to this, the applicant's consultants recommended either that the chiller is relocated (with the agreement of the public house), or that mechanical ventilation is provided to the proposed bedrooms to mitigate against the noise of the chiller unit and ensure that noise within the dwelling falls within acceptable levels. The applicants have proposed the latter.

The Council's Environmental health department has reviewed the submitted noise assessment and considers that it is acceptable. They consider that the proposed noise mitigation methods of mechanical ventilation would be acceptable and reasonable, would provide adequate living conditions, and would overcome their initial objections.

In relation to concerns expressed by others, there is no reason to believe that siting one house next to another would lead to unacceptable fire risks. Access for the emergency services is a matter to be considered under the Building Regulations. Overlooking of land used by children is not a sustainable reason to refuse planning consent. In fact any overlooking of the church hall would be oblique and no worse than occurs at present. It is considered that the proposed dwelling would be sufficiently far away from neighbours for it not to result in an unacceptable loss of light or outlook. Disturbance from building works could be limited to acceptable hours by condition.

It is considered that the proposal would not be unacceptable in terms of its proximity to other uses, and that it would not conflict with saved Local Plan policy G2.

## 9.4 The impact on highway safety

Consideration has been given to the impact on traffic and highway safety. Initial concerns were expressed by the Highways Department about vehicles being able to enter and leave the site safety. In response the applicants have proposed a 'car turntable' where cars are turned within the site enabling them to drive in and out of the site in forward gear.

Although the Parish Council has expressed concern at the long term suitability of this solution, the Highways Department have accepted the use of the turntable and now raise no objection. On this basis, a reason for refusal on highway grounds would be difficult to defend at appeal, and it is considered that Local Plan policy G2 would be satisfied in this respect.

## 9.5 Public Recreational Open Space

Local Plan policy R2 requires that all new residential proposals must provide for additional public recreational open space facilities. For schemes of less than 10 dwellings, a financial contribution is normally sought, secured by means of a legal agreement under s106 of the Town and Country Planning Act.

It is considered that such a contribution is required in this case, and that permission should therefore be subject to a legal agreement being submitted by the applicant.

### 9.6 Other considerations

Any cutting down of trees would not have required permission. The opening in the hedge has already occurred and again would not have needed consent. In relation to the footpath to the rear, the path is already somewhat dark and gloomy, though the dwelling would add to this to some extent. The applicants have proposed that lighting could be installed to counteract this impact. It is considered that this could be secured by condition.

### 10. Conclusion

The proposed development would not harm the character or appearance of the area, including the setting or nearby listed buildings or views into/out of the Bulford Conservation Area. It would not result in unacceptable living conditions or have an adverse impact on neighbouring uses. It would not result in harm to highway safety or any other material planning consideration.

It would therefore comply with saved policies G1, G2 (General Development Criteria), D2 (Infill Development), H16 (Development within Housing Policy Boundaries), R2 (public recreational open space), CN11 (Views into and out of Conservation Areas) and CN21 (Archaeology) of the Adopted Salisbury District Local Plan and national advice in PPS1 (Sustainable Development), PPS3 (Planning and Housing) PPS5 (Planning and the Historic Environment) and PPG24 (Planning and Noise).

R	60	'n	m	m	en	Ы	at	i∩r	ì
$\neg$	Cι	J.			CI	IL J	aı	11 71	

Subject to the submission of a unilateral agreement under s106 of the Town and Country planning Act 1990, in relation to public recreational open space, it is recommended that planning permission is GRANTED for the following reason:

The proposed development would not harm the character or appearance of the area, including the setting or nearby listed buildings or views into/out of the Bulford Conservation Area. It would not result in unacceptable living conditions or have an adverse impact on neighbouring uses. It would not result in harm to highway safety or any other material planning consideration.

It would therefore comply with saved policies G1, G2 (General Development Criteria), D2 (Infill Development), H16 (Development within Housing Policy Boundaries), R2 (public recreational open space), CN11 (Views into and out of Conservation Areas) and CN21 (Archaeology) of the Adopted Salisbury District Local Plan and national advice in PPS1 (Sustainable Development), PPS3 (Planning and Housing) PPS5 (Planning and the Historic Environment) and PPG24 (Planning and Noise).

And subject to the following 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) The development shall only be undertaken in accordance with the following approved plans:

Existing site plan 927 100 rev A received 11th June 2010
Proposed block plan 927 101 rev D received 11th June 2010
Proposed ground and first floor 927 110 rev C, received 11th June 2010
Elevations and section number 927 111 rev F, dated 5th August 2010

REASON: for the avoidance of doubt.

(4) No development shall commence on site 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.

POLICY- G2

(5) Prior to the commencement of development a scheme for the provision, use, retention and maintenance of the proposed turning circle shall be submitted to and approved, in writing, by the Local Planning Authority. The turning circle shall remain clear and available for use at all times and shall be operated and maintained in accordance with the approved details.

REASON: in the interests of highway safety

POLICY - G2

(6) Prior to the commencement of development, a scheme for the provision, use, retention and

maintenance of lighting of the public footpath immediately behind the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to the first occupation of the dwelling and shall be used and maintained in accordance with the details thereby approved.

REASON: in the interests of users of the public footpath

POLICY: TR13

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or reenacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north, east and south elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy, and to ensure adequate living conditions for the occupiers of the proposed dwelling.

POLICY: G2

(8) The development hereby permitted shall not be occupied until the first 5 metres of the access, measured from the edge of the carriageway, has been consolidate and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

POLICY: G2

(9) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: To ensure that the development can be adequately drained

POLICY: G2

(10) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

POLICY: G2

(11) No construction works shall take place outside of the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays or at all on Sundays or Bank Holidays.

REASON: in the interests of the amenities or nearby properties

POLICY: G2

Appendices:	None
Background Documents Used in the Preparation of this Report:	Design and Access Statement Existing site plan 927 100 rev A received 11th June 2010 Proposed block plan 927 101 rev D received 11th June 2010 Proposed ground and first floor 927 110 rev C, received 11th June 2010 Elevations and section number 927 111 rev F, dated 5th August 2010

