

<b>Date of Meeting</b>	<b>3 September 2014</b>
<b>Application Number</b>	<b>14/05282/FUL</b>
<b>Site Address</b>	<b>9 Wicker Hill Trowbridge Wiltshire BA14 8JU</b>
<b>Proposal</b>	<b>Alterations to approved extension and proposed additional floor to form one bedroom flat</b>
<b>Applicant</b>	<b>Mr Peter Andrews</b>
<b>Town/Parish Council</b>	<b>TROWBRIDGE</b>
<b>Ward</b>	<b>TROWBRIDGE CENTRAL</b>
<b>Grid Ref</b>	<b>385427 158035</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Matthew Perks</b>

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

This application is brought to Committee at the request of Councillor John Knight for consideration of the visual impact upon the surrounding area, the relationship to adjoining properties, and the design of the development.

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

To consider the above application and to recommend that planning permission be granted.

### **2. Report Summary**

The key issues to consider are:

- Impact on the listed building;
- Impact on the Conservation Area;
- Parking; and
- Neighbour amenity

Neighbourhood Responses: The owner of the adjacent property No.8 submitted objections.

Trowbridge Town Council – Welcomes the proposed improvement of the site but objects for reasons detailed in Section 7 below.

### **3. Site Description**

The application site is a Grade II listed building located at 9 Wicker Hill. The property lies within the Trowbridge Town Centre Commercial Area, and within the Conservation Area. Records indicate that permission/consent were granted under Planning References 06/02834/LBC, 06/02837/FUL and W/10/02539/LBC for works including the conversion to three flats, one each to the ground, first and second floors. During the site visit it was noted that repair works are under way, with scaffolding in place and some of the approved development under way, but the building remains in relatively poor visual condition as it has been for a number of years.

### **4. Planning History**

06/02837/FUL: Demolition of infill structures between two existing buildings and erection of new residential flats, stairs and entrance to extend the building :  
Permission : 02.04.2007

06/02834/LBC: Demolition of infill structures between two existing buildings and erection of new residential flats, stairs and entrance to extend the building : Consent : 02.04.2007

W/10/02539/LBC: Removal of structurally unstable chimney breast to west party wall on ground and first floors and steel tie bar and plate to stabilise masonry : Consent : 04.10.2010

A parallel application to the current proposals (14/05299/LBC) has been submitted for consideration.

### **5. The Proposal**

The proposal involves amendments to a previously approved scheme that was for a side extension to create three flats, incorporating a main entrance, bin store and stairs. The main revision to the previous scheme is an additional floor to provide one further flat within a new mansard structure, and the omission of a portion of the building that would have been situated above the neighbouring “vestibule. The overall result of the alterations would be to provide four one-bedroom flats (two benefitting from an additional study/box room). Whilst this would mean an increase in the number of dwellings on the site, the re-configuration actually results in a reduction of total bedroom spaces. An internal bin store would be located at ground floor level.

### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004) (WWDP)  
C28 - Alterations and Extensions to Listed Buildings

C31a – Design  
C38 – Nuisance  
H1 – New residential development in Town Policy Limits  
SP1 – Commercial Area boundaries  
TC1 – Upper Floor Uses in Town Centres  
T10 - Parking

Emerging Core Strategy

NPPF

## **7. Consultations**

### Trowbridge Town Council

Whilst the Town Council welcomes a proposal to significantly improve this site through the development of residential accommodation, the Council believes that the proposal does not satisfactorily resolve issues regarding the treatment of the gap between the proposed development and No. 8 Wicker Hill next door, including loss of light, party wall construction, access to fixtures and fittings and therefore results in loss of neighbour amenity.

## **8. Publicity**

One neighbouring property owner raised objections on the following grounds:

- Incorrect declaration of ownership in original application 06/02837/FUL, which included emergency exit vestibule from No.8. Original applicant destroyed this vestibule and seriously damaged stonework.
- Work was commenced without Party Wall Agreement in place. Work stopped following legal intervention. Original plan ignored cellar ventilation ducts, storm water and waste pipes, air conditioning outlets, a boiler extraction flue, a kitchen window and the fine parapet. A stone window surround would be covered up and a Flying Freehold would also have been created. Not accepted;
- New plans show a narrow void next to end wall to No.8. Void needs to be large enough to provide access to end wall;
- Footings to new back wall may cause damage to deep cellar in No.8
- Original vestibule to No.8 contained a window and a door to give access with a right of way to aid repairs if needed. A door needs to be provided in the new vestibule. Vestibule also needs to be re-built to full current building regulations and the Civic Society stonework on the main street repaired.
- Object to the finish to the development being in lime wash rather than stone to match No.8 as well as other properties in The Parade.
- Design, giving a third flat and putting another storey on the building is not in-keeping with neighbouring properties, being uncharacteristic of Parade street scene.;

- Proposed design would cut in behind vestibule to No.8;
- No Party Wall agreement will be entered into that interferes with property or business therein;
- Subsequent to initial objection, issue arose with planks leaning near boiler flue and diverting fumes back into No.8. This confirms the need for access to boiler flue and gable end wall;
- After purchasing No.8, an offer was made to enable applicant to build over vestibule under previous plans which would have given a better street scene, provided Party Wall matters were addressed. Applicant did not pursue negotiations.

The agent was approached in an attempt to resolve matters but it is understood that the parties did not reach agreement. The agent however submitted revised plans to provide access to the facilities. The neighbour still objected:

- Health and Safety hazard for workers leaning over void. Impossible to retrieve anything dropped;
- Large equipment that might be needed would not be able to be given access – no lift;
- If there is a fire alarm, and there is equipment in the stairwell, this would be a health and safety risk;
- No ladder access for more major servicing/repair work, or to keep the ground floor void area tidy;
- Who will manage access and what if there is an emergency requiring urgent entry?;
- Part Wall Agreement is not in place.

## **9. Planning Considerations**

The proposed works involve the lateral extension to the existing frontage of the building, with openings matching those to be retained, as before, but with a new ground floor windows, door and surround of traditional design. A section of frontage that extended above the neighbouring “vestibule” that was permitted under the previously approved scheme has been omitted from the current proposals. The mansard type roof with slate cladding set back behind the existing parapet would constitute a further alteration to the appearance of the building. New window frames to the front elevation would be painted timber. The finish to the street frontage would be lime wash.

The site is within Trowbridge Town Policy limits, where an additional flat unit is acceptable in principle in terms of Policy. It is also within close proximity to the town centre, and the addition of residential accommodation in this context would contribute towards the mix of uses in, and the overall vitality of, the area.

The site history has established the principle of residential development over the three levels that currently exist. At present the same Local Plan (West Wiltshire

District Plan, 2004) applies as was the case in 2006, but in the interim the National Planning Policy Framework has come in to being. The NPPF is supportive of new development in sustainable locations. The emerging Core Strategy also effectively carries through Trowbridge development limits to include this area.

The flat layouts are of a similar form to those previously approved, with rear-facing bedrooms looking into a light well behind the building. An open plan living room/kitchen would face onto the street frontage.

With regard to the impact of the proposals on the Conservation Area and Listed Building, the Conservation Officer was involved in pre-application discussions and raises no objection to the proposed mansard extension, and welcomes the prospect of the building being brought back into functional use. The Officer does not object to the development with regard to the Listed Building grounds and has not raised concerns with the proposed lime wash finish (an issue raised by the objector). This building was previously painted, but the failed finishes have been removed. Whilst noting the objector comments on the mansard as a design consideration in particular, the Conservation Officer is of the view that this would not be out of place in the area. Frontage treatments in the proximity of the site are varied. There is a set-back roof space with flat-topped dormers to the roof to No. 8 itself, seen when approaching the site on Fore Street from the east. Further east along Fore Street there are examples of dormers to pitched roofs, flat roofs, ornate gables and standard pitched roofs without dormers. The application site is at the point where Fore Street “turns the corner” and, in its current form, is not part of a uniform frontage albeit that it appears originally to have been part of a group. In the light of the Conservation Officer comments it is considered that the application should be supported from the heritage perspective, in particular where it would bring the Listed Building back into use and add new dwellings to the overall mix within Trowbridge Town Centre.

Given the proximity to the Town Centre and its related facilities, a car-free scheme is sustainable and the Highway Officer raises no objection in respect of highway matters or parking.

With regard to neighbour amenity, the neighbour has raised concerns with regard to the impact of the proposed top storey on a side-facing window to No. 8. This was investigated and, as noted by the objector, found to serve a kitchen in the roofspace. From within the kitchen this relatively small window is approximately at a counter level, with a view from eye level downwards. A second, larger opening is provided by a roof light serving the kitchen area. The overall loss of light resulting from the impact of the proposal on the smaller window is not of a degree of significance considered grounds to recommend refusal.

The objector has also raised a number of issues of private treaty, including a Party Wall agreement, works that were previously done affecting the “vestibule” and earlier negotiations on the “flying freehold” relating to the previous application. These are not planning considerations but efforts were made during the processing of the application to encourage engagement between the parties on the access issues raise, as well as the private treaty matters, without success.

An outcome however on was the submission by the agent of additional plans addressing the access to a flue and air-conditioner situated on the side-facing wall to No. 8. The plans provide for access panels within the stairwell area to the air conditioner and flue. It is understood from building regulations officers that, providing building regulations are met as a separate matter, this solution would be acceptable. Similarly the issue of potential impact by new footings would be a building regulations matter. Party Wall arrangements and the issue of prior damage to the "vestibule", which is outside of the application site, would be a matter for separate agreement between the affected parties and no conditions can be imposed in that specific regard.

The objector remains opposed to the submitted revisions, for access and health and safety reasons as outlined above. A key issue for the objector is the access to services protruding from the side wall to No. 8, for which the revised plans provide. Reasonable health and safety precautions would appear implementable in the event that servicing is required. The Party Wall agreement concerns are again raised, but this would remain a matter of private treaty. With regard to arrangements for access, this again remains a matter of private treaty and the situation at present is that the flue and air conditioner unit appear to be within the area of ownership of the applicant, requiring access rights for any works that might be required under present circumstances.

## **10. Conclusion**

The proposal accords with Policy on new development within built up areas and would provide new modest dwellings adding to the mix of dwelling types within the town centre, which would accord with NPPF policy. The Conservation Officer is satisfied that the proposals are acceptable from the heritage perspective, and welcomes the return of the building to use. Permission is therefore recommended.

## **RECOMMENDATION**

**Permission is recommended, subject to the following conditions.**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

### **REASON:**

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:

Location Plan 702:10 received on 27 May 2014  
Plan 702:P:10 A received on 29 July 2014  
Plan 702:S:10 received on 27 May 2014  
Plan 702:P:11 A received on 29 July 2014  
Plan 702:S:11 received on 27 May 2014  
Plan 702:P:12 A received 29 July 2014

Plan 702:S:12 received on 27 May 2014  
Plan 702:P:13 received on 27 May 2014  
Plan 702:S:13 received on 27 May 2014  
Plan 702:P:14 received on 27 May 2014  
Plan 702:P:15 received on 27 May 2014  
Plan 702:P:16 received on 27 May 2014  
Plan 702:P:17 received 29 July 2014

**REASON:**

To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Item 3 and Item 4 - 14/05282/FUL - 9 Wicker Hill Trowbridge

