

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04 February 2015
Application Number	14/09952/FUL
Site Address	221 Melksham Road, Holt, Trowbridge, Wiltshire, BA14 6QW
Proposal	Proposed two storey rear extension to provide elderly persons accommodation (amendment to 14/04460/FUL).
Applicant	Ms Karen Morten
Town/Parish Council	HOLT
Ward	HOLT AND STAVERTON
Grid Ref	386756 162392
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Councillor Trevor Carbin has requested that this application be determined by Members should officers be supportive of it and to allow Members to consider the following key issues:

- The design and scale of the proposal and the visual impact of the development on the surrounding area; and,
- The impact on neighbouring amenity.

1. Purpose of Report

To consider the above application and to recommend approval subject to conditions.

2. Report Summary

The main planning issues to consider are:

The Principle of Development.

The Design, Scale and Visual Impact of the proposal.

Impact on Neighbouring Amenity.

Impact on Trees.

3. Site Description

No 221 is a detached 4 bedroom dwellinghouse located on Melksham Road in Holt. The dwelling sits within a rather long but narrow plot and has its gable fronting onto the street. There are residential properties either side of the application site.

4. Planning History

Application 14/04460/FUL was withdrawn by the applicant following officer advice due to concerns about the proposal and lack of information regarding surrounding trees.

5. The Proposal

This proposal is for a subservient two-storey rear extension to provide 2 additional bedrooms for the dwelling (thus creating 6-bed property). During the course of the application revised

plans were received to address issues over potential overlooking of neighbours. The revised extension measures approximately 6.1 metres deep x 5.9 metres to the ridge sloping to 3.5 metres at eaves height.

6. Local Planning Policy

The Wiltshire Core Strategy (WCS) was adopted at a special council meeting on January 20th 2015; and as such, it can be afforded 'Full Weight' in planning terms although it is still subject to a 6-week potential challenge. The following WCS policies have full weight:

CP57 – Ensuring High Quality Design and Place Shaping

The adopted WCS also includes a number of policies carried over from the West Wiltshire District Plan 1st Alteration 2004, however none of those are relevant to this application.

The National Planning Policy Framework (NPPF) acts as a principal material consideration in the determination of planning applications. It introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking.

7. Consultations

Holt Parish Council – Advised officers on 2 December 2014 that the Parish Council did have any comments to make.

Tree and Landscape Officer – No objection.

8. Publicity

One site notice was erected on a telegraph pole near the site/subject property. Both neighbouring properties and No 216A Gipsy Lane also received individual notification letters.

Following public notification, 4 letters of objection were received (two from each immediate neighbouring property) raising the following concerns:

- The extension amounts to over-development of the site and would be out of keeping with the area.
- The extension would have an overbearing and unacceptable impact on neighbouring amenity.
- No 220 would be overlooked by a total of 12 windows causing an unacceptable loss of privacy.
- The development would cause an unacceptable enclosure on No 220 causing a loss of light into garden and patio.
- There would be an unacceptable loss of afternoon daylight on No 222's patio and kitchen window.
- The rear windows would overlook No 222's rear garden.
- The proposal is contrary to Local Plan policy including the Holt Neighbourhood Plan which discourages in-filling.
- The revisions to the withdrawn 14/04460/FUL are superficial and do not overcome the harm.
- The proposal represents a massive 23 metre long building which would extend past neighbours properties.
- The dwelling was originally a 2 bedroom bungalow and has been increased in size. This would make it a 6 bedroom dwelling.

- Planning law limits the amount of curtilage that can be built on (50%). This would exceed it.
- Increase in cars and noise.
- The extension would not be suitable for elderly persons accommodation.
- The arboricultural impact assessment is incomplete and misleading.

9. Planning Considerations

The Principle of Development:

The submitted application has been described as being for 'elderly accommodation' i.e. an extension to provide additional bedrooms for family members. In policy terms, there is no 'in principle' objection provided it does not cause harm to the street scene or neighbouring amenity. For the avoidance of any doubt, there are no policies within the recently adopted Wiltshire Core Strategy that prescriptively restricts the amount a dwelling may be extended by. The 50% threshold referenced by a concerned local resident relates to permitted development right allowances, not planning policy. Under Part One, Class A of the General Permitted Development Order, if the total ground area covered by any extension/buildings within the curtilage of the dwelling house exceeds 50% of the total area of its curtilage, planning permission is required. The provisions of the aforementioned Order do not set the criteria that planning applications have to adhere to. Planning policy, professional judgement and assessment of all material considerations applied instead.

The key determining issue for this application is whether the proposed extension would cause demonstrable harm to the visual amenity of the area or substantively harm neighbouring amenity.

The Design, Scale and Visual Impact of the Proposal:

Officers appreciate the concerns raised about increasing the size of the property set within a relatively narrow plot, sited close to both neighbouring boundaries. Officers are also fully aware that the existing dwelling extends beyond the rear walls of both neighbouring dwellings at No. 220 and 222. In response to concerns raised under the previous scheme and following negotiations, the applicant reduced the height and size of the extension and to increase the separation distance to the neighbouring property at No 222.

As the proposed elevation plans demonstrate, the extension would be significantly subservient to the host building. The detailing and use of materials are acceptable; and officers submit that the proposed extension would not harm the host building or be out of keeping with the local area. Officers furthermore submit that there does not appear to be anything directly relevant within the emerging Holt neighbourhood plan that specifically seeks to restrict domestic extensions or their design. This planning proposal is not 'infilling', as infilling refers to the construction of entirely new standalone residential units with their own cartilage, located between existing buildings and does not relate to extensions.

Impact on Neighbouring Amenity:

Responding to the overbearing and un-neighbourly impact concerns: Due to the layout of the residential plots and orientation of the dwellings found along this stretch of Melksham Road in Holt, the majority of the side elevation of No 221 (approximately 15m of its length) can be seen from No 220's rear garden. Adding the proposed extension would increase this to approximately 21m. However, it is not considered that this would cause sufficient overbearing harm or have an un-neighbourly impact in which to warrant the refusal of the application. Officers consider that due weight should be given to the revised subservient design of the extension which would be more akin to a large single storey extension with the ridge and the eaves set significantly lower than the main part of the subject property. This would reduce the

impact of its 6 metre depth to an acceptable degree. There are also other mitigating factors as the extension would be approximately 2 metres from No 220's boundary, which also has three outbuildings which are located adjacent to the boundary. It is acknowledged that there would be some overbearing impact, but it would not be substantial.

The impact on No 222 would also be mitigated by the subservient design and that the side wall would be set in from the main side wall by approximately 1 metre. The impact on No 222 would be similar to that on No 220; a limited overbearing impact would accrue, but not significant enough to warrant the refusal of the application.

Responding to overshadowing and loss of daylight concerns: The proposed extension would not cause any adverse harm on No 220 (to the west). During winter months, the sun rises over No 221 and then moves south past No 220, eventually setting in the west. Therefore no overshadowing would occur and No 220 would still receive all of its direct sunlight. In summer months, the sun would rise behind the extension but would rise higher in the sky and would be above the main ridge of No 221 by mid morning. As the extension would be subservient to the host building, it would only cause very limited amounts of overshadowing, which would only overshadow the shed outbuildings of No 220.

There would be more of an impact on No 222 (to the east). During the winter, the low sun would set relatively in line with the extension which would cause some overshadowing. However during the summer, the sun would be much higher and should be well above the ridge of the extension, which would limit the level of overshadowing. Therefore on balance, whilst some overshadowing would occur, it would not be at a level in which to warrant the refusal of the application.

The impact on the level of natural daylight to No 222 is difficult to quantify, however, consideration must be given to the existing level of vegetation and hedgerow planting along the existing boundary. It is considered that the extension would not cause a significant loss of daylight, more than the vegetation screening.

Responding to overlooking and loss of privacy concerns: It is firstly important to duly acknowledge that the existing dwelling has upper floor windows in the rear (north-west) garden facing elevation. In order to accommodate the extension proposal, the existing windows in the rear elevation would go. Existing bedrooms would receive natural daylight via new velux windows inserted into the roof slopes. As the cross section plan demonstrates the cill heights for both velux would be at least 1.8 metres above the floor level of the room; and thus reduce the potential for anybody to look out and down into either neighbouring garden.

Whilst building control regulations are normally a non-planning matter, they can cause planning issues, as it is a requirement for bedrooms to have an emergency window exit in the event of a fire. In order to meet the regulations, as the velux windows would be positioned too high above the floor level of the room to function as a recognised means of escape, the case officer liaised directly with the applicant's agent and a building control officer within the Council to negotiate the provision of a series of internal fire proof doors to avoid the need to lower the cill height of the velux windows. If members are minded to support the recommendation, a condition removing permitted development rights for any additional windows/veluxes would be reasonable to ensure the Council has future control over any additional wall opening proposals.

The proposed extension seeks to provide a bathroom dormer window on the side elevation facing No 220. However, bathroom windows are considered to be non-habitable rooms from which overlooking would not occur in the same way as a habitable room (e.g. a bedroom or living room). To further protect residential amenity and privacy, officers suggest that it would be appropriate to condition any permission requiring the use of obscure glazing.

No windows are proposed on the north-east side elevation facing No 222 and therefore no adverse overlooking would occur. The occupiers of No 222 have however objected in part on the grounds that the new bedroom windows formed in the north-west facing gable would overlook their rear garden and cause loss of privacy. Whilst there might be some potential for overlooking neighbouring garden ground from the upper floor bedrooms, officers advise that the level of overlooking would not be any greater than what already may exist. Indeed it would be more likely to be reduced given that the proposed windows are illustrated lower than the existing windows.

Impact on Trees:

The applicants have submitted an arboricultural impact assessment to which the Council's Tree Officer has agreed its content and conclusions. The assessment concludes that no trees are required to be felled and other trees would only need to be cut back and protected during construction works. The occupiers of No 222 reference an apple tree that would be affected but is not shown on the plans. The assessment was carried out in accordance with the relevant British Standard and members are asked to be aware of the approximate 3 metre tall Holly Tree (identified as T1 on the plans). This Holly is located on the boundary and would only require some pruning as would the conifers.

10. Conclusion

The proposed development is considered to be acceptable in principle and would not have an unacceptable impact on residential amenity; and is hereby recommended for approval subject to conditions

RECOMMENDATION – To approve 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 hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – Received 24 October 2014

Block Plan – Received 21 October 2014

Existing Elevations – Received 21 October 2014

Existing Floor Plans – Received 21 October 2014

Section B-B – Received 21 October 2014

Arboricultural Impact Assessment – Received 21 October 2014.

Revised Elevation Plan – Received 16 December 2014

Revised Section plan – Received 16 December 2014

Revised Proposed Floor plans - Received 16 December 2014

REASON: To define the terms of this permission in the interests of good planning practice.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture of those used in the existing building.

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

4. Before the development hereby permitted is first occupied, the bathroom window in the south western elevation shall be glazed with obscure glass [to an obscurity level of no less than level 4] and the windows shall be maintained or replaced with similar obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

5. 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 re-enacting or amending that Order with or without modification), no additional wall or roof openings, other than those shown on the approved plans, shall be formed within the development hereby permitted or on the host building unless approved by the planning authority under a separate application.

REASON: In the interests of residential amenity and privacy.

6. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall specify whether the excavated materials are to be taken off site or are to be used on site. If the latter applies, the applicant shall be required to submit details and extent of any re-grading works, showing the relationship with existing vegetation, boundaries and levels. The development shall not be occupied until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To ensure a satisfactory landscaped setting for the development.

7. The development hereby permitted shall be carried out in full accordance with the recommendations contained within the submitted Arboricultural Impact Assessment & Tree Protection Plan.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.