

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	25th April 2007
Application Number	07/00289/FUL
Site Address	Land To Rear Of Grove Cottages, Grove Lane, Yatton Keynell, Wiltshire
Proposal	Three Bed Detached House
Applicant	Mr & Mrs Rimes
Town/Parish Council	Yatton Keynell
Grid Ref	386825 176747
Type of applications	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because more than 5 letters of objection have been received.

The application was considered at the committee on 4th April 2007 and deferred for a viewing.

Summary of Report

This full application proposes the construction of a two-storey detached house. The site lies within the settlement boundary of Yatton Keynell. The key points to consider are as follows:

- Implications on DC Core Policy C3 HE1 HE4 and Housing Policy H3
- Affect of the residential amenity of existing properties
- Design and scale of the development
- Affect on the adjacent Listed Buildings and the Conservation Area.
- Public Open Space contributions.
- Suitability of the access and traffic implications.

Officer Recommendation

The application be approved subject to conditions.

Contact Officer	Christine Moorfield	01249 706686	cmoorfield@northwilts.gov.uk
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Proposal and Site Description

This application as submitted is a full application for a one and a half storey detached dwelling. The dwelling is to be located within a plot of land to the east of Grove Cottages.

The design and siting of this dwelling has been the subject of negotiations with your Officers.

The dwelling is 3 bedroomed and is a maximum of 7m high.

Site location and description

This site is located within the framework boundary and Conservation Area for Yatton Keynell. The site appears to have been associated with the adjacent dwellings in the past but now is an enclosed area of scrubland. There is natural hedging around the NorthEast and Southern boundaries.

The adjacent plots are residential in use. Access is via a narrow lane.

Planning History

88/3146	Erection of one dwelling outline.	Refused
89/2786	Erection of one dwelling outline.	Refused (Appeal dismissed)
06/00932	Erection of detached house and garage	Withdrawn
06/00911	Demolition of bungalow and erection of 2 dwellings (land south of Greenacre) (This application was considered unacceptable due to the relationship between the existing house and the proposed new house. Highways objected to this scheme. At the time of consideration it was considered necessary for this scheme to include the provision of affordable housing.)	Refused

Consultations

Yatton Keynell Parish Council

1. Adjacent refusal application no. 06/00911FUL refused on highway grounds.
2. Appeal decision in 1990 on this site refused erection of a single dwelling.
3. Access difficult and traffic safety issues therefore the scheme is detrimental to Policy C3
4. Detrimental impact on Yatton Keynell Conservation Area and adjacent Listed cottages thereby being contrary to HE1 and HE11 of the Local Plan.
5. Previous application on this site in 2006 was withdrawn.

WCC Highways objects as follows:

"I note that the proposed access is designed such that it joins with the adopted section of Grove Lane rather than the right of way. However the proposal will still result in increased traffic in Grove Road which is narrow with few opportunities for passing.

I recommend that this application be refused on highway grounds for the following reason:

The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width, alignment and junctions, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent."

Representations

In total 10 letters of objection and 10 letters of support have been received

Summary of key points raised-
objections

- Access is via a narrow lane in adequate to serve yet further development
- Access is across neighbours land-
- Traffic generation and safety
- Detract from the setting of the adjacent listed buildings.
- Outline consent refused in 1989 upheld on appeal issue of impact on the Listed buildings still an issue.
- Consent refused on adjacent site raised concerns in respect of additional traffic.
- Impact on the visual amenity of the area.
- Proposal does not preserve and or enhance the character and appearance of the Conservation Area contrary to RH8 of the Local Plan
- Noise and disturbance for neighbours
- Loss of outlook for adjacent residents impact on amenity loss of light and privacy.
- Cramped form of development.
- Preservation of Listed outhouse in the corner of the plot.
- No more houses needed.
- Poor design , the scale and bulk is out of keeping with the character and appearance of the house and area as a whole and the Conservation Area.
- Unacceptable impact on adjacent properties loss of privacy, overbearing and intrusive impact.
- Loss of open space within the locality.
- Unusual boundary line results in an unacceptable loss of amenity to immediate neighbours.
- Set a precedent for other such development.
- Disturbance during the construction period particularly in respect of vehicles accessing the site.

Support

- Development of this site allows local village people to stay in the village
- Well-designed house which is in keeping with the locality.
- Large extension allowed adjacent to the site, which has set a precedent.
- Improve the appearance of this piece of land.
- Small scale development.
- Minimal traffic generation.

Planning Considerations

Principle of development

The site is within the settlement boundary of Yatton Keynell and the adjacent properties are all residential. In principle residential development on this site is acceptable under policy H3 of the Local Plan 2011.

Impact on amenity

This application is for a modest one and a half storey detached dwelling. In recognition of the proximity of the adjacent dwellings care has been taken to minimise the possibility of neighbours suffering a loss to the amenity they enjoy at present. The maximum height of the dwelling is 7.5m. It is 10m from the boundary with Grove Cottages. The distance between the proposed dwelling and its neighbours to the north is in excess of 22m and therefore loss of privacy is not considered to be an issue. There is one first floor window on the north elevation and a roof light to the bathroom. The bedroom window does not look directly at the neighbour but is off set looking out the garden area only. Therefore the impact on the properties to the north is considered to be minimal. Due to the distance between the properties and the fact that the new dwelling is sited 9m from the boundary the impact on these dwellings in terms of loss of light is also considered to be minimal. There are no windows at first floor level on the East elevation

and therefore there is no loss of privacy to the property to the East.

There is a first floor bedroom window on the West elevation, which looks towards the Listed Cottages it is considered appropriate for this window to be glazed with obscure glass.

Impact on Grove Cottages

Grove Cottages, which are listed, have small gardens (7.5m approx.). It is evident that this piece of land originally formed the garden of these cottages. However when the cottages were renovated it appears the garden was subdivided and sold off. The garden for the more northern of these two cottages has a much smaller garden as a result of a recent permission granted by Committee. In the years since the previous appeal was dismissed the relationship between the Listed buildings and this site has changed dramatically. The Listed Cottages have substantial boundary treatments, which visually and physically separates the gardens of the cottages and the land, which previously formed their gardens. The site the subject of this application is now overgrown and has been left untended presumably since the late 1980s.

Therefore whilst the comments of the Inspector are a material consideration to this application it must be recognised that the circumstances have changed substantially. The scheme as now considered must be considered in the light of the Policies contained within the adopted Local Plan 2011 and in respect of the setting of the Listed Cottages policy HE4 of the Local Plan 2011.

It is not considered that this built form would have a detrimental impact on the outlook from the listed buildings that would warrant refusal of this application. The new house will be 10m from the garden boundaries of the Listed cottages and therefore the impact on loss of light would not be so great as to justify a refusal of this application.

The setting of the Listed Buildings has been changed substantially by the subdivision of the garden area and therefore it is not considered justifiable to refuse development on this site in order to retain an open out look from the rear of these cottages.

In the light of the new dwelling adjacent to Greenacre, development on this site as now proposed is considered acceptable. The locality has changed in character and appearance and this is a material consideration.

Impact on the Yatton Keynell Conservation Area

The site is within the Yatton Keynell Conservation Area. The proposed development must be seen to preserve and or enhance the character and appearance of the area in line with Local Plan policy. The surrounding context is residential with a mixture of designs and styles. In the main this unit relates to the Listed cottages. These are stone built dwellings with stone tiled roofs. The design of this dwelling has been negotiated with your officers. The resulting building is simple in its form and traditional in its construction details. The detailing is such that the building has traditional agricultural features and is considered to be well designed for this location. The building sits comfortably on this plot without detracting from the visual amenity and character of the area. The dwelling is seen to preserve the character of the area. The development complies with the criteria contained within Policy HE1 of the adopted Local Plan 2011.

Design and Scale of Development

The location of this building will clearly have an impact on the setting of the adjacent listed cottages and the Conservation Area in general. With this in mind it was felt that the design of the proposed dwelling should be simple, traditional and not detract from the special interest of the adjacent listed cottages. A design giving the impression of a converted agricultural building allows for the required living space whilst achieving the features mentioned above. Arrow slit windows help to give light in the building without impacting to any major extent on the amenity of neighbours whilst retaining a traditional appearance. The scale and footprint of this development is not considered to represent overdevelopment of this site and the proposal is not considered to be cramped on the site.

Access and Parking arrangements

Details have been submitted by the applicant to show they have access from the adopted highway to their property.

County Highways have objected to this scheme. The reason for objection was on the basis that the access to this site is substandard.

There is an existing access to this site and this is available for use. Whilst the Local Planning Authority endeavour to support the views of County Highways, in some instances it is seen as inconsistent to do so.

The site adjacent to Greenacre was permitted for development on the basis that the increased level of traffic generation was considered to be of a scale which would not warrant refusal of the application. (Application no. 04/03407FUL). The Parish Council considered the design to be inappropriate but raised no objection on traffic safety grounds.

The immediately adjacent site was refused permission and traffic generation was one of the reasons. However, the recommendation of your officers has to be a judgement of the appropriateness of allowing development on specific sites. This part of Yatton Keynell is within the framework boundary and this allows residential development in principle whilst restricting in reality how many plots may come forward. County Highways refer to the precedent that this development may set. However precedent cannot normally be used as a reason to refuse permission and in this locality there are only limited sites where development may be possible. Therefore, due to the framework boundary it would not be possible for numerous other development plots to come forward in this part of Yatton Keynell.

Access to this site is via a narrow road but this at present serves several properties and therefore, in this instance where one plot has already been allowed and there is an existing access into the site, it would not be justifiable to refuse this proposal for a single dwelling house in this location as the increase in traffic generation would be fairly low.

Public Open Space contributions

Under policy CF3 the Council area required to secure contributions towards the provision of Open Space. It is considered appropriate for a condition to be added to any consent granted to deal with this issue.

Other Matters

The need for more housing has been questioned although this is not an issue that would warrant refusal of this application.

There is always a difficult period for neighbours when a site is being developed due to the need for vehicles to access the site and construction noises however such short term disturbance would not justify refusal of this application. Whilst there will be some activity associated with the residential unit this is considered to be acceptable in this residential area.

Within framework boundaries the principle of residential development is acceptable subject to compliance with other relevant policies.

The existing small building on the site would not be considered to be Listed as it is not within the curtilage of the Listed Cottages.

Recommendation and any Proposed Conditions/Informatives

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

4. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed window(s) in the west elevation first floor bedroom window and north elevation first floor bathroom window shall be glazed with obscure glass only.

Reason: In the interests of residential amenity.

5. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.

The development shall be carried out in accordance with the details so approved.

Items 1 to 6 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

6. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority.

Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

7. Prior to the commencement of the works the subject of this consent, a sample panel of the external stonework shall be made available on site to be inspected and approved in writing by the local planning authority. The works shall not commence until such approval has been given in writing. The external stonework shall be in accordance with the approved plans and shall match the approved sample in

respect of type, colour, size and bedding of the stone, jointing, pointing and mortar mix.

Reason: In the interests of the listed building.

8. Prior to the commencement of the development hereby permitted, details of all new external joinery shall be submitted to, and approved in writing by, the local planning authority. These details shall include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the local planning authority.

Reason: To enable the local planning authority to be satisfied with the completed appearance of the development.

9. Prior to the use or occupation of the development hereby permitted, the car parking areas shown on the approved plan(s) shall be provided and shall thereafter be kept available for the parking of vehicles at all times.

Reason: In the interests of road safety.

10. Prior to the use or occupation of the development hereby permitted, the turning space, shown on the approved plan(s) shall be provided and shall thereafter be kept available for the turning of vehicles at all times.

Reason: In the interests of road safety and convenient access.

11. The development hereby approved shall not begin until a scheme for a contribution towards the creation of, or improvement and/or management of existing public open space, in accordance with the North Wiltshire Open Space Study, has been submitted to and approved in writing by the Local Planning Authority. Such a contribution shall be made in accordance with the timing detailed within the approved scheme.

Reason: In accordance with policies C2 and CLF3 of the North Wiltshire Local Plan 2011.

12. Any entrance gates erected shall be hung to open away from the highway only.

Reason: In the interests of highway safety.

Informatives

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

612/CAM/2006/2 5/02/07

Reason for Decision

This is a carefully designed dwelling and is considered to comply with policies H3 HE1 HE4 and C3 of the adopted Local Plan 2011.

Appendices:**NONE****Background Documents Used in the Preparation of this Report:****202 504 501 502 402 404**