

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	28th January 2009
Application Number	08/02422/FUL
Site Address	Rowan House, 13 Widham, Purton
Proposal	Erection of triple garage and external alterations
Applicant	Mr Robins
Town/Parish Council	Purton
Grid Ref	409390 188561
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 five or more letters of objection have been received.

Summary of Report

This application is for the erection of a triple garage at the bottom of the garden of 13 Widham, in Purton. The site lies in open countryside, outside the framework boundary for Purton. The key points to consider when determining this application are as follows:

- Implications on DC Core Policy C3
- Impact of the development on the open countryside (Policy NE15)
- Impact of the development on the Braydon Forest (Policy NE12)
- Impact of the development on the Great Western Community Forest (Policy NE13)

Officer Recommendation

Planning Permission be Granted subject to conditions.

Contact Officer	Celine Le Boedec-Hughes	01249 706 668	cleboedec-hughes@northwiltshire.gov.uk
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Proposal and Site Description

This application is for the erection of a triple garage.

The development site is located to the north of the village of Purton, outside the framework boundary, on the road that joins the B4553. The dwelling forms part of a pair of semi-detached properties and benefits from a long narrow garden to the rear. The site adjoins residential dwellings to the north and south and open countryside to the west.

Planning History		
Application number	Proposal	Decision
04/00402/FUL	Erection of rear single storey extension	Permitted
98/01255/FUL	Extension to dwelling, new roof over existing garage, erection of detached outbuilding, extension to garage	Permitted

Consultations

Parish Council – Supports the application but queries the access arrangement as it is privately owned and the applicant has no right of way over this land.

County Highways – County Highways object to the application on the grounds that the proposal would result in the loss of on-site vehicle parking facilities.

Representations

Six letters of representation have been received from local residents. The following concerns have been raised:

- Poor and unsuitable access due to lack of visibility
- Track is a public footpath
- Track is privately owned by a local farmer
- 3 properties already use the existing access
- Increase in traffic
- Increased pressure on the vulnerable drainage and sewerage pipes located below the track
- Applicant already has a garage
- Risk of increased damp, subsidence and flooding
- Commercial use of garage possible in the future
- Applicant has not made any arrangement to gain access to the proposed garage
- Decrease in house value
- Loss of light and view
- Increase damage to track due to increased use
- Danger to walkers along the public footpath
- Loss of privacy due to noise

Planning Considerations

Principle of the development

The proposal seeks to erect a triple garage in the rear garden of the property. The plans also show that external alterations are proposed which are to include the conversion of the existing attached garage to a living room and fenestration alterations on the side (rooflights) and rear (rooflights and doors) elevations. However, these external alterations do not require consent from the Local Planning Authority and have been removed from the description of the proposal.

The plans submitted show that the applicant is proposing to erect a structure to incorporate three car

parking spaces (two open garages and one closed garage). The structure is to be approximately 7.2m by 5.2m, with an eaves height of 2.4m and a ridge height of 4.1m. The garage is to be oak framed and is to have wood shingle tiles and timber boarding.

The local residents have raised a number of objections some of which are not related to planning and therefore cannot be taken into consideration when determining this application.

Impact of the development on Policy C3:

In terms of the impact of the proposal on the amenities of local residents, consideration has been given to the objections raised by local residents.

It is acknowledged that, at this point in time, the applicant does not have any rights of access over the lane which would be required to gain vehicular access to the proposed garage. However, this is a civil matter between the applicant and the owner of the lane. The Local Planning Authority cannot therefore refuse the application on this ground but should planning permission be granted for the garage, the applicant would need to gain rights of access over the lane before the garage can be used for the parking of vehicles.

County Highways originally objected to the application due to the loss of the existing garage and on the grounds that the applicant did not have any rights of way over the access lane. The conversion of the existing garage to living accommodation does not, however, require planning permission, and therefore the Local Planning Authority would have no control over this, and the right of way issue is a civil matter and it would therefore be unreasonable to object to the application on these grounds.

The application would also be difficult to resist on highway visibility grounds on the basis that the lane is currently being used by vehicles and it is unlikely that one additional user will make the lane increasingly unsafe and detrimental to highway safety.

One resident is concerned that the proposal will obstruct views and will lead to loss of light and privacy. The proposed garage is to be sited within the residential curtilage of No. 13 Widham and will be separated from existing dwellings by the access lane. The application will therefore have a limited adverse impact on the amenities of local residents. A condition will be attached to any permission granted limiting the use of the garage to the domestic and private needs of the occupier in order to safeguard the amenities of surrounding residents in terms of vehicular movements and noise.

Comments have been made about the pressure the additional vehicles will have on the vulnerable drainage and sewerage pipes located below the track and the likely risk of increased damp, subsidence and flooding. These are civil matters which fall outside the remit of this application.

Overall, it is considered that the proposed garage is in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

Impact of the development on Policy NE12, NE13 and NE15:

The development site is located within the open countryside, just outside the village of Purton, and lies within the Braydon Forest (Policy NE12) and the Great Western Community Forest designation (Policy NE13).

The proposed garage is to be sited within the residential curtilage of the property and the proposed garage is to be of a domestic scale. The proposal is therefore considered to be acceptable and will have no adverse impact on the landscape designations or on the character and appearance of the surrounding open countryside. As such, the proposal is considered to be in accordance with Policy NE12, NE13 and NE15 of the North Wiltshire Local Plan (2011).

Conclusion

The proposal, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the area and will have no adverse impact on the amenities of adjoining occupiers. On this basis, the proposal is in accordance with Policies C3, NE12, NE13 and NE15 of the North Wiltshire Local Plan (2011).

Recommendations and Proposed Conditions / Informatives

Planning Permission be Granted 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 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 ground surfacing materials (in front of the garage) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the details so approved and implemented prior to the garage first being used.

Reason: In the interests of amenity and satisfactory layout and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

4. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: To safeguard the amenities and character of the area and in the interest of highway and in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

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.

Drawing number 01 and 02 date stamped 22nd October 2008.

2. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, NE12, NE13 and NE15

3. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take your own independent advice with regard to the requirements of the Party Wall Act, 1996.

Reason for Decision

The proposal, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the area and will have no adverse impact on the amenities of adjoining occupiers. On this basis, the proposal is in accordance with Policies C3, NE12, NE13 and NE15 of the North Wiltshire Local Plan (2011).

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.02; 4.04; 4.07