

Regulatory Committee

February 21st 2008

List of Applications for Consideration

1. K/57655/F (page 14)

Full planning application for: Erection of a single, 5 bedroom house and associated detached garage.

Land adjacent to Upper Cross Cardigan Road MARLBOROUGH SN8 1LB

RECOMMENDATION: Approve with Conditions

2. K/57807/F (page 29)

Full planning application for: Replacement dwelling.

1 The Cedars Littleworth PEWSEY SN9 5LF

RECOMMENDATION: Approve with Conditions

Item 1:

APPLICATION NO: K/57655/F

PARISH: MARLBOROUGH

APPLICATION TYPE: Full Planning

PROPOSAL:

Erection of a single five bed dwelling and associated detached garage.

SITE:

Land adjacent to Upper Cross Cardigan Road
Marlborough SN8 1LB

GRID REF: 4186560 1692960

APPLICANT: Mr Stewart Dobson

AGENT: Mr Andrew Dobson

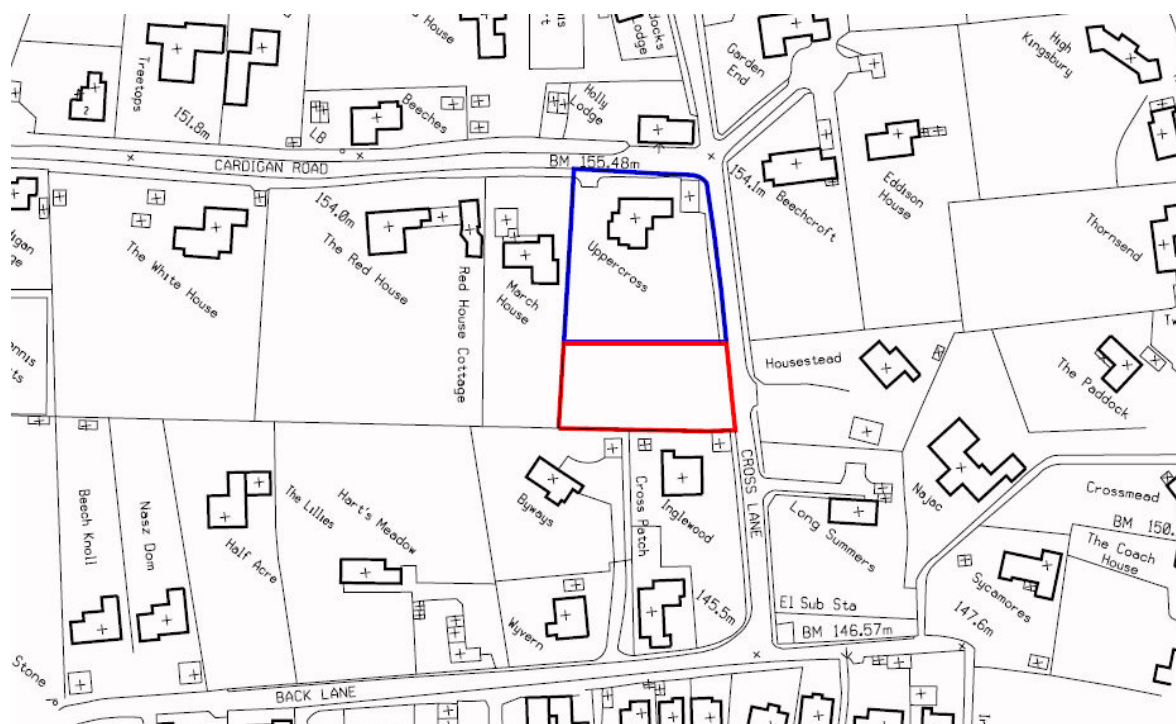
DATE REGISTERED: 08/11/2007

CASE OFFICER: Miss G Salisbury

SITE LOCATION

The application site is located within a mature, low density residential area to north of Marlborough High Street. The site forms the southern part of the rear garden of Upper Cross, Cardigan Road with frontage to Cross Lane. The plot measures approximately 26m wide by 47m deep. It is an area of lawn which 'sits' at a lower level than the rest of the garden due to the fall in levels from north to south.

The site lies within the designated Marlborough Area of Special Quality. A substantial hedge runs along the southern and eastern boundaries of the site and a group of lime trees, covered by a Tree Preservation Order, are located in the western corner of the site.



Location Plan

SITE HISTORY

Outline planning permission was granted for a dwelling on this site in 1981; reference K/81/0351. This permission was renewed in 1984 (K/84/0178), 1987 (K/10299), 1990 (K/15467) and 1993 (K/20063). These permissions have expired.

In 1996 a further outline planning application for a single dwelling was submitted and refused by the then planning committee (K/32646/O). This was for the following reason -

- The site lies within an area designated in the Draft Kennet Local Plan as an Area of Special Quality. Policy MC27 seeks to protect the character and quality of this area by retaining the existing pattern of detached houses in large grounds. The proposal would erode the distinctive character of the area through the sub-division of the large garden of Upper Cross to the detriment of the character and visual amenities of the area and contrary to the intention of the Local Plan Policy.

This decision was dismissed at appeal.

DESCRIPTION OF DEVELOPMENT

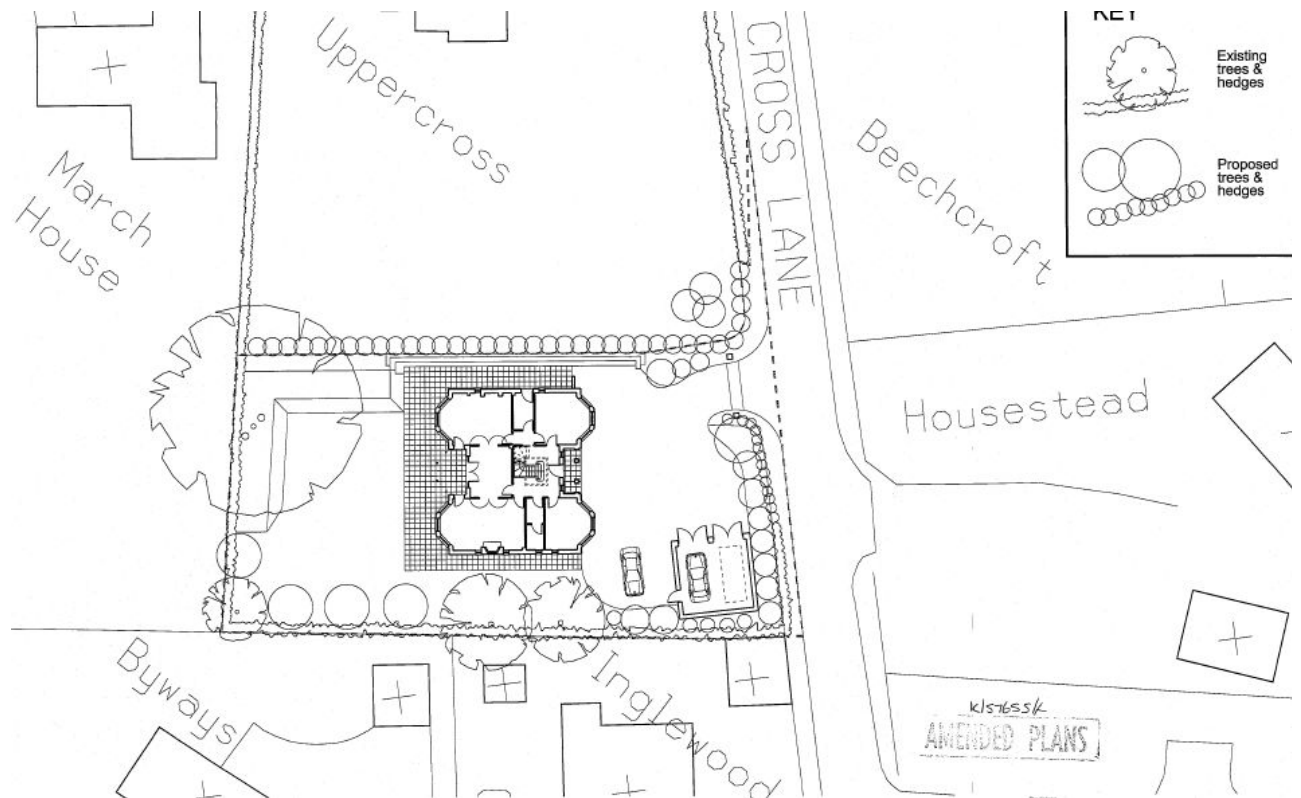
This is a full planning application for the erection of a detached five bedroom dwelling with detached double garage. The proposed dwelling would be positioned towards the centre of the plot facing Cross Lane. It would measure 9 metres in height to the ridgeline, 14.3m wide and 13.6 metres deep. It would be constructed from red brick with stone quoins, columns, copings, cills and lintels, with slate to the roof.

The garage would be sited in the front, eastern corner of the plot. Materials, again, would be red brick and slate, and the dimensions of this building are 6.9m deep by 6.8m wide and 5m to the ridge.

A new vehicular access off Cross Lane would be formed to serve the development. This would break through the hedge at the northern corner of the site. New trees and hedging would be provided where existing would be lost.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

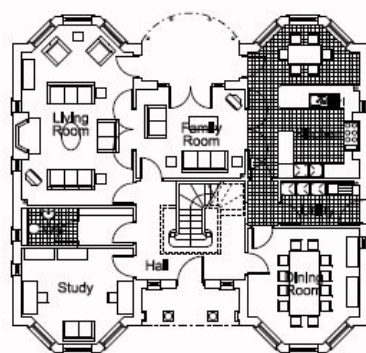
The location of the driveway has been amended so that the access to the development can meet the visibility requirements of WCC Highways on land within the application site. Additional planting has also been proposed along the front boundary of the site. Dormer windows have also been removed from the front and rear elevations of the dwellinghouse.



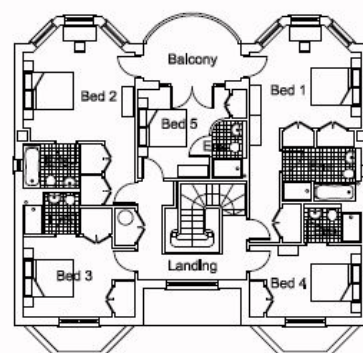
Site Plan



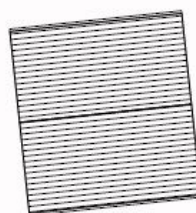
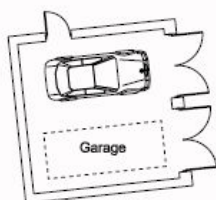
Elevations



Ground Floor Plan



First Floor Plan



Floor Plans

ADDITIONAL STATEMENT BY THE APPLICANT

In support of the application information has been submitted setting out the relative sizes of the application plot, the retained garden at Upper Cross, and all other gardens falling within the area covered by Policy HH11. This shows that of the 72 properties in the area, Upper Cross, with the application site removed, would remain the 22nd largest garden in this area. The application plot would be the 46th largest plot, this indicating that the size of both resulting plots would not be out of keeping.

A comprehensive design and access statement has also been submitted as part of the application. This concludes that the proposal will a) create a high quality home which is sympathetic to the character of the surrounding area but reflects contemporary lifestyles and the need for more sustainable housing, b) have no adverse affect on the character or setting of Upper Cross while retaining an appropriately sized garden for both properties, and c) retain and enhance the distinct architectural and landscape character of both Cardigan Road and Cross Lane.

The full design and access statement and information on plot sizes can both be viewed on the working file.

CONSULTATIONS

Marlborough Town Council – Object to this application on the following grounds;

- Contrary to Policy HH11
- Destruction of the rural environment

- Poor design of house
- Detrimental impact on neighbours

WCC Highways – No objection subject to conditions which are included at the end of this report.

KDC Landscape and Forestry Officer – No objection. Having looked at the latest landscape proposals and the cross sections through the bank it appears that the sections are correct and that most of the hedge will be retained. The planting is acceptable but additional trees along the front boundary are required. This can be conditioned along with tree protection during construction and landscaping details. Recommended conditions are included at the end of this report.

KDC Engineering and Design Manager – There is no public surface water sewer or private surface water system in the vicinity. Surface water should be discharged by the use of soakaways. This can be conditioned.

Thames Water – No objection. With respect to surface water, it is the responsibility of the applicant to make proper provision for drainage to ground, water courses or a suitable sewer.

Wiltshire Fire and Rescue – No objection. Comments made regarding appropriate fire safety measures.

REPRESENTATIONS

17 letters of objection were received to the original plans from immediate neighbours and surrounding properties on the following grounds;

- This development comes within the Marlborough Area of Special Quality and this application contravenes Policy HH11 of Kennet Local Plan 2004 which requires that the existing pattern of detached houses in large grounds should be retained and that existing trees and landscape features are retained. The proposed development does not meet these two criteria.
- Replacing what is currently a garden with a large dwelling will adversely affect the landscape features of the area.
- Kennet needs to retain this policy to maintain the quality character of the area.
- Allowing the house would open the floodgates for numerous similar applications, thereby destroying this Area of Special Quality. It will set a large precedent and the character of the area will be lost forever.
- There has not been any infill within the boundaries of the Area of Special Quality since the early 1990's.
- Infill housing should not be allowed within this Area of Special Quality.
- Development on this site has been rejected in the past and the reasons remain relevant today. There has been no change in Policy since the last application was refused.
- The proposed house is a very substantial three storey property out of keeping with other houses in this area and will be overlooking a

number of other properties to their detriment.

- The erection of a five bed house onto a plot with access from Cross Lane, a steep and narrow lane, is contrary to the object of the plan and dangerous from an access/traffic point of view.
- Cross Lane and Back Lane are known for its open green spaces which will be compromised by the building of this house.
- The proposal would be an overdevelopment of the site resulting in two large houses with unacceptable small gardens, contrary to HH11. The size of the development plot itself is small and seriously cramped.
- The ratio of house to garden area is much smaller than any of its adjoining neighbours. The rear garden to Upper Cross would also be nearly cut in half, negatively impacting on the character of the area.
- The house is very large and being on a site which is higher than both Byways and Inglewood, the development will dominate the boundaries with brooding presence. The lack of windows on this elevation simply exacerbates the overbearing impact.
- An application at nearby "Halfacre" was refused before because it was contrary to the Local Plan and the access would have been dangerous. It would be odd if the Council were to depart from the position taken over this application.
- The size of the dwelling is out of proportion with the plot size.
- Car access onto Cross Lane would be dangerous. The road is narrow and used by pedestrians. Additional vehicles would be a danger to drivers, cyclists, school children, the elderly, pushchair users and pedestrians.
- Highway visibility requirements would mean the loss of hedgerow and bank for a total distance of 44m up to a height of 900mm, a greater destruction of landscape than detailed in the application.
- The need for visibility splays will radically alter the rural character of Cross Lane. A wide open entrance leading directly to a large new house would urbanise the area significantly and to its disadvantage. This would also minimise the appreciation of entering a rural area and is contrary to HH11 which seeks to retain existing trees and landscape features.
- The development would result in more cars in Cross Lane, a narrow country lane which has an increasingly dangerous corner into Back Lane at one end and a totally blind t-junction into Hyde Lane at the other
- The removal of the bank and hedgerow to afford access would have an immediate detrimental visual impact.
- It would be a shame to destroy what is left of the garden of this period house.
- The dwelling would overlook the rear garden of March House as well as the patio area. There would be direct overlooking into our kitchen, lounge and conservatory and the structure will dominate the eastern boundary of the property. March House would also overlook the new dwelling and this situation would be exacerbated when there are no leaves on the trees.
- The development does not comply with PPS3. The development detracts from integration in terms of scale, density, layout and access.

- The reasons for the dismissal of the appeal for a dwelling on this site have not been addressed.
- The construction of the dwelling would lead to overlooking of Housesteads. The new dwelling would face fully towards our property leading to the house and garden being overlooked.
- The dwelling will overlook Beechcroft, compromising privacy. Replacing open garden land with a dwelling will increase activity and noise.
- Some houses in the Area of Special Quality have small gardens however these were built before the Policy was introduced and not a single new house has been approved since HH11 came into force.
- Gardens in the area provide habitat for protected species. Action should be taken to ensure that there are no adverse impacts on legally protected species.
- Concern about the impact of construction traffic.

18 letter of objection have been received to the amended plans. The grounds for objection are largely a repeat of the above comments, however, the following concerns have been raised;

- The speculative development of the remaining large gardens would result in the destruction of the character of a small but uniquely important vestige of Marlborough's late Victorian and early 20th Century townscape.
- The 22 metre splays in both directions will destroy the bank and hedge resulting in the loss of the country lane feel.
- The removal of the dormer windows has no effect in the fact that the whole application is contrary to the Local Plan.
- The information contained within the list of plot sizes provided by the applicant appears to be incorrect. Norden and Grassmere (Southbank) have substantially larger plots than Crimbles but are shown as smaller. I do not know where these figures are from but they should be taken with a pinch of salt.
- The smaller plots within the area were built before HH11 was introduced. They thus represent a kind of development which would not be approved in the area today and should therefore not be taken as comparables. It can be seen that almost all of the detached houses in large grounds for which the policy is important lie to the north of Back Lane. Permitting another house with a small garden now would further reduce the proportion of "detached houses in large grounds" in the area.
- All the houses with smaller plots listed have significantly smaller footprints than the dwelling proposed and thus have a higher garden to house ratio.
- Moving the access up means that it is now even closer to Beechcroft and will affect the enjoyment of this property.
- The view along Cross Lane is dramatically altered, as a result of cutting down the Western Cedar.
- The development potential of nearby properties both individually and collectively is significant.

- PPS3 is not intended to allow unsuitable development

Since amended plans were submitted 5 letters of support have been received, 4 from residents from Marlborough and 1 from Axford, on the grounds that;

- The development of the proposed site does not breach Policy HH11.
- The proposed dwelling would be sympathetic to other houses in the area.
- The access onto Cross Lane would not harm the rural environment of the lane and would, with sensitive planting, result in a positive improvement.
- The proposed dwelling would stand in a sizable plot still leaving the original house with a large garden.
- As demand increases properties in this area will someday be acquired by developers who may try to build more, possibly with the consent of Central Government. One additional house in a large garden would be preferable to the possibility of more in these narrow lanes.
- 13 dwelling have been built in this area between 1982 and 1991 in the front or rear gardens of existing properties.

POLICY CONSIDERATIONS

Kennet Local Plan policies PD1 and HH11 and Government planning guidance contained within Planning Policy Statement 3: Housing is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

This application raises a number of issues which are addressed in turn.

Policy Background

The site lies within the defined Limits of Development for Marlborough on previously developed land. In principle residential development is acceptable in this location provided that the development proposed conforms with other relevant policies of the adopted Kennet Local Plan 2011.

The key 'other relevant policy' in this instance is Policy HH11 relating to the Marlborough Area of Special Quality. The supporting text with this policy identifies the area to the north of the High Street, beyond Cross Lane and Back Lane, as a residential area characterised by substantial houses in large grounds with many mature trees. The policy requires the existing pattern of detached houses in large grounds to be retained as well as existing trees and landscape features.

It is important to note that Policy HH11 does not preclude residential development from taking place within the Area of Special Quality. It seeks instead to prevent the breaking-up of large plots into lots of smaller plots that would erode the character of the area.

The development of this site would subdivide a large plot. However, the proposal would still leave Upper Cross with a substantial garden area. The site itself is also big enough to accommodate a large detached dwelling in a

large garden. The size of the resulting plots for both dwellings would, therefore, not be out of keeping with other plot sizes in the wider area, in accordance with Policy HH11.

In terms of existing trees and landscaping, trees and hedges along the south and western boundaries of the site are indicated to be retained. The construction of the driveway would require the removal of a section of roadside hedge and bank. In its amended location, however, most of the hedge and bank can be retained. Additional planting is proposed to replace the small section of hedge that would be lost to achieve adequate visibility, and new trees are proposed along the front boundary. It is, therefore, considered that the proposal complies with Policy HH11.

Planning History

The previous appeal decision from 1996 is, of course, a material consideration when determining this application. The proposal at that time was for outline planning permission to erect a single dwelling, (this being a renewal of earlier planning permissions for the same proposed development). All matters were reserved, and so the application was to purely consider the principle of development. An important difference between the 1996 proposal and the current application is that the plot is now wider (26m compared with 20m previously), this leaving more space for landscaping around the proposed dwelling and garage.

At the time of the appeal decision the Marlborough Area of Special Quality was protected by Policy MC27 of the draft Kennet Local Plan, (which was eventually adopted as Policy MC29 of the Kennet Local Plan 1997). This policy re-emerged as HH11 in the Kennet Local Plan 2011. The Inspector considered that Policy MC27 was a material change in circumstances since the earlier renewal of the same application in 1993, and in this regard he concluded that the proposal would involve the sub-division of an existing plot (albeit large) and would "... erode the present character of the area by its likely impact on the setting of the existing house, and the houses to the south east fronting Back Lane, and through the adverse effect of the work needed to create the access on to Cross Lane".

In addition to the increase in the size of the plot, the current application differs from the application considered by the Inspector in that it is for full planning permission with detailed drawings of siting, design and landscaping, and a comprehensive Design and Access Statement. This extra detail is a further change in circumstances since the earlier appeal which allows more informed judgements to be made as to the actual impact of the proposed house and access on the character of the wider area. Whereas the appeal inspector could only assume, based on the scant information supporting the earlier outline application, that 'erosion' of the character of the Area of Special Quality would be caused, the detail now provided with the current planning application allows actual measurement of this. As is evident from the foregoing paragraphs, the specific details demonstrate that the proposed house would not have a harmful impact on the character of the area (the proposed large house sitting comfortably on the large plot with adequate

margins to the front, sides and rear for retained landscaping), and the access can be accommodated without detriment to Cross Lane, including its banks and hedgerows. These changed circumstances allow fresh consideration of the proposal, and ultimately a different decision to be reached.

A further change in circumstances since the appeal decision is the change in emphasis of Central Government policy on housing contained in PPS3: Housing (November 2006). This attaches considerable weight to sustainable development, identifying areas which offer a good range of community facilities and good access to jobs, key services and infrastructure that are easily accessible and well-connected to public transport and community facilities, as locations for new housing development. The application site, located close to the High Street, is well related to existing services, facilities and jobs, in accordance with the PPS.

Amenity

The proposal complies with the minimum distance requirements of 21 metres for spacing between windows on existing dwellings and proposed dwellings, and so a refusal on grounds of overlooking would be difficult to sustain. Other properties in the locality have comparable relationships, and so the proposal is not considered to be out of character.

The site is at a higher level than the neighbouring properties Inglewood and Byways from where the dwelling would be visible. However, sufficient space exists between with intervening vegetation to ensure that the development would not result in any significant overbearing impact.

Highway Safety

Additional traffic and highway safety has been raised as an objection to this development. The local highways authority has been consulted and have raises no objection to the proposal as amended. The required visibility can be achieved on site, and parking provision meets the required standard.

Precedent

Approving this development may result in subsequent applications for similar development, but as mentioned above, residential development in this area is, and always has been, acceptable in principle provided that the development proposed would not erode the character and appearance of the area and conforms with other policy requirements relating to amenity, access, parking, design etc. Each application would be considered on its own merits.

Other

The locality is characterised by houses which differ in terms of their design and style. The proposed design is, therefore, not out of keeping with established development.

This site has not been identified as an area known to contain protected species. Protected species are in any event protected in specific wildlife law, and planning permission would not override the statutory protection afforded to protected species if they are present on the site.

CONCLUSION

To conclude, the detailed proposal is considered to comply with the requirements of Policy HH11 in that it maintains the existing pattern of detached houses in large grounds, and retains existing trees and landscape features of the area. The extra detail with the application compared with the earlier appeal scheme and the increased size of the plot are material changes in circumstances which lead to a different conclusion to that of the appeal inspector. There are no highway issues with this proposal and the development would not have an adverse impact on neighbouring properties.

RECOMMENDATION

Approve with conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 This permission relates to the scheme of development as submitted except insofar as amended by the revised Tree Location and Construction Exclusion Zone Plan and Arboricultural Report received on the 4th January 2008, revised drawings numbers UC_03 and UC_01 received on the 4th January 2008 and details contained within the additional landscape detail and cross sections received the 4th February 2008.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 3 No development shall take place until details of the materials to be used for the external walls and roofs (including samples) 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:

To secure harmonious architectural treatment.

- 4 Notwithstanding the submitted details no development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. Details shall include species, sizes at planting, densities, location and numbers.

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

- 5 The detailed landscaping plans to be submitted shall include a 1/200 scale plan showing the position of any existing, retained and proposed trees and landscaped areas and all existing and proposed pipes, drains, sewers, and public services, including gas, electricity, telephone, water and cable. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

To ensure the retention of trees on the site in the interests of visual amenity.

- 6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 7 The trees on the site which are protected by a Tree Preservation Order shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority) in accordance with the construction exclusion zone shown on the submitted details. The tree protection sequence shall follow that specified within the amended Arboricultural Report by Certhia Consulting unless otherwise first agreed in writing by the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity

- 8 In this condition "retained tree" and "hedge" means an existing tree or hedge which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall or hedge be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree or hedge is removed, uprooted or destroyed or dies, another shall be planted at the same place and shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees and hedges shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of fencing surrounding existing hedges to be retained shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Trees T5 and T6 shall be enclosed as specified in the approved construction exclusion zone plan. 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: To enable the local planning authority to ensure the retention of existing vegetation on the site in the interests of visual amenity.

- 9 The windows at first floor level shown on the approved plans on the right (north) and left (south) elevations shall be glazed with obscured glass and shall be so maintained.

REASON: In the interests of the privacy of neighbouring properties.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows or other openings, other than those shown on the approved plans shall be inserted above ground floor levels in the right (north) and left (south) elevations of the dwelling hereby permitted.

REASON: In the interests of the privacy of the neighbouring properties

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the buildings hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity area.

- 12 Before any part of the development hereby permitted is first occupied the access shall be completed in accordance with the approved plans.

REASON:

In the interests of highway safety.

- 13 Prior to the first use of the access the first four metres of driveway back from the edge of the carriageway shall be surfaced in a well bound consolidated material (not loose stone or gravel) and maintained as such thereafter.

REASON:

In the interests of highway safety.

- 14 The gradient of the new access drive shall not exceed 1 in 15.

REASON:

In the interests of highway safety and to provide a safe and usable means of access to the development.

- 15 Before the dwelling hereby permitted is occupied the area between the nearside carriageway edge and lines drawn from a point 2 metres back from the carriageway edge measured along the centre line of the access, to the points on the edge of the carriageway 22 metres in each direction shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

- 16 Plans of the means of the disposal of surface water from the access, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON: To ensure satisfactory surface water drainage

- 17 Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 18 **INFORMATIVE TO APPLICANT:**
The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely policies PD1 and HH11 and Government guidance contained within PPS3: Housing.

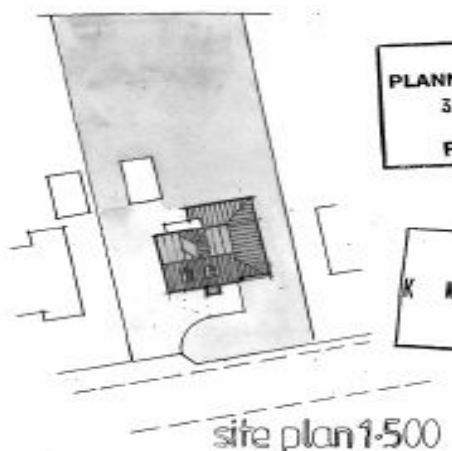
- 19 **INFORMATIVE TO APPLICANT:**
The applicant should note that the work hereby granted consent does not override the statutory protection afforded to protected species and you are advised to seek expert advice if you suspect that the development would in any way disturb/affect any protected species. For further advice, please contact Natural England on 01733 455000.

Item 2:

APPLICATION NO: K/57807/F
PARISH: MILTON LILBOURNE
APPLICATION TYPE: Full Planning
PROPOSAL: Replacement dwelling.
SITE: 1 The Cedars Littleworth Pewsey SN9 5LF
GRID REF: 4189410 1613010
APPLICANT: Mr & Mrs G Osborne
AGENT: Mr Laurie Dobie
DATE REGISTERED: 03/12/2007
CASE OFFICER: Rebecca Hughes

SITE LOCATION

The site lies within the hamlet of Littleworth, located to the east of the village of Pewsey. To reach the site from the direction of Pewsey, travel along the B3087 and turn left at the crossroads (opposite the entrance to Milton Lilbourne). Take the first right and the site is located approx 150 metres past the junction on the left hand side.



Location & Proposed Site Layout (not to scale)

The site forms part of a linear pattern of development consisting of approximately ten residential properties which border the site to the east and west. The remaining aspects border open countryside, designated as North Wessex Downs Area of Outstanding Natural Beauty.

A timber clad bungalow was formerly located on the site. However, this was destroyed by fire in 2007. Currently, the garage belonging to the former bungalow remains on the site, alongside a temporary mobile home.

SITE HISTORY

The site has no relevant planning history

DESCRIPTION OF DEVELOPMENT

This proposal relates to a full application for a replacement dwelling. The proposed dwelling is a part 1.5 storey/part 1 storey chalet style building, located largely on the footprint of the previous bungalow. The dwelling would occupy a floor space of approx 104 square metres, approx 6.4m high to the ridge and be constructed of brick, with a tiled roof. Access to the site remains unchanged.



north elevation

Front & Rear elevations



Proposed Floor Plans (not to scale)

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans were received to omit a balcony proposed at first floor level in the rear elevation and to reduce the size of the dormer opening at first floor level in the rear (north facing) elevation.

CONSULTATIONS

Milton Lilbourne Parish Council - no objections to the plans as amended

County highways (Mark Wiltshire) – No objections subject to planning conditions requiring provision of the vehicle and parking area and its maintenance thereafter for this purpose and the surfacing of the first two metres of the access in a well bound consolidated material (not loose stone or gravel)

Wiltshire Fire and Rescue Service – recommend informative

REPRESENTATIONS

Five letters of representation have been received in respect of the application. In response to the original plans the proposed balcony was highlighted as a concern; however this feature has now been omitted from the application. The remainder of the concerns raised can be summarised as follows:

- The layout of the accommodation with the living accommodation upstairs and the bedrooms downstairs
- The size of the dormer opening in the rear elevation - assurance is sought that the dormer will not be increased in size
- Seek assurance that they will be informed of any changes occurring during building and that no retrospective planning approvals will be issued without further public consultation.

POLICY CONSIDERATIONS

Kennet Local Plan – policies PD1, HC25, NR6 and NR7 are relevant to the consideration of this application, as is central government guidance contained in PPS 1: Delivering Sustainable Development, PPS 7: Sustainable Development in Rural Areas and PPG 13: Transport.

PLANNING OFFICERS COMMENTS

The key issues to be considered when determining this application are a) the principle of development, b) the impact on neighbour amenity and c) the design of the scheme.

Principle of development:

The site lies within open countryside where policy HC25 of the Kennet Local Plan applies. This allows in principle the replacement of an existing dwelling where the siting is closely related to the footprint of the dwelling it replaces and the scale of the replacement dwelling is not significantly larger than the original structure.

The foundations of the previous dwelling can be identified on the site. From this it can be established that the siting of the replacement dwelling is closely related to that of the former bungalow, following the linear pattern of surrounding development.

Part of the proposed dwelling has been designed with first floor accommodation. However the dwelling displays a low ridge height and is chalet style, with the first floor accommodation located in the roof space. The development is modest in size and scale and as such is considered to comply with the requirements set out in policy HC25.

Neighbour Amenity

In respect of neighbour amenity the key considerations relate to the design and fenestration pattern of the rear elevation at first floor level.

The removal of the first floor balcony in the rear elevation prevents loss of privacy to adjacent properties. Whilst the layout of the internal accommodation is not traditional, this is outside planning control. The key issue to note is that at a minimum distance of approx 7.5m from the nearest boundary, it is not considered that any loss of privacy will result to adjoining properties from the dormer opening in the rear elevation, which serves a habitable room.

Following the omission of the balcony, the size of the dormer in the rear elevation was reduced. This amendment was sought to improve the design of the scheme, but has had the added benefit of reducing the potential for overlooking of neighbouring properties. Concern has been raised that this dormer window may in the future be increased in size. By virtue of the location

of the site within the AONB, any future alteration to the roof of the dwelling would require planning permission and as such would be subject to public consultation. Should members be minded to approve the application a condition is recommended withdrawing permitted development rights for additional openings above ground floor ceiling level in the north elevation of the dwelling, to prevent any loss of privacy to neighbouring properties.

The form and scale of the remainder of the proposal is considered to respect the amenity of surrounding properties, and for this reason the scheme is considered acceptable.

Design

The design of the proposed dwelling is considered in keeping with surrounding properties, which include similar brick and tile built, chalet style bungalows, with dormer openings serving converted roof spaces, such as the neighbouring property to the west. The scale and form of the dwelling have been discussed above and are considered appropriate in this rural setting.

Other Issues

Concern has been raised by a third party that if permitted, there should be no changes to the development during the course of the build and that no retrospective planning approvals be granted without further public consultation. Should any significant alterations be proposed then a fresh planning application would be required. All planning applications (including retrospective applications) are subject to public consultation.

In summary the proposal is considered to be an acceptable means of redeveloping the site and accordingly the approval of planning permission is recommended subject to a number of conditions.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 This permission relates to the scheme of development as submitted except insofar as amended by the revised plans number 3028.2A received on the 16/01/08.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 3 No development shall take place until details (including 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:

To secure harmonious architectural treatment.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor ceiling level in the north elevation of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building(s) hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity area.

- 6 Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 7 Prior to the first use of the access the first two metres of driveway back from the edge of the carriageway shall be surfaced in a well bound consolidated material (not loose stone or gravel) and maintained as such thereafter.

REASON:

In the interests of highway safety.

- 8 Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

9 INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wilts Fire and Rescue dated the 7/12/07.

10 INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals: namely policy PD1, HC25, NR6 and NR7 of the Kennet Local Plan 2011 and central government guidance contained in PPS1: Delivering Sustainable Development, PPS7: Sustainable Development in Rural Areas and PPG13: Transport.