

Regulatory Committee

13th March 2008

List of Applications for Consideration

1. K/57655/F (page 6)

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

Land adjacent to Upper Cross Upper Cross Cardigan Road MARLBOROUGH SN8 1LB

RECOMMENDATION: Grant planning permission

2. K/57848/F (page 19)

Full planning application for: Demolition of pavilion and construction of new memorial hall together with associated car parking and footpath links

The Playing Field Deweys Lane LUDGERSHALL SP11 9QU

RECOMMENDATION: Grant planning permission

3. K/57954/F (page 27)

Full planning application for: Re-site access to Eastcourt Road

Ten Trees Grafton Road BURBAGE SN8 3AP

RECOMMENDATION: Grant planning permission

4. K/57672/F (page 31)

Full planning application for: Retain thatched roof to extension

September Cottage MANNINGFORD SN9 6JW

RECOMMENDATION: Grant planning permission

5. K/58004/ADV (page 37)

Advertisement application for: Erection of 1 x non-illuminated timber panel fascia sign 5790mm x 1050mm with vinyl logo and lettering, construction as per visual. 1 x non-illuminated timber panel projecting hanging sign 679mm x 665mm with vinyl logo and lettering to both sides, construction as per visual.

130 High Street MARLBOROUGH SN8 1LZ

RECOMMENDATION: Grant advertisement consent

6. K/58046/F (page 41)

Full planning application for: Single storey extension and conversion of garage to study/garden room.

New double garage

9 Elm Close ROWDE SN10 2QP

RECOMMENDATION: Grant planning permission

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 Upper Cross Cardigan Road
Marlborough Wiltshire SN8 1LB
GRID REF: 4186560 1692960
APPLICANT: Mr Stewart Dobson
AGENT: Mr Andrew Dobson
DATE REGISTERED: 08/11/2007
CASE OFFICER: Miss G Salisbury

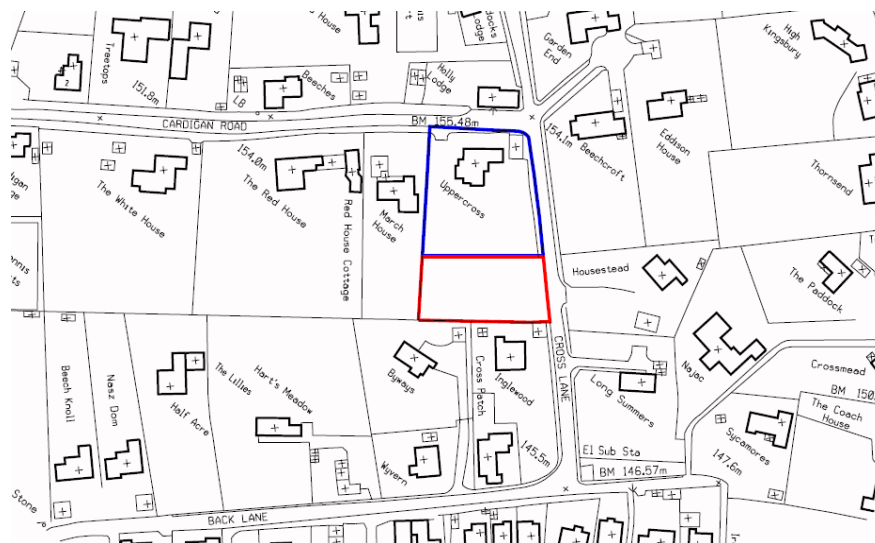
BACKGROUND

This application was deferred at the last meeting of the Regulatory Committee to allow the committee to carry out a site visit and to ensure that images of the plans and representations were on the Council’s web site.

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 appealed, but the appeal was dismissed by the Inspector.

DESCRIPTION OF DEVELOPMENT

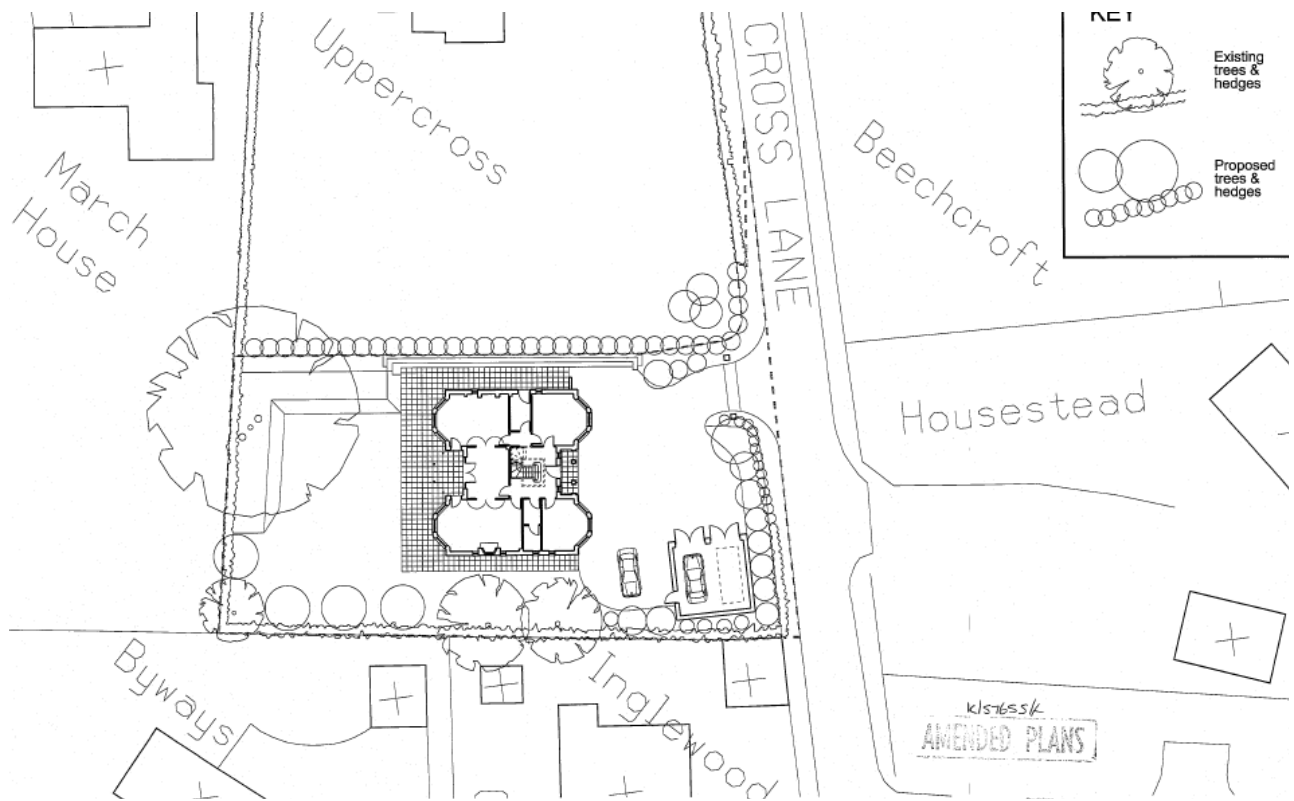
This is a full planning application for the erection of a detached five bedroom dwelling with detached double garage. The proposed dwelling would be positioned towards the centre of the plot facing Cross Lane. It would measure 9 metres in height to the ridgeline, 14.3m wide and 13.6 metres deep. It would 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

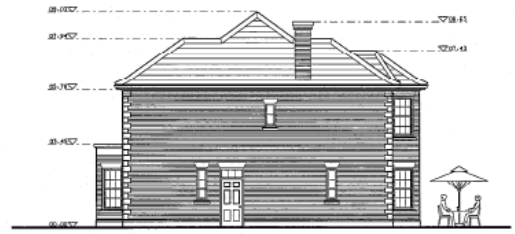
The location of the driveway has been amended so that the access to the development can meet the visibility requirements of WCC Highways on land within the application site. Additional planting has also been proposed along the front boundary of the site. Dormer windows have also been removed from the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



Site Plan



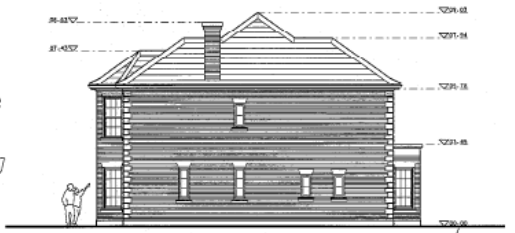
Front Elevation



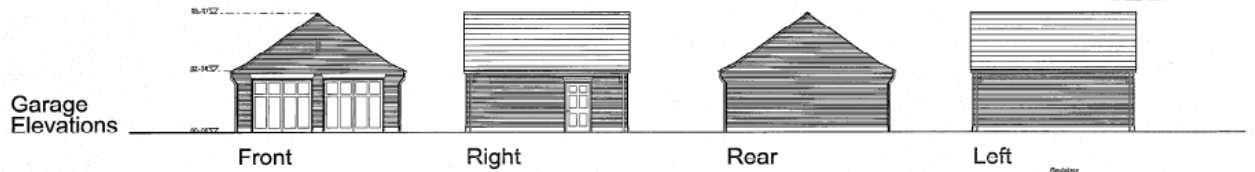
Right Elevation



Rear Elevation



Left Elevation



Garage Elevations

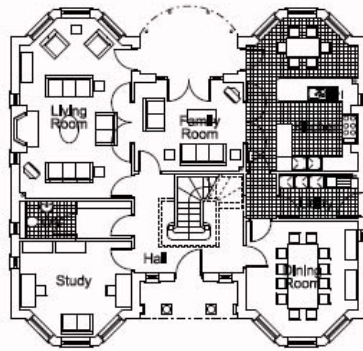
Front

Right

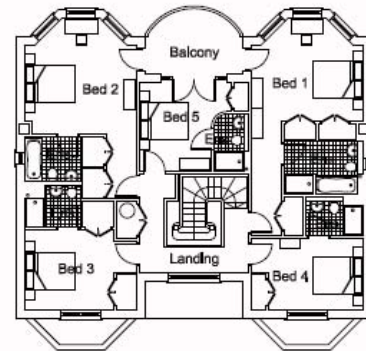
Rear

Left

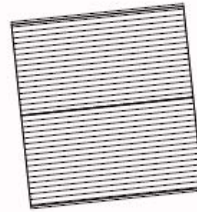
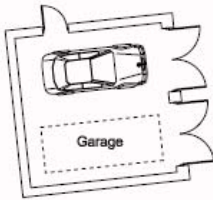
Elevations



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 dwellings 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

Grant planning permission, subject to the following 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) Tress in Relation to Construction by a chestnut paling fence (or other type of fencing tagreed 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 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.

- 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/57848/F
PARISH: LUDGERSHALL
APPLICATION TYPE: Full Planning
PROPOSAL: Demolition of pavilion and construction of new memorial hall together with associated car parking and footpath links
SITE: The Playing Field, Deweys Lane, Ludgershall, Andover, Hants, SP11 9QU
GRID REF: 4266940 1508900
APPLICANT: Ludgershall Parish Council (c/o Mrs J White, Clerk)
AGENT: Batterham Matthews Design Ltd.
DATE REGISTERED: 12/12/2007
CASE OFFICER: Rob Parker

SITE LOCATION

This application relates to the recreation ground in Deweys Lane, Ludgershall. Deweys Lane connects to the High Street / Castle Street, diagonally opposite the fire station. The recreation ground lies on the right hand side, 200 metres from the junction.

SITE HISTORY

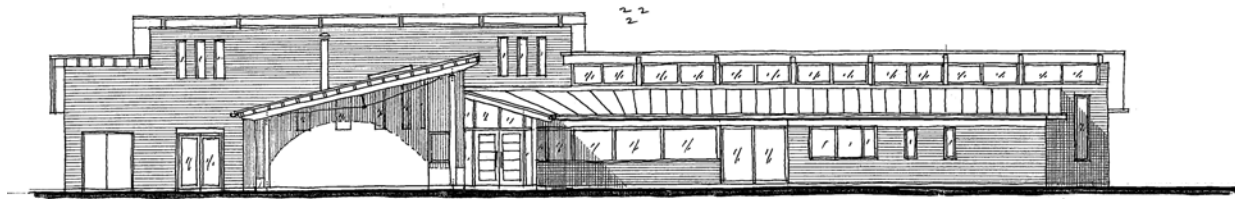
K/34922 – Car park, application withdrawn November 1997.

K/54640/F – Replace existing flat roof with pitched roof at Ludgershall pavilion, granted planning permission on 10th August 2006.

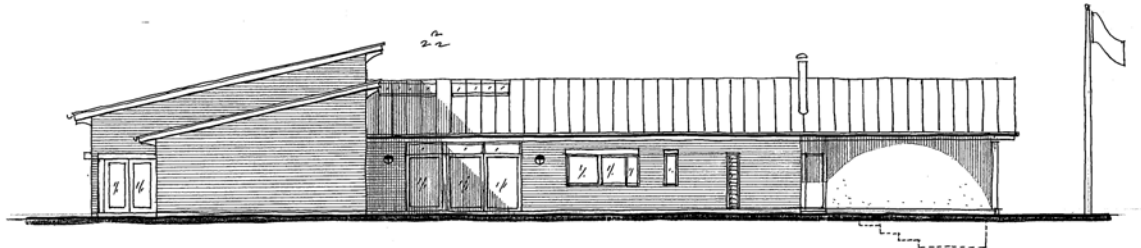
DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing pavilion and construct a new memorial hall together with associated car parking (56 spaces) and footpath links.





NORTH ELEVATION AT 1:100



EAST ELEVATION AT 1:100

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been submitted to show the following:

1. A reduction in the height of the perimeter fencing from 2.0 metres (6 feet 8 inches) to 1.52 metres (5 feet).
2. The addition of CCTV cameras onto the building, overlooking the car park.
3. A re-routing of the tarmac footpath between Andover Road and the playing field footpath to ensure that it remains outside of the root protection areas for adjacent trees.
4. An increase in the width of the footpath along the Deweys Lane site frontage to 2.0 metres.
5. An adjustment to the gates to ensure that they are a minimum of 4.5 metres from the carriageway edge.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design & Access Statement, available to view on the working file.

CONSULTATIONS

KDC Environmental Health – no adverse comments, the proposed ground source heat pump will easily achieve a 10% reduction in CO₂ emissions as per the Council's policy for large developments.

KDC Landscape & Countryside Officer – no objections subject to submission of a detailed landscaping scheme, details of any car park lighting and an amended plan showing a re-routing of the tarmac footpath to avoid the root protection areas of adjacent trees.

Ludgershall Parish Council – no objections (councillors declared an interest)

Police Architectural Liaison Officer – no objection, but provides various detailed suggestions to improve security.

Wessex Water – no objection.

Wiltshire County Archaeologist – no objection subject to a condition requiring an archaeological watching brief.

Wiltshire County Highways – no objection subject to appropriate conditions. The Highway Authority makes the following comments:

“The proposed reduction in parking spaces to 56 is appropriate given the location of the development which should encourage a number of visits to be on foot or by cycle. The proposed access will have a good standard of visibility.

“The existing footway over the site frontage is 1.5 metres wide. Increasing the width to the standard 2 metres over the red-lined frontage would be a useful benefit and would encourage more walking to the site helping to offset the reduction in car parking.

“The public footpath which connects the playing field to Andover Road should be resurfaced and receive improved street lighting to further encourage walking to and from the site.

“Dewey’s Lane past the site is of straight alignment and there is a perception amongst local residents that this straight alignment at times leads to inappropriately high speeds. I understand that this has been raised with the Police who have been monitoring the situation with a view to taking action if there is found to be a problem. I believe it would not be possible to justify a traffic calming scheme via this development as the traffic generated will not be significant compared with the overall traffic levels. If anything the development by introducing slowing / turning traffic and perhaps occasional parking on Dewey’s lane will tend to beneficially reducing existing speeds.”

Wiltshire Fire Brigade – standard guidance letter on fire appliance/firefighting access and water supplies for firefighting.

REPRESENTATIONS

A petition containing 36 names has been submitted in opposition to the development. Eight additional letters of objection have been received. The following issues are raised:

- a) The development will be overbearing for the occupiers of no.6 Deweys Lane (the bungalow immediately to the west of the site) due to the proximity of the car park and hall.
- b) The hall will give rise to noise and disturbance from comings and goings, car doors closing, loud music (especially in summer when windows are open) and smokers talking. Noise echoes from the playing field.
- c) Traffic generated by the development, including during the construction phase, will be detrimental to highway safety in Deweys Lane. In particular, the proposals will be detrimental to the safety of children walking to school and elderly persons living in the locality. Deweys Lane already suffers with speeding vehicles and the junction with High Street / Castle Street is substandard.
- d) The proposed car park is too small and at busy times users of the hall will be forced to park on the public highway, thereby impeding access for emergency vehicles.
- e) The local area already suffers from anti-social behaviour and vandalism late at night. The

new hall would exacerbate this problem, particularly when there are functions being held. The proposed fence will not be a deterrent to vandals. One objector queries whether CCTV will feature within the project.

- f) The new car park and public footpath will be attractive for skateboarding and may therefore result in nuisance to local residents.
- g) The proposal would result in the loss of the only public green playing field in the village. Recreation facilities are important to combat child obesity and will become even more important as more houses get built in Ludgershall. A lack of recreation space will lead to children becoming bored, thereby leading to vandalism.
- h) The existing memorial hall should be repaired and retained. The building is a memorial to those who lost their lives in World War II and should have been regularly maintained, then it would not have been in such a sorry state. Objectors query the reason why the existing hall is still in use if it is in a dangerous state (as local residents have been led to believe).
- i) An earlier planning application for a car park on the site was withdrawn because the surfacing was not to be tarmac and both ends of Deweys Lane would be restrictive for traffic. The parish council clerk of the time also advised the objector that there were many restrictions on the playing field.
- j) A few local residents were not able to voice their opposition to the development at the parish council meeting which was held on a dark and cold October evening.
- k) The project will increase Council Tax and it will not generate much income.
- l) Cllr Beard should not be permitted to vote on the application because he has a non-pecuniary interest as a parish council member.

POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Ludgershall in the Kennet Local Plan 2011. Policies TR17 & PD1 of the local plan are relevant to the consideration of this planning application.

PLANNING OFFICERS COMMENTS

The application site is identified as an existing outdoor sport and recreational site under Policy TR17 of the Kennet Local Plan 2011. This policy states that development will only be permitted where it can be demonstrated that:-

- a) the development of a small part of the existing facility provides improvements to the remaining facilities and provides for their greater use; *or*
- b) a suitable alternative site, of comparable size and facilities, is provided in an acceptable location; *or*
- c) the proposal is for an alternative recreational or community use of benefit to local residents. In this case the overall recreational value of the open space available to local residents must be maintained.

The proposal is for a replacement memorial hall which will be of benefit to the whole community, thereby complying with criterion (c) of the policy. The proposed hall and car park would take up less than a quarter of the overall recreation ground, the existing children's play area would be retained and sufficient grass would remain for a full sized football pitch. The proposals are

considered to be acceptable in principle on the basis that the amenity value of the recreation ground would not be prejudiced. The main consideration, therefore, is whether the proposals would comply with the general development control criteria contained in Policy PD1 of the local plan.

Objectors raise a range of issues to which officers respond as follows:

a) Neighbour Amenity

The nearest immediate neighbour to the site is the bungalow at no.6 Deweys Lane. It is not considered that the proposals would adversely affect the amenities of occupiers of this property, due to the physical separation involved and the existence of a dense hedge on the boundary. There would not be any adverse impacts upon any other residential property.

b) Highway Safety

The Highway Authority has considered the issue of highway safety and raises no objections to the proposals (see comments in the Consultations section above).

c) Car Parking

The proposed car park would have 56 spaces. This is considerably larger than the Memorial Hall's existing car park. As such, the proposals represent a net improvement over the current situation. In any event, the carriageway of Deweys Lane is wide enough to accommodate a line of parked cars without impeding emergency vehicles.

d) Vandalism & Anti-social Behaviour

The scheme has been designed to resist vandalism and this is recognised by the Police Architectural Liaison Officer. CCTV has been included within the scheme and the site is surrounded with perimeter fencing with gates at the entrance. The building itself would be protected by security shutters on vulnerable windows and doors.

e) Skateboarding

The site is capable of being secured to prevent young persons from gathering and/or skateboarding. The new footpath will improve pedestrian links in the area and there is no reason why it would present a particular magnet for skateboarders.

f) Loss of Recreation Space

The proposals will result in less than a quarter of the recreation ground, the existing children's play area would be retained and sufficient grass would remain for a full sized football pitch. The overall amenity value of the recreation ground will not be reduced.

g) Existing Memorial Hall

The parish council has made the decision to apply for a replacement community hall. The current application must be considered on its merits and it is not relevant to consider whether it would be preferable for the existing memorial hall to be repaired and retained.

h) Other Issues

Issues surrounding the parish council's consultation process prior to submitting the planning application, the impact of the proposals upon Council Tax and the ward member's voting rights are not material planning considerations.

In summary, it is not considered that the proposals would be harmful to neighbour amenity, highway safety, recreational provision in the village or the general amenities of the area. As such, it is considered that the proposals comply with the requirements of Policies TR17 & PD1 of the Kennet Local Plan 2011. A grant of planning permission is therefore recommended.

RECOMMENDATION

Grant planning permission subject to the following 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 (Drawing nos. 1430 L1A & 1430 L2A) received on the 15th 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 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. No development shall take place until there has been submitted to and approved 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, together with measures for their protection in the course of development. Details shall also include all species, planting sizes and planting densities for new planting.

REASON:

To ensure a satisfactory landscaped setting for the development.

5. 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 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.

6. Notwithstanding the details shown on the approved plans, no development shall commence until an amended plan has been submitted showing a re-routing of the tarmac footpath from the playing field to Andover Road to ensure that it remains outside of the Root Protection Areas for adjacent trees, as calculated under BS5837 "Trees in Relation to Construction".

REASON:

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

7. No development shall take place until there has been submitted to and approved in writing by the local planning authority details of the construction, surfacing and lighting cable runs for the footpath from Andover Road to the playing field footpath. Development shall be carried out in accordance with the approved details.

REASON:

To prevent damage to existing trees and hedging in the interests of visual amenity.

8. The development hereby permitted shall not be commenced until details of all external lighting (including any car park lighting) have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

9. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

10. Before any part of the development hereby permitted is first occupied the access, vehicle turning and parking areas 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.

11. The development hereby permitted shall not be occupied until the cycle parking facilities detailed on the approved plans have been provided. The facilities shall thereafter be maintained and kept available for the purposes of parking bicycles.

REASON:

To encourage cycling in the interests of reducing reliance on the private car.

12. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON:

In the interests of highway safety.

13. The development hereby permitted shall not be occupied until the footway along the Deweys Lane frontage of the red-lined site has been widened to 2 metres, in accordance with details to be first submitted to and approved by the local planning authority in writing.

REASON:

In the interests of highway safety.

14. The development hereby permitted shall not be occupied until public footpath 6 between the playing field and Andover Road has been improved in surface and street lighting, in accordance with details to be first submitted to and approved by the local planning authority in writing.

REASON:

In the interests of highway safety.

15. 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 TR17 & PD1.

16. INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from Wessex Water (dated 13th December 2007) and Wiltshire Fire Brigade (dated 4th January 2008).

17. INFORMATIVE TO APPLICANT:

The applicant is advised that there will be a need to enter into a Section 278 Agreement with Wiltshire County Council to secure the off-site highway works.

18. INFORMATIVE TO APPLICANT:

The applicant is advised that the bollard lighting indicated on the plans would not be acceptable for adoption by Wiltshire County Council. 5m high columns will need to be used.

Item 3

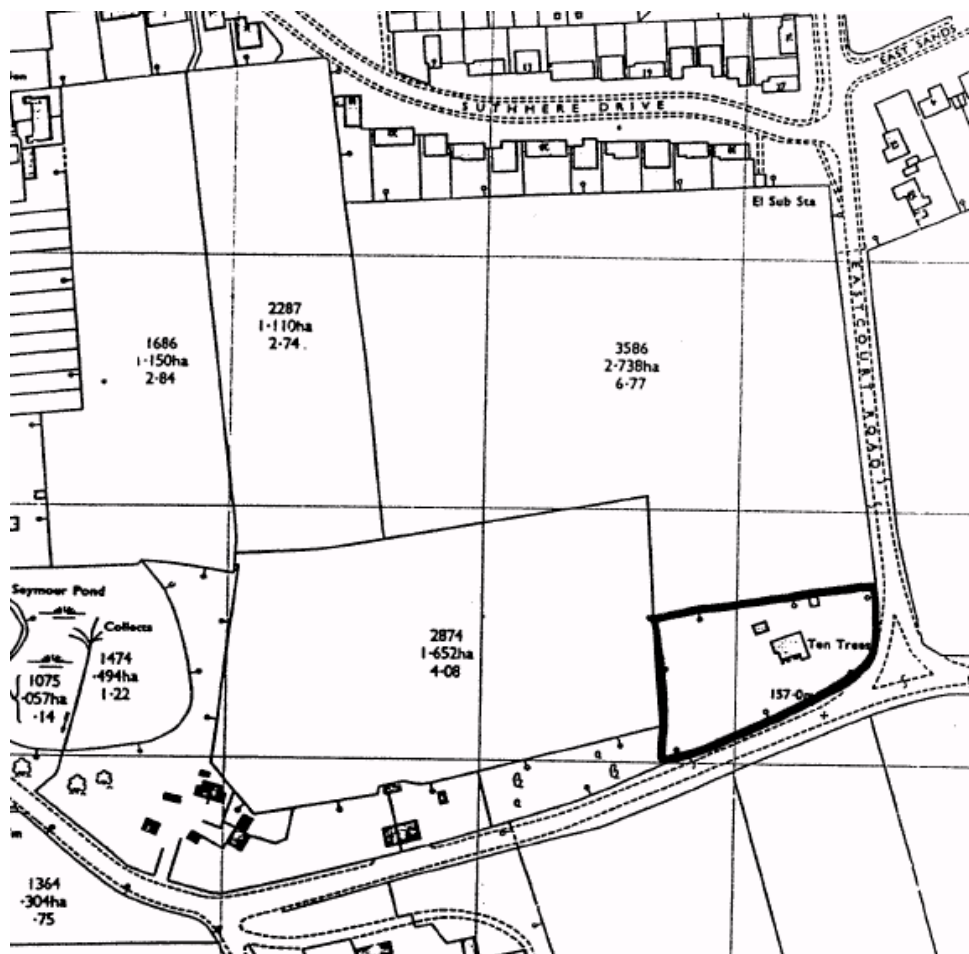
APPLICATION NO: K/57954/F
PARISH: BURBAGE
APPLICATION TYPE: Full Planning
PROPOSAL: Re-site access to Eastcourt Road
SITE: Ten Trees, Grafton Road, Burbage, Marlborough, Wiltshire, SN8 3AP
GRID REF: 4234130 1607370
APPLICANT: Lords Regal Ltd
AGENT: n/a
DATE REGISTERED: 07/01/2008
CASE OFFICER: Gill Salisbury

BACKGROUND

This application is presented to the Committee at the request of Cllr Wheeler.

SITE LOCATION

The site is located on the north side of the A338 Grafton Road approximately 350 metres east of the roundabout at the southern end of the village. The site is within the AONB and there is a group of TPO oak trees along the northern boundary of the site.



Site location

SITE HISTORY

K/43241 – Planning permission was approved in May 2002 for the demolition of existing dwelling and erection of a replacement dwelling.

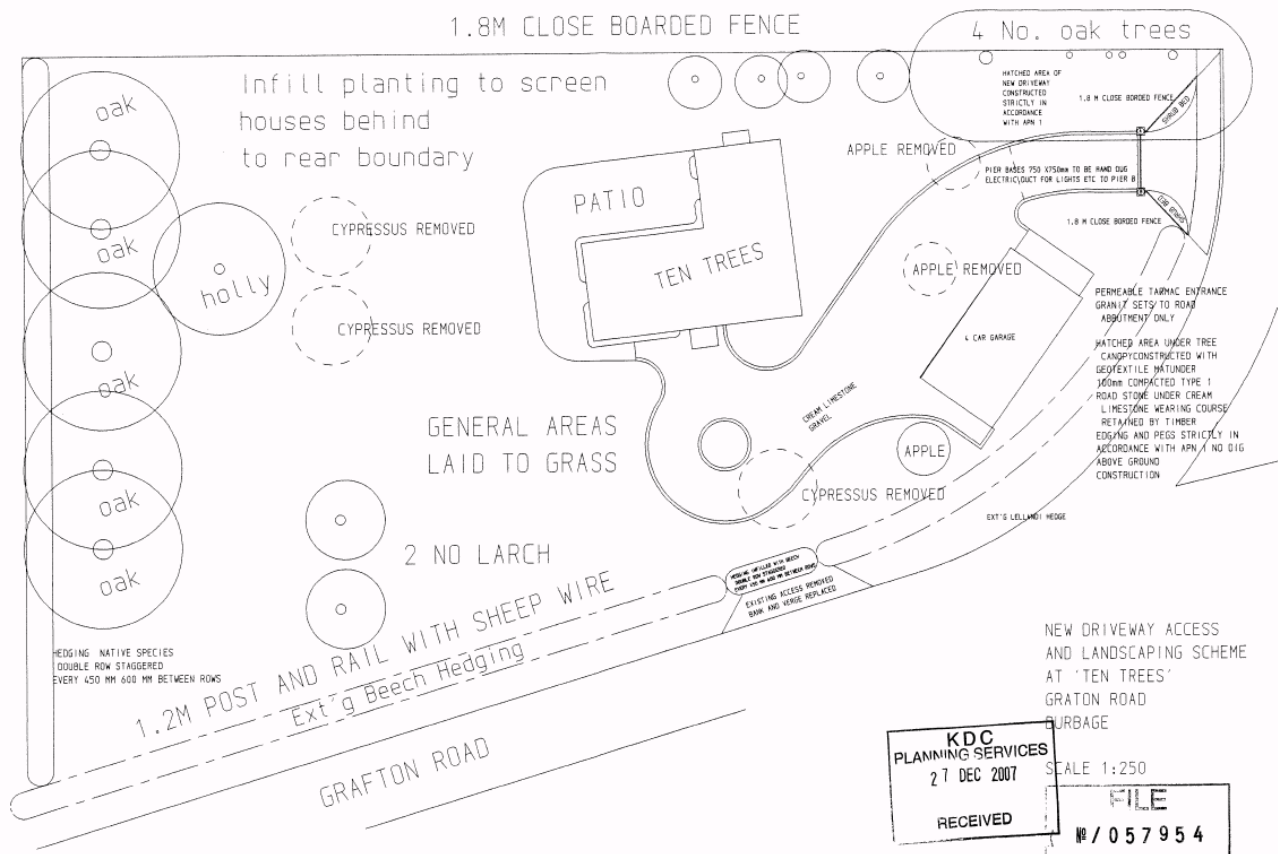
K/44062 – Planning permission was then approved in October 2002 for the erection of dwelling with garage & carport. This was an amendment to K/043241.

K/45337 – Planning permission was again approved in May 2003 for the erection of dwelling with garage and car port as an amendment to K/43241.

DESCRIPTION OF DEVELOPMENT

This is a full application for the creation of a new access onto Eastcourt Road. Entrance gates will be set back 6 metres from the road with a 1.8 metre high close board fence forward of this. Permeable surface materials are proposed under the canopy of the TPO trees.

The existing access onto Grafton Road will be stopped up with the hedge and verge reinstated.



Position of new access to right, with existing onto Grafton Road being closed

CONSULTATIONS

Burbage Parish Council object strongly to this application on the following grounds;

- Changing the access into Eastcourt Road creates a dangerous situation. The current access onto Grafton Road gives good visibility both ways.
- Clear visibility is only one way with the proposed access. Traffic cannot be seen turning into Eastcourt Road from the Grafton Road approaching from the roundabout. This is a blind turn.
- Traffic coming in this direction into Eastcourt Road does so at a fast rate. An accident is inevitable.

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

KDC Landscape and Forestry Officer – No objection.

REPRESENTATIONS

Two letters of objection have been received to this application on the following grounds;

- Reduced vision for drivers as they approach the new entrance and also for vehicles and pedestrians leaving the new access.
- The entrance is right on the corner of a very busy road, cars come quickly round the corner and the access would be in a blind spot creating a danger.
- Traffic is often travelling quite quickly and would have very little time to see and react to a vehicle or person leaving Ten Trees.
- Conifer trees on the bend would shield any vision for someone wishing to pull out of the driveway or anyone coming around the corner off the main road.

POLICY CONSIDERATIONS

Kennet Local Plan Policy PD1 is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The key issue with this application is highway safety. Objections have been received on the grounds that the new access would not be safe having restricted visibility to those approaching from Grafton Road and for those exiting the site.

It is important to note that the local highways authority do not object to this proposal. The local highways authority state that re-siting the existing access from the A338 at a point where forward visibility is sub-standard represents a considerable safety benefit. The existing access presents a significant safety hazard in that traffic speeds from the Hungerford direction are such that there is insufficient visibility of a vehicle waiting to turn right into the existing access. There is therefore a continual danger while the existing access remains in use of a vehicle being struck from the rear by a fast moving vehicle heading west. The proposed access will remove this danger and create a safer situation. Concern has been raised about the lack of visibility from the proposed access however acceptable visibility can be achieved on site and can be secured by condition should the Committee be minded to grant permission. The new access will be within the 30 mph limit.

In light of support from the local highways authority it is not considered that a refusal of this application on the grounds of highway safety is warranted.

The proposal will not affect the health of the TPO oak trees on the boundary and is not considered harmful to the character or appearance of the area.

RECOMMENDATION

Grant planning permission, subject to the following 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 The existing vehicular access shall be stopped up, its use permanently abandoned and the grass verge reinstated across the access position concurrently with the provision of the new access hereby approved being first brought into use.

REASON: In the interests of highway safety.

- 3 Any gates shall be set back to a position 6 metres from the carriageway edge, with the gates being made to open inwards only.

REASON:

In the interests of highway safety.

- 4 Before the development hereby permitted is first brought into use a highway visibility area shall be provided with nothing to exceed the height of 1 metre above carriageway level over a strip 2 metres wide parallel and adjacent to the road edge between the centre-line of the access and the northern end of the site frontage.

REASON:

In the interests of highway safety.

- 5 Before the development hereby permitted is brought into use the highway visibility area shall be cleared with nothing to exceed the height of 1 metre above carriageway level between the carriageway edge and a line drawn from a point 2 metres back along the centre line of the access from the carriageway edge to a point on the nearside carriageway edge 18 metres to the south.

REASON.

In the interests of highway safety.

- 6 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) Tress in Relation to Construction by a chestnut paling fence (or other type of fencing to be agreed in writing by the local planning authority). Before the fence is erected its position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

- 7 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: policy PD1.

Item 4

APPLICATION NO: K/57672/F
PARISH: MANNINGFORD
APPLICATION TYPE: Full Planning
PROPOSAL: Retain thatched roof to extension
SITE: September Cottage Manningford Bruce Pewsey Wiltshire SN9 6JW
GRID REF: 4138800 1584570
APPLICANT: Mr L Lund
AGENT: n/a
DATE REGISTERED: 12/11/2007
CASE OFFICER: Peter Horton

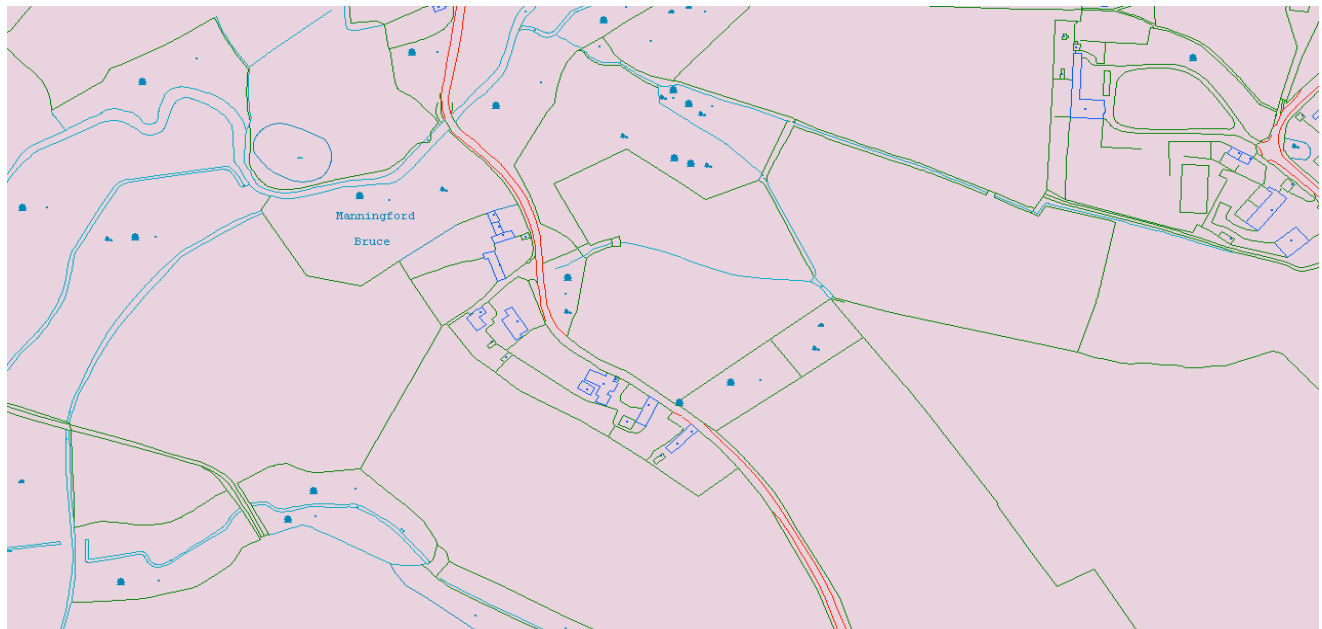
BACKGROUND

This application is presented to the Regulatory Committee at the request of Cllr Mrs D’Arcy-Urvine.

SITE LOCATION

September Cottage is part of a small group of houses located in open countryside on the northern approach to the Manningford Abbots settlement. The cottage comprises an extended thatched dwelling which is not listed.

To either side of the cottage are two listed houses - The White House (to the north) and The Old Manor House (to the south).



Site location

SITE HISTORY

There have been a number of proposed alterations to the property over the years. Most recently the following applications have been considered :-

K/52401/F – First floor side extension and alterations – approved 28/10/05.

K/51480/F – Erection of detached double garage – refused 10/03/05; appeal dismissed.

K/50680/F – Erection of detached double garage with storage space over – refused 25/11/04.

Application K/52401/F proposed a first floor extension over an existing single storey addition on the north side of the cottage. An extension has been built in this location but not in accordance with the drawings approved under K/52401/F. This extension is, therefore, unauthorised.

DESCRIPTION OF DEVELOPMENT

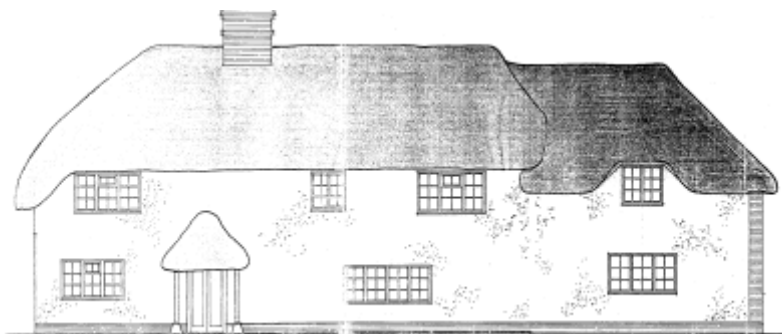
The current application is seeking permission to regularise the discrepancies between what has been built at first floor level on the north side and what was permitted under K/52401/F. The application has been made following an enforcement investigation.

The development approved under K/52401/F was a first floor side extension. According to the drawings, the ridge height of the thatched roof over this extension was to be 7.1m and the eaves height 3.7m.

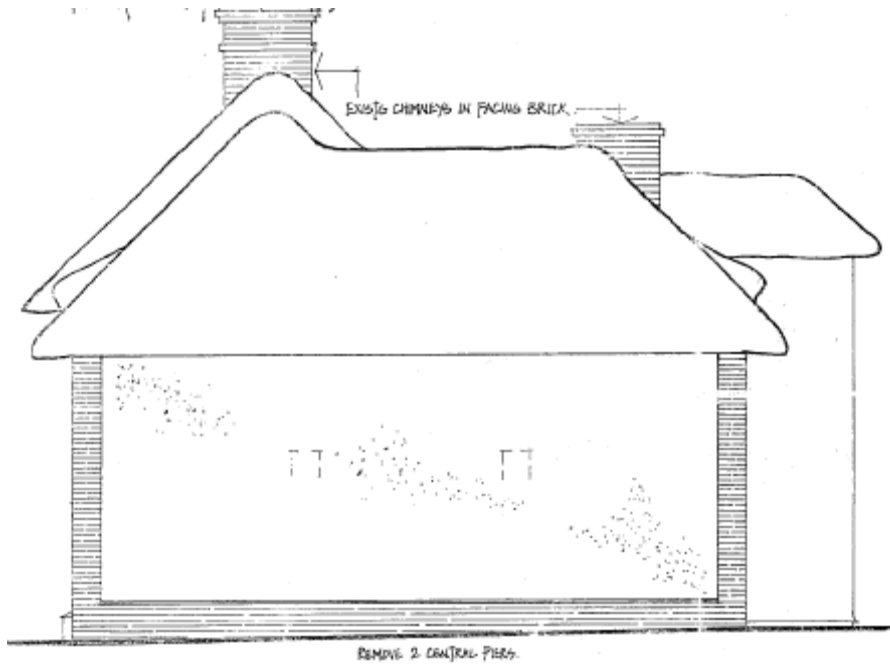
The development which has been built (and which is now the subject of this planning application) is also a first floor side extension of identical 'footprint' to that approved under K/52401/F. It differs, however, in that the ridge height is 6.8m and the eaves height 4.2m. The extension that has been built, therefore, has a shallower roof pitch than that which was approved. There are no other differences between the approved extension and the extension as built.



Front elevation as built (current application). Extension to right hand side

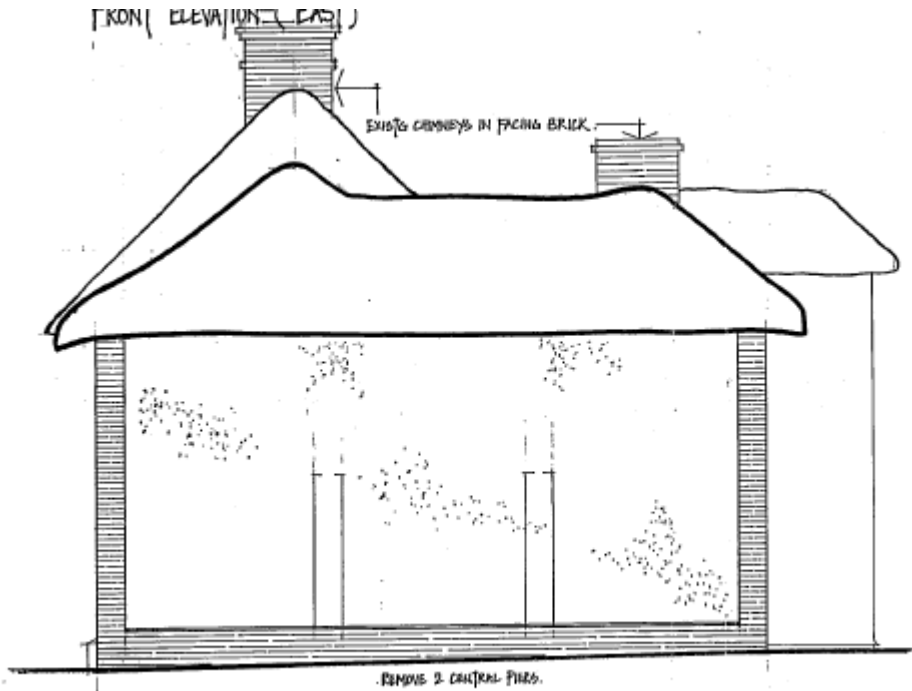


Front elevation as approved – K/52401/F. Extension to right hand side



SIDE ELEVATION (NORTH)

Side elevation – as built (current application)



SIDE ELEVATION (NORTH)

Side elevation as approved – (K/52401/F)

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments.

ADDITIONAL STATEMENT BY THE APPLICANT

There is no additional statement by the applicant.

CONSULTATIONS

Manningford Parish Council: although there is a degree of sympathy with the applicant's predicament, the Parish Council has no real option other than to object to this planning application for the following reasons:

- the height of the wall either side of the eyebrow window appears to have been increased by approximately 750mm from the original plans for which consent was given resulting in the cheeks and roof pitch being reduced. This has led to a mismatch between the main dwelling and the extension;
- the effect has been to produce a negative visual impact in an area of some character which includes listed buildings on either side of the property and the former school house;
- the roof pitch is less than 50 degrees minimum for thatch extensions required under Policy Statement 4 of Conservation Guidance Note: Thatching.

Conservation Officer: The bulky, squat design of the extension, with the wall plate running through at the same level as the main building results in an unattractive and over-dominant feature which detracts from the historic character of the main building. The design of the extension is also wholly inappropriate for the thatch roof covering. The complex roof form and extremely low pitch (even lower over the dormer windows) are out of character with the existing house and appear as a mere parody of the vernacular tradition of thatched construction in the area. This tradition has developed over time, with simpler linear forms and steeply pitched roofs predominating, as a response to the technical constraints of the material. In contrast, the current design of the extension will tend to inhibit the run-off of water from the roof and lead to the speedy deterioration of the thatch.

In my opinion the extension represents a poor design which detracts from both the traditional design of the existing house and the setting of the neighbouring listed buildings. The design is contrary to the guidelines set out in the Council's recently adopted thatching guidance and thus does not accord with the Policy Statement 5 within the document.

REPRESENTATIONS

One letter of objection has been received from RPS Planning & Development Ltd on behalf of the owner of the White House, summarised as follows:

- Disappointed that the applicant has gone ahead and constructed the roof with blatant disregard to the plans and the way the development was, externally, indicated to be. It would seem that the extension has been built from the inside out to obtain the desired internal roof height and living accommodation with little thought and consideration to the external appearance and aesthetics which was crucial to obtaining planning consent in the first instance.
- An extension should be visually distinct from the original dwelling and viewed subservient to it. This construction does not achieve this with the continuation of the same eaves line and the introduction of a different pitch.
- The approved application showed a pitch of 45 degrees. The built roof plate is higher than required to achieve this and the roof pitch drawn on the approved plans is not representative of what is there now. The change in the height of the roof plate has resulted in the finished roof having a shallower pitch – the angle being lost due to a raised

plate and thus the eaves line does not drop down lower than the existing. The new thatch is estimated to be 18 degrees shallower, with no attempt to match the pitch as permitted.

- There is approximately a 550mm discrepancy between the approved eave line and the constructed line, because of the variation in plate height.
- A pitch of 50 degrees is not considered acceptable for the long term life span of thatch as indicated in section 7 of the KDC Conservation Guidance Note, Thatching. The Association of Master Thatcher's recommend a minimum of 45 degrees over a dormer and 50-55 degrees on the main roof area. A shallow pitch will result in greater water penetration and subsequent rotting and moss infestation.
- It is highly important that a building of such character is extended sympathetically and in keeping with the locality. Permitting this application would not only be accepting a blatant flouting of the planning system but also a roof design which introduces an incongruous addition, having a detrimental impact on the character of the existing dwelling house and the wider locality as a whole.

POLICY CONSIDERATIONS

Kennet Local Plan policy PD1 is relevant to the consideration of this application.

The KDC Conservation Guidance Note, 'Thatching', is also relevant.

PLANNING OFFICER'S COMMENTS

The principal issue to be considered in this case is the acceptability in aesthetic and technical terms of the first floor extension, as built.

Aesthetic issues

It is clearly evident that the extension has not been built in accordance with the originally approved drawings with application K/52401/F. Specifically, the ridge height of the extension is slightly lower and the eaves height slightly higher, this resulting in an overall shallower roof pitch compared with that on both the approved application and the original cottage.

Judging the detailed aesthetics of development is, in most situations, a matter of personal taste. What may be pleasing to the eye for some can be alien and incongruous to others. This application is a case in point where different parties have different opinions on the acceptability of the specific design of the extension's roof – the applicant clearly has no issue with the design whereas the Parish Council and a neighbour object strongly. Those involved in the decision making process should, therefore, take care not to impose their own personal tastes, but instead should consider the wider impacts on matters such as amenity and the general character of the surrounding area.

In pure aesthetic terms it is considered that the extension as built does not, in fact, detract from the character of the wider area or from the appearance of the original house. Although the originally approved extension was perhaps more pleasing to the eye, what has been built is not so different to warrant an objection now. The extension does not dominate the original house and does not unduly stand out as an alien feature in the street scene. For these reasons it is considered that an objection based on aesthetics would in this case be difficult to sustain.

Technical issues

The pitch of the roof is shallower than is recommended in the Council's Conservation Guidance Note about thatching. The guidance recommends steep pitches to ensure that rainwater runs off the roof as quickly as possible. The only real consequence of a shallow pitch is, therefore, a requirement for more frequent re-thatching. This is unfortunate for the applicant, but is not a reason in itself for refusing planning permission.

Although the Conservation Guidance Note makes it clear that roof pitches should be steep, this is only guidance. The Note is not planning policy and so the weight that can be attached to it is limited.

Conclusion

It is unfortunate that the extension in this case has not been carried out in accordance with the originally approved drawings. It is also unfortunate that the extension has paid little regard to the Council's thatching guidance. However, on its own particular merits, the extension as built is considered to be acceptable – perhaps not as pleasing to the eye as the originally approved scheme, but not so different, or incongruous, to warrant a refusal decision now.

RECOMMENDATION

Grant planning permission, subject to the following condition

1 **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:

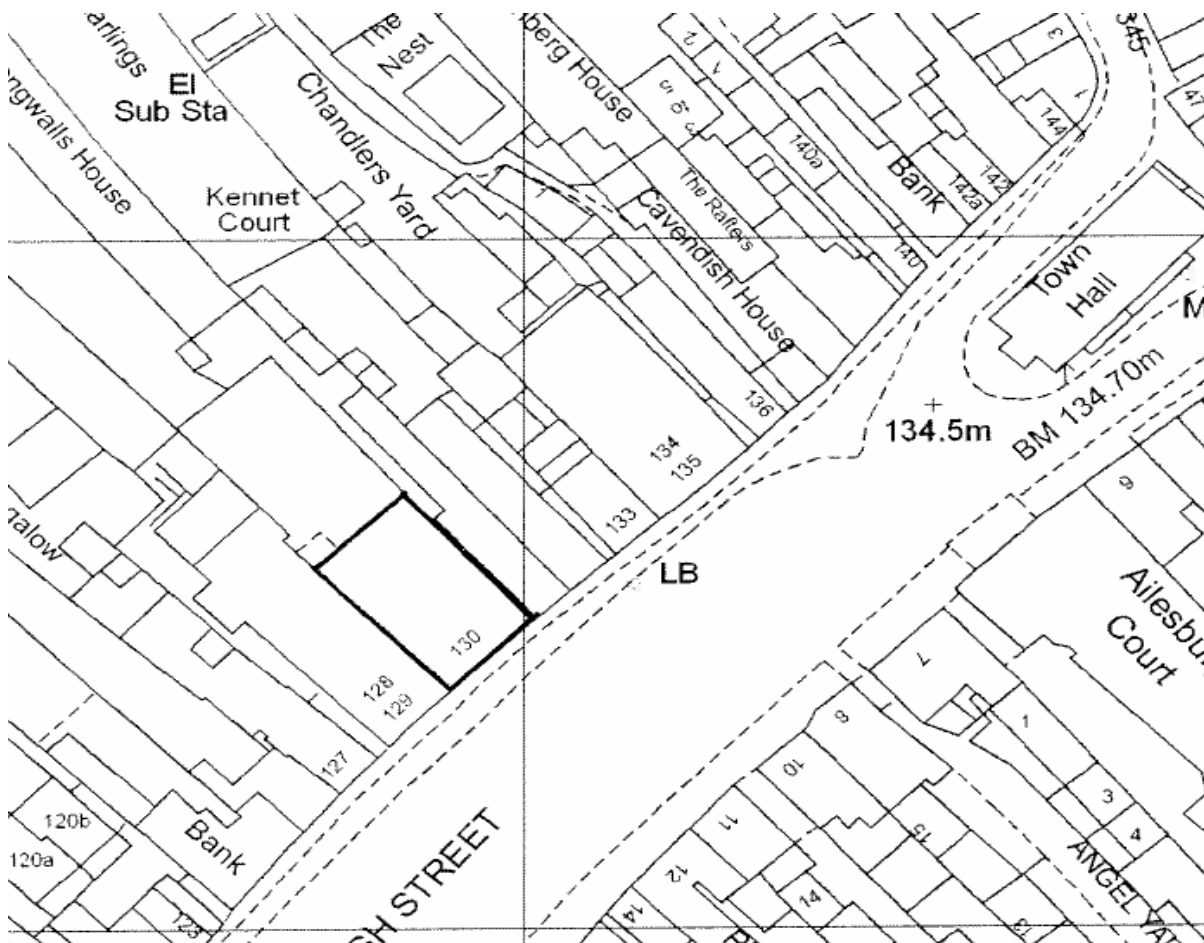
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Item 5

APPLICATION NO: K/58004/ADV
PARISH: MARLBOROUGH
APPLICATION TYPE: Advertisement Consent
PROPOSAL: Erection of 1 x non-illuminated timber panel fascia sign 5790mm x 1050mm with vinyl logo and lettering. 1 x non-illuminated timber panel projecting hanging sign 679mm x 665mm with vinyl logo and lettering to both sides.
SITE: 130 High Street Marlborough Wiltshire SN8 1LZ
GRID REF: 4187870 1691490
APPLICANT: Nationwide Building Society
AGENT: Mr A Brown
Colliers CRE
DATE REGISTERED: 15/01/2008
CASE OFFICER: Gill Salisbury

SITE LOCATION

The site is located towards the eastern end of Marlborough High Street on the northern side of the road. The property is a modern shop frontage within the designated Marlborough Conservation Area.



Site location

SITE HISTORY

K/31316 – Advertisement consent approved September 1995 for fascia panel signs and a double-sided hanging panel sign.

K/37177 – Advertisement consent was approved in June 1999 for an externally illuminated fascia sign and projecting sign.

K/35859 - Advertisement consent was approved in December 1999 for the erection of an externally illuminated fascia sign. This was revised signage from that approved under application K/37177.

K/56947/ADV – Advertisement consent was refused in August 2007 for the display of a non-illuminated fascia sign and illuminated projecting sign. This was due to concerns with the design, materials, illumination and siting of the signage which were considered to detract from the character and appearance of the Marlborough Conservation Area.

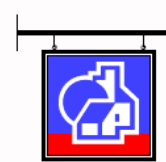
DESCRIPTION OF DEVELOPMENT

This is an advertisement consent application for the display of a panel fascia sign and projecting hanging sign. Both signs will be non-illuminated and constructed from timber panelling with applied matt vinyl letters to give the appearance of painted lettering for the company logo.

SIGN A scale 1:25



SIGN B scale 1:25



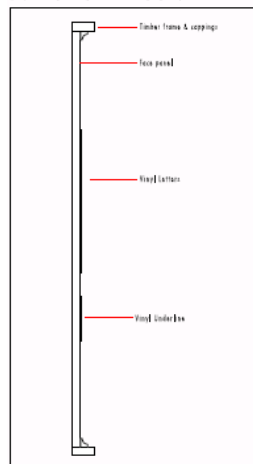
HIGH STREET ELEVATION scale 1:100



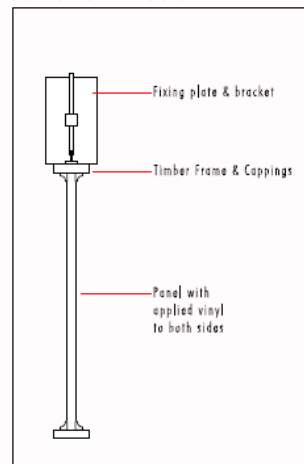
EXISTING SIGNAGE



SIGN A SECTION DRAWING scale 1:10



SIGN B SECTION DRAWING scale 1:10



PROPOSED SIGNAGE



ADDITIONAL STATEMENT BY THE APPLICANT

The signs do not pose a threat to public safety and by virtue of the non-illumination and materials chosen, would make a significant visual improvement to the building and its surroundings, when compared with the former Portman signs. These signs are proportional to and would not have a detrimental impact on the building. The proposal is therefore considered to enhance the Conservation Area and is in accordance with policy.

CONSULTATIONS

Marlborough Town Council object to this application on the grounds that the fascia boards should be hand painted in keeping with adjoining properties.

KDC Conservation Officer – No objection. The proposal will have no adverse effect on the Conservation Area.

County highways – No objection

REPRESENTATIONS

No representations had been received at the time this report was written. Any representation subsequently received will be reported verbally.

POLICY CONSIDERATIONS

The Town and Country Planning (Control of Advertisements) Regulations, 1992 specify that decisions on advertisement applications can only take into account matters of road safety and amenity.

PLANNING OFFICERS COMMENTS

This application differs from that previously refused at the site in that all illumination has been removed, the fascia board and projecting sign have been amended to timber and the size of lettering for the corporate logo has been reduced. This overcomes previous concerns and the size, design and materials now proposed are all considered appropriate.

The Town Council has raised concerns that the signage is not hand painted timber. The use of adhesive matt vinyl letters is however similar in appearance to painted timber and is a considerable improvement over the illuminated projecting plastic lettering previously seen on these premises. The design and size of the signage is acceptable and the projecting sign modest in scale and acceptably located. The proposed signage would therefore enhance the amenity of the area.

RECOMMENDATION

Grant advertisement consent, subject to the following conditions

- 1 No 01
The display of the advertisement(s) hereby approved shall be for a period of five years from the date of this consent.

REASON: To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

- No 02
Any advertisements displayed, and any site used for the display of the advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

No 03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

No 04

Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

No 05

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

No 06

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

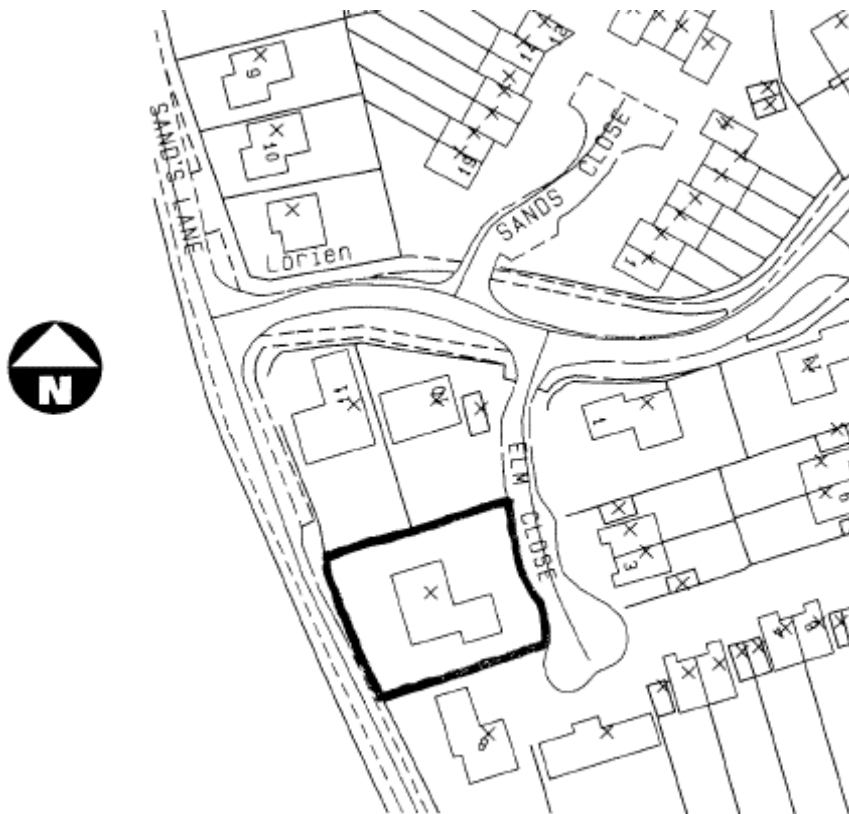
Item 6:

APPLICATION NO: K/58046/F
PARISH: ROWDE
APPLICATION TYPE: Full Planning
PROPOSAL: Single storey extension and conversion of garage to study/garden room. New double garage
SITE: 9 Elm Close Rowde Devizes Wiltshire SN10 2QP
GRID REF: 3976890 1624460
APPLICANT: Mr & Mrs Pearson
AGENT: Mr Stephen Kingshott
DATE REGISTERED: 17/01/2008
CASE OFFICER: Rachel Yeomans

This application has been called to Regulatory Committee at the request of Councillor Philip Brown.

SITE & LOCATION

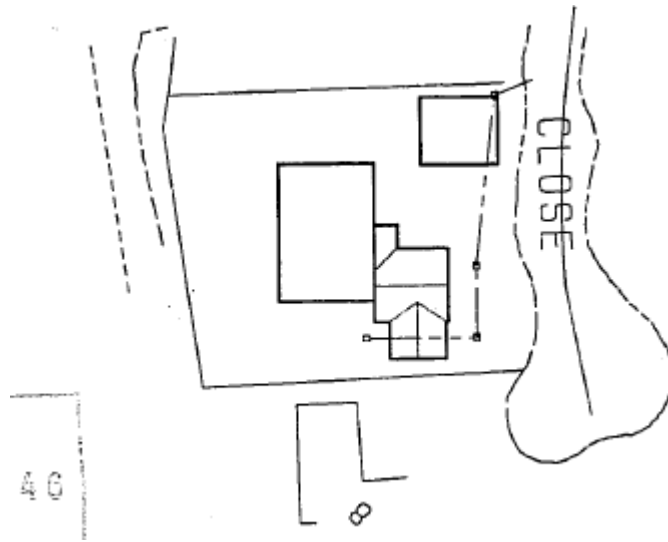
The site can be accessed by proceeding along the A342 from Devizes towards Rowde. After entering the village, continue until the sharp right hand bend and proceed straight ahead (left turn) into Cock Road. Take the first left turn into Sand's Lane, the second left into Rowde Court Road, the first right into Elm Close and the property is the first one after the corner on the right hand side. The application site is a relatively modern detached property occupying a fairly level site on a small residential cul-de-sac.



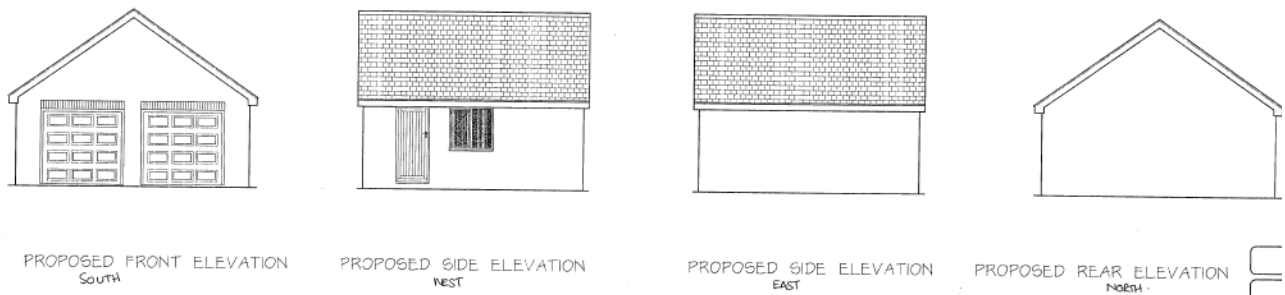
Location plan

DESCRIPTION OF DEVELOPMENT

The application proposes a single storey extension to the existing garage, conversion of the existing garage (although the conversion of the existing garage would be permitted development) and the construction of a detached double garage. The new garage would be 6.3 metres in width, 6 metres in length and 4.8 metres in height and would be located at the front of the property.



Proposed layout – new garage at top, close to the boundary with no. 10



Elevations of garage – rear elevation backs onto boundary of no. 10

PRINCIPLE AMENDMENTS

No amendments have been made to the scheme itself following submission, however the elevations of the garage have been clarified and new consultations carried out accordingly.

PARISH COUNCIL COMMENTS

Express some reservations in relation to the site becoming full of buildings and the removal of the hedge and consider it would be better to place the garage further back in the site. However, they have not raised an objection to the application.

REPRESENTATIONS:

Three letters of objection (two from the same objectors) have been received in relation to the application. The objections centre on the new garage and their comments are summarised below;

1. The proposed garage would add 25% to the footprint of the existing house (an increase of 36% including the garden room extension) and would dominate the garden of number 10, reducing light and casting shadows over the garden.
2. The garage would obscure views from number 11 and is considered too dense a development for the streetscene. The plot can already amply accommodate the parking of two cars.
3. The height of the proposed garage is excessive.
4. The proposed garage would change the nature of the layout and character of the close.
5. If planning permission is granted for the garage, a condition should be imposed requiring its use to remain incidental to the enjoyment of the dwellinghouse.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 is relevant to the consideration of this application.

PLANNING OFFICER COMMENTS

The key issues are considered to be; impact on neighbour and visual amenity.

Neighbour Amenity

The northern boundary to the application site lies nearly thirteen metres away from the rear elevation of number 10 Elm Close, and the proposed garage would be a further metre away from this boundary. The boundary is currently demarcated by a brick wall, approximately 1.6 metres in height and both number 10 and number 11 Elm Close appear to have sheds/ outbuildings close to this boundary which protrude above this wall. The eaves height of the garage is relatively low at 2.25 metres and the pitched roof would mean the ridge of the garage would be 4.8 metres high. Although the gable may result in some loss of light to the bottom of the garden of number 10, this would not be significantly harmful to the amenities of this neighbour, nor is the height considered overbearing on this neighbour. The proposal would not result in any significant harm to the amenities of the occupiers of 11, Elm Close.

The proposed single storey extension would be well screened by existing trees and fencing and is quite modest in terms of scale and height. No significant harmful to neighbour amenity would result.

Visual Amenity

The design of the garage is to match the existing garage and is considered in keeping with the style of the property and its surroundings. Although one neighbour has expressed a preference for a flat roofed garage, this would appear incongruous and would not be preferable in terms of visual amenity. The proposed garage is not considered excessively large for its context, and despite being in a relatively prominent position in this residential close, would not result in significant harm to the streetscene, nor would it be harmful from any wider context. The short stretch of conifer hedge to the front would be highly likely to be lost as a result of the proposals, and whilst its retention may help to soften the appearance of the east elevation of the garage, the hedge is of no particular merit and its retention is not considered necessary to preserve visual amenity. It is accepted that proposed garage would give a more built up appearance of this plot, however, the plot is quite wide and would retain an area of front garden and driveway suitable in the context of this residential cul-de-sac. Materials are proposed to match and no significant harm to visual amenity would result.

Similarly, the proposed extension is in keeping with the host dwelling in terms of its scale, design and context and would not result in any significant harm to neighbour amenity.

Other

The single storey extension may affect the root systems of the neighbour's conifer trees at number 8 Elm Close, however, as the trees are not of sufficient merit to warrant protection, this is a private matter and one to be resolved between the respective parties. If Members are minded to grant planning permission, it is suggested that the applicant is advised of this by way of an informative.

As planning permission would automatically be required to change the use of this garage if it became anything other than incidental to the enjoyment of the dwellinghouse, a condition to this effect is not considered necessary.

Conclusion

In view of these factors, the proposals are not considered to result in significant harm to visual or neighbour amenity so as to warrant refusal of the planning permission.

RECOMMENDATION

Grant planning permission subject to the following 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 insofar as originally submitted , except as clarified by the amended plan received on the 17th January 2008 labelling the elevations of the proposed garage.

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

REASON:

To secure harmonious architectural treatment.

- 4 **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: policy PD1.

- 5 **INFORMATIVE TO APPLICANT**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

In addition, the applicant is advised that the proposed single storey extension may affect the root systems of the neighbouring trees at number 8 Elm Close.