

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	3rd September 2008
Application Number	08/01461/FUL
Site Address	Land Adjoining 9 Ruxley Close, Wootton Bassett
Proposal	Erection of detached dwelling (Revision to 07/01409/FUL)
Applicant	Mr T. Marks
Town/Parish Council	Wootton Bassett
Grid Ref	406743E 182029N
Type of applications	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 as Councillors C. Wannell and P. Roberts have requested that the application be considered by committee.

Summary of Report

This application is for the erection of one detached dwelling on land adjoining 9 Ruxley Close in Wootton Bassett. The site lies within the settlement boundary of Wootton Bassett.

The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H3 (Residential Development within Framework Boundaries).
- Policy CF3 relating to public open space provision

Officer Recommendation

Delegate to PERMIT subject to conditions and the completion of an Agreement.

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) To ensure that a financial contribution is made towards public open space provision.

Following completion of which the Development Control Team Leader be authorised to GRANT Planning Permission.

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

This application is for the erection of one detached dwelling. The development site is currently a vacant plot located on land to the side of 9 Ruxley Close, Wootton Bassett. The site falls within the framework boundary of Wootton Bassett and is located in a predominantly residential area of the town.

The application site is between 7.5m and 4.4m wide and approximately 23m long. The site borders Morstone Road to the south, the side elevation of 9 Ruxley Close to the west, the rear garden of 8 Richards Close to the north and a public footpath to the east. The site currently accommodates a number of trees and shrubbery.

The development will involve the uprooting of three trees to allow for the erection of a detached two-storey 3 bedroom dwelling.

This application is a revised proposal. Planning permission (Ref. 07/01409/FUL) was granted by Committee in August 2007. The only difference between this application and the previous scheme is in the width of the proposed dwelling on the front elevation.

Planning History		
Application number	Proposal	Decision
07/01409/FUL	Erection of detached dwelling.	Permission

Consultations

The Town Council objects to the proposal as the application was advertised as an extension to the dwelling when the dwelling had not yet been built. This issue has been rectified and the description of the application now reads "Erection of detached dwelling". The Town Council has been re-consulted but no further comments have been received so far.

When consulted on the previous application submitted, **County Highways** raised no objections to the proposal subject to a number of conditions being attached to any permission granted.

When consulted on the previous application submitted, **Thames Water** raised no objections to the development with regards to sewerage and water infrastructure.

Representations

3 letters of objection have been received from local residents raising the following concerns:

- Cramped development
- Over-development
- Traffic and parking problems

Planning Considerations

The application site lies within the defined framework boundary for Wootton Bassett thus there is a principle in favour of development subject to the relevant criteria outlined in Policies C3 and H3 being satisfied.

Amenity:

In terms of impact on amenities, local residents did previously raise concerns relating to loss of privacy, loss of light and overlooking. The plans submitted show a blind window and an obscure glazed window on the rear elevation of the property to address any amenity impact the proposal may have on the

residents living to the rear of the site. With regards to loss of light on No. 9 Ruxley Close, the occupier previously confirmed that the affected window would be a landing window which is a non-habitable room. Moreover, the new dwelling is to be sited approximately 1.7m away from the side elevation of the adjoining property.

All windows are to be as previously approved apart from an additional window which is proposed at ground floor level on the side elevation to provide natural light into the cloakroom. This window is considered to be acceptable as it is located at ground floor level and will not lead to any overlooking or loss of privacy.

Overall, the proposed development is considered to be acceptable in terms of protecting the amenities currently enjoyed by the local residents.

Scale of Development and Impact on Streetscene

The difference between this scheme and the previously approved scheme is in the design of the front elevation of the dwelling. In order to maximise the size of the rooms, the applicant is proposing to extend the dwelling to the side in the form of a two-storey gable extension. All other elements of the application are to remain as previously approved by Members and the proposal is to be similar in appearance to the adjoining property No. 9 Ruxley Close.

Objectors are of the opinion that the proposal will lead to a cramped form of development. The block plan shows that the proposed dwelling is to be in line with the adjoining property on both the front and rear elevations. The dwelling will sit snugly into the site but the area is characterised by small properties on small plots and therefore this proposal is not considered to be out of keeping with surrounding patterns of development.

It is noted that there are three existing trees on site which will need to be uprooted. The Council's Landscape Planning Officer was consulted on the previous application submitted and raised no objection to their removal.

Highways and Access

Residents are concerned that the development will have an impact on vehicle movement and car parking in Morstone Road. The proposal does allow for two off-street car parking spaces to the front of the dwelling.

When previously consulted, County Highways were of the opinion that the proposal was acceptable in terms of off-street parking provision and access in and out of the site, subject to a number of conditions being attached to any permission granted.

With regards to the right of way running to the east of the site, local residents are concerned that the development, in terms of scaffolding etc, may restrict access to this public footpath. An informative will be attached to any permission granted making the applicant aware that consent from landowners is required should the development require access to land outside his ownership.

Recommendations and Proposed Conditions / Informatives

Delegate to PERMIT subject to conditions and the completion of an Agreement.

The applicant be invited to enter an Agreement in respect of the following matters:

(i) To ensure that a financial contribution is made towards public open space provision.

Following completion of which the Development Control Team Leader be authorised to GRANT

Planning Permission subject to the following conditions:

Conditions:

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

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

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

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

3. The materials to be used externally for the roof and walls on the proposed development shall match those of 9 Ruxley Close, Wootton Bassett in terms of type, colour, size and finish unless otherwise agreed in writing by the Local Planning Authority prior to works commencing.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and H3 of the North Wiltshire Local Plan 2011.

4. The proposed bathroom window on the rear elevation shall be in the form of a top-hung window and shall be glazed with obscure glass only, and permanently retained as such.

Reason: In order to safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C3 and H3 of the North Wiltshire Local Plan 2011.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no further windows or other form of opening, other than those shown on the approved plans, shall be introduced into the elevations of the dwelling hereby permitted.

Reason: In order to safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C3 and H3 of the North Wiltshire Local Plan 2011.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the Local Planning Authority to consider individually whether planning permission should be granted for extensions and external alterations.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of residential amenity and to comply with Policies C3 and H3 of the North Wiltshire Local Plan 2011.

8. The area allocated for parking on the submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety and to comply with Policy C3 and H3 of the North Wiltshire

Local Plan (2011).

9. The dwelling hereby approved shall not be occupied until a properly consolidated and surfaced access (not loose stone or gravel) has been constructed, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to comply with Policy C3 and H3 of the North Wiltshire Local Plan (2011).

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to comply with Policy C3 and H3 of the North Wiltshire Local Plan (2011).

11. The development hereby approved shall not begin until details of all walls, fences, gates and other means of enclosure have been submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and H3 of the North Wiltshire Local Plan (2011).

Informatives:

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

- Site location plan date stamped 13th June 2008.
- Block plan date stamped 1st August 2008.
- Drawing number 959.1 date stamped 1st August 2008.
- Block plan showing off-street car parking spaces date stamped 12th August 2008.

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

North Wiltshire Local Plan 2011:- C3, H3, CF3

3. The applicant's attention is drawn to the content of the letter from Wessex Water dated 18th June 2007.

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

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

5. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact The Director of Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wilts, BA14 8JD.

Reason for Decision

The proposed residential development, by virtue of its siting, scale and design will not be harmful to the character and appearance of the streetscene, will not be detrimental to the amenities of adjoining occupiers and is acceptable in terms of highway safety. On this basis, the proposal accords with Policies C3 and H3 of the North Wiltshire Local Plan (2011).

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 2.24, 4.02, 4.04, 4.07