

**REPORT TO THE DEVELOPMENT CONTROL  
COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>28<sup>th</sup> January 2009</b>
<b>Application Number</b>	<b>08/02394/FUL</b>
<b>Site Address</b>	<b>11 Ladds Lane, Chippenham</b>
<b>Proposal</b>	<b>Erection of detached dwelling and off-street car parking to rear of 11 Ladds Lane</b>
<b>Applicant</b>	<b>Mr A. Trott</b>
<b>Town/Parish Council</b>	<b>Chippenham</b>
<b>Grid Ref</b>	<b>392357 173021</b>
<b>Type of applications</b>	<b>Full application</b>

**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 8<sup>th</sup> April 2002 because more than five letters of objection have been received.

**Summary of Report**

This application is for the erection of one dwelling and the provision of off-street car parking on land to the rear of 11 Ladds Lane in Chippenham. The site lies within the settlement boundary of the town of Chippenham and is boarded by residential properties on all four boundaries. The proposal has been the subject of pre-application discussions and has been revised following concerns raised by Officers.

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).
- Implications on Policy HE1 and HE4 which considers developments in the Conservation Area and those affecting the setting of Listed Buildings.
- Policy CF3 (Provision of Open Space).

**Officer Recommendation**

Permission be GRANTED subject to conditions.

The applicant has signed an Agreement on 15<sup>th</sup> December 2008 to ensure that a financial contribution is made towards public open space provision.

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

The development site is located to the south of Chippenham town centre in a quiet residential street which forms part of the Chippenham Conservation Area and lies within the framework boundary of the town. The site is located in a predominantly residential area of the town which is characterised by a mixture of dwelling styles and sizes, constructed in various designs and materials.

This application is for the erection of one dwelling and the provision of off-street car parking on land which currently forms part of the residential curtilage of 11 Ladds Lane in Chippenham. The existing property has a double frontage with the garden fronting onto Ladds Lane and the house fronting onto The Butts.

The plans show that the application site is approximately 20m long and between 9m and 11m wide and that the new dwelling is to front onto Ladds Lane, with the rear elevation fronting onto the rear elevation of 11 Ladds Lane (which fronts onto the Butts).

The drawings show that the new dwelling is to be modern in appearance and has been specifically designed to ensure that it has no detrimental impact on the amenities of surrounding residents. A kitchen/dining area, utility room and living room are to be provided at ground floor level, with two bedrooms and a bathroom proposed on the first floor and a further bedroom and bathroom provided within the roof space. The plans also show off-street car parking for two vehicles to the front of the property.

Planning History		
Application number	Proposal	Decision
07/00430/FUL	Erection of two-storey side extension, single storey rear extension and rear dormer and creation of off-street car parking	Permitted

## Consultations

**The Town Council** objects to the proposal for the following reasons:

- Over-development
- Out of keeping with the Conservation Area

**County Highways** have raised no objections to the proposal subject to conditions being attached to any permission granted.

The **Regeneration Officer** has advised that this proposal would incur a fee of £6,100 to contribute towards public open space provision.

## Representations

13 letters of objection have been received raising the following concerns:

- Materials are out of keeping
- Impact on highway safety
- Height
- Design
- Massing
- Impact on Listed Building
- Development does not respect existing building lines
- Boundary wall has been partially demolished
- Over-development
- Loss of light / over-shadowing due to land levels and height of dwelling
- Inappropriate infill within the Conservation Area
- Loss of views
- Loss of privacy/overlooking
- Value of adjoining properties will drop

The Chippenham Civic Society has also objected to the proposed development for the following reasons:

- Materials and scale of development are out of keeping
- Unsympathetic development

## Planning Considerations

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

The front, side and rear elevations of the property are to incorporate a number of doors and windows, whilst the roof is to be a mansard roof to match 11 Ladds Lane.

### Amenity:

In terms of impact on amenities, local residents are concerned that the development will lead to loss of light/over-shadowing, loss of views and loss of privacy/overlooking.

These concerns have been taken into consideration and the design of the dwelling amended accordingly at pre-application stage. A distance of 20m has been retained from first floor windows between the existing dwelling at 11 Ladds Lane and the proposed dwelling. The windows on the adjoining properties will be overlooking either the rear garden of 11 Ladds Lane or the front garden of the new dwelling. This is an existing arrangement which is not considered to affect the amenities of existing residents. A condition requesting that the windows on the side elevation overlooking the garden of 45 The Butts be obscure glazed shall be attached to any permission granted.

The development will be away from any windows, with the adjoining dwellings orientated in such a way that the proposal is unlikely to lead to any loss of light/overshadowing. There is a potential that the garden of 45 The Butts may be affected by some overshadowing at the very end of the day.

Overall, the proposed development is not considered to be detrimental to the amenities currently enjoyed by the local residents by reason of the siting and scale of the proposed dwelling and is therefore in accordance with Policies C3 and H3 of the North Wiltshire Local Plan (2011).

## Scale of Development, Impact on Streetscene and Conservation Area

Discussions about the general design of the proposed dwelling have taken place at pre-application stage and has been designed to look similar to 11 Ladds Lane in terms of the mansard roof.

The dwelling has been set back from the road, but not significantly so as to have an adverse impact on the character of Ladds Lane and will, in addition, allow for the provision of two off-street car parking spaces to be created in the front garden of the property.

The height of the dwelling has been considered and on the basis that it is to be no higher than existing properties in the street, despite the differences in land levels, the proposal is considered to sit comfortably in the streetscene. In terms of design, the proposed dwelling is to be similar to 11 Ladds Lane. It was considered that a modern dwelling in this location would be acceptable on the basis that there is no strict pattern of development. The area is characterised by a mixture of dwelling styles and sizes, constructed at various times and of various designs and materials.

Local residents have objected to the proposal on the grounds of over-development and impact on the adjoining Listed Building and feel that the proposed development is an inappropriate infill within the Conservation Area. These objections have been taken into consideration when considering this application however, this is an ideal infill site in a town centre, close to transport nodes and local amenities. In terms of the impact on the Conservation Area and the adjoining Listed Building, it is considered that by virtue of the siting of the new house and the fact that the dwelling is to be lowered into the ground, it will preserve and enhance the local area.

## Highways and Access

Residents are concerned that the development will affect the safety of drivers and pedestrians along Ladds Lane. These concerns have been taken into consideration when determining the application.

It is considered that an additional dwelling in this road is unlikely to be detrimental to highway safety. Vehicles will be reversing onto Ladds Lane but vehicles are unlikely to be going fast in this narrow residential cul-de-sac.

On this basis, County Highways support the proposal subject to a number of conditions being attached to any permission granted.

## **Conclusion**

It is considered that the proposed residential development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of this part of the Chippenham Conservation Area, will have no significant adverse impact on the amenities of adjoining occupiers and is acceptable in terms of highway safety. On this basis, the proposal accords with Policies C3, H3, HE1 and HE4 of the North Wiltshire Local Plan (2011).

## Recommendations and Proposed Conditions / Informatives

Planning Permission be **GRANTED** subject to the following conditions:

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

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

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

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

3. Notwithstanding the information shown on the plans/application forms, no development shall take place until details of materials to be used externally (including any boundary wall) have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan 2011.

4. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (1) Walls, fences, gates and other means of enclosure;
- (2) Ground surfacing materials;
- (3) Finished floor levels of all buildings;
- (4) Finished levels across the site.

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

All the above items shall be completed prior to the occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

5. On first being glazed and at all times thereafter, the proposed windows to bedroom 3 and the master bedroom (on the side elevation only) shall be glazed with obscure glass only.

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

6. Prior to the dwelling first being occupied, the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

7. The gradient of the access for the first 4.5m shall not exceed 1 in 15.

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

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the carriageway, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be carried out in accordance with the details so approved.

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

9. 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 interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

10. 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.

11. 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 above ground floor level shall be introduced into the elevations of the dwellings hereby permitted.

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

12. 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.

### **Informatives:**

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

- Drawing number P001, P002, P003, P004, P005, P006 and S02 received by the local planning authority 17<sup>th</sup> October 2008.

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

North Wiltshire Local Plan 2011:- C3, H3, HE1, HE4 and CF3

3. 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.

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 your own independent advice with regard to the requirements of the Party Wall Act, 1996.

5. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

6. The applicant's attention is drawn to the contents of the attached letter from Wessex Water dated 28<sup>th</sup> October 2008.

**Reason for Decision:**

It is considered that the proposed residential development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of this part of the Chippenham Conservation Area, will have no significant adverse impact on the amenities of adjoining occupiers and is acceptable in terms of highway safety. On this basis, the proposal accords with Policies C3, H3, HE1 and HE4 of the North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<ul style="list-style-type: none"><li>• <b>None</b></li></ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>• <b>1.20</b></li><li>• <b>2.02</b></li><li>• <b>4.02</b></li><li>• <b>4.04</b></li><li>• <b>4.05</b></li><li>• <b>4.07</b></li></ul>