

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	25th February 2009
Application Number	08/02639/FUL
Site Address	87 Oxford Road, Calne, Wilts. SN11 8AQ
Proposal	Demolition of Existing Garage, Erection of New Dwelling and Replacement Garage. (Resubmission Of 07/03321/FUL)
Applicant	Mr S Iles
Town/Parish Council	Calne
Grid Ref	406052 171455
Type of application	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

This application proposes the erection of a single residential unit within the rear garden of 87 Oxford Road, Calne, which is a Grade II listed building. The scheme also includes the erection of a double garage sited to the north of no. 87 in the same location as the existing garage. The site lies within the settlement boundary of Calne. The key points to consider are as follows:

- Implications on Development Control Core Policies C3, HE4, H3 and CF2
- Design and scale of the development
- Impact on the setting of the Grade II listed building
- Impact on traffic and parking in the local area
- Impact on the residential amenity of neighbours
- Impact on wildlife

Officer Recommendation

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

- (i) Public Open Space contribution

following completion of which the Development Control Manager be authorised to GRANT Planning Permission.

Contact Officer	C Moorfield	01249 706686	cmoorfield@northwilts.gov.uk
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Proposal and Site Description

The site is located on the east side of Calne town centre adjacent to Oxford Road, which is one of the arterial roads into Calne.

87 Oxford Road is a Grade II listed building. It is a detached villa type property constructed around the end of the last century. Access to the property is from Oxford Road. At present there is a garage on the site which appears to have been built some years ago but not at the same time as the house. To the rear/side of no. 87 is a large garden area, which is 'L' shaped. The garden extends to the rear of no. 87 and also to the rear of nos. 85 and 83 Oxford Road. The garden area is overgrown and the Listed property has not been well maintained for some years.

The proposal is for a detached residential unit to be sited at the rear of nos. 83 and 85 Oxford Road. The proposed new unit has two bedrooms. The footprint of the building is approximately 52m². The maximum height of the building is 6.5m. The two bedrooms are at first floor level and four roof lights on the northwest roof slope light them. Two roof lights on the southeast roof slope light the staircase and bathroom.

Access to the dwelling is via a footpath, which runs to the southwest of the main house adjacent to the boundary with no. 85 Oxford Road. Parking is provided in the new garage at no. 87.

To the north of no. 87 the replacement double garage is to be constructed this has a footprint of 33m² and a maximum height of 4.3 m.

Planning History		
Application number	Proposal	Decision
07/03321/FUL	Demolition of garage and erection of 3 residential units	Withdrawn

Consultations

Calne Town Council object to the proposal as it is contrary to policies HE4 and C3 of the North Wiltshire Local Plan 2011.

Wiltshire County Council Highways have no objections.

District Ecologist has commented that an ecological survey is not required, but that it would be appropriate for an informative to be attached to any consent to ensure due care and attention is used when the site is cleared.

Representations

10 letters have been received objecting to this proposal on the following grounds:

- The red edging is incorrect **(In respect of this comment it should be noted that an amended plan was submitted indicating the whole site outlined in red)**
- The distance between the proposal and neighbours is too small
- Building too high with windows at first floor level
- Loss of amenity to neighbours, overbearing impact and loss of light
- Views blocked **(Not a matter that would restrict development of this site)**
- Noise disruption
- Design scale inappropriate for area and in relation to the Listed Building
- Inadequate parking impact on traffic safety
- Alleyway access inappropriate and dangerous
- No need for housing
- Drainage implications
- No access for fire engines emergency vehicles
- Wildlife

Planning Considerations

Principle of Development

The principle of a dwelling on this site is acceptable as the site is within the settlement boundary of Calne. Therefore this scheme complies with policy H3. However the impact on the setting of the Listed Building and residential amenities of neighbouring properties are fundamental considerations and are covered below.

Impact on the Listed Building

The removal of the existing garage and its replacement with a well designed double garage is seen to enhance the setting of this Listed Building. The area immediately to the rear of the listed house is to be retained as garden area in association with the listed dwelling. It is proposed that a wall will be built to divide the proposed residential plot from the garden of no. 87. It is not considered that the accessway to the southwest of no. 87 should have a detrimental impact on the character and appearance of the listed building providing it is bounded in a sympathetic manner. This to be the subject of a condition.

The proposed unit is modest in scale. Its design has been kept simple to reflect the character of an outbuilding subservient to the main house.

The new unit sits to the south of the main house around the elbow of this 'L' shaped plot. It is therefore, not readily visible from the rear windows of the main house. The unusual shape of the plot lends itself to subdivision without detracting from the space and garden area available in association with the Listed Building.

The development will not detract from the setting of the listed building.

The replacement garage is seen to positively enhance the setting of the Listed Building as the building is simple in its appearance but is designed to reflect the character and appearance of the listed house. The proposed dwelling and garage are therefore seen to comply with policies HE4 and H8 of the local plan

Impact on Amenity

The building, which is a maximum of 6.5m high only, has rooflights at first floor level. There are 4 rooflights on the roof slope facing the properties in Bryans Close. The new dwelling is set 1m from the south western boundary, which is the rear boundary of no. 85 Oxford Road. There are two rooflights on this roof slope and these serve the bathroom and landing, It is not considered, therefore, that these windows would have a detrimental impact on its neighbour due to overlooking and loss of privacy. No. 85 Oxford Road has a garden length of 15m approximately and therefore the siting of this dwelling at the north western end of the garden is not considered to impact on the light enjoyed by residents on this side of the development. The dwelling, which is 6.5m high, is not considered to have an overbearing impact on the gardens of the adjacent neighbours. The neighbours to the northwest are a minimum of 19m from the dwelling and therefore loss of privacy is not considered an issue from either the rooflights of the windows at ground floor level.

Design and Scale of Development

The design of the proposed unit is considered appropriate for this site given the close proximity of both the Listed Building and the adjacent residential properties. The building is modest in scale and lighting to the first floor has been provided by rooflights to reduce the possibility of overlooking adjacent properties. The design of the unit is simple resembling an out house to the main dwelling. It is considered essential that any consent granted be the subject to a condition requiring materials to be agreed to ensure that appropriate traditional materials are used. The proposal is therefore seen to comply with policy C3 of the local plan.

Highways and Access

There is no vehicular access to the new dwelling. Parking and garaging is provided adjacent to the listed building in the proposed new garage. Therefore, the access to the site is existing.

Wiltshire County Highways have not raised any issues in relation to this proposal. It would be preferred if the vehicles could turn within the site but is not considered that such a requirement would be insisted upon.

The level of parking and facilities are in accordance with the council's policies as contained within the local plan. A garage and parking space is provided for the new unit and for the existing house.

Wiltshire County Highways have raised no objection to the car parking facilities. It is considered appropriate for a condition to be attached which requires the parking to be provided prior to occupation of the dwelling.

Section 106 Contribution

This application needs to be the subject of a Section 106 agreement in respect of its contribution to Public Open Space.

Other Matters

Inevitably there will be some noise disturbance during the construction period. However, it is not considered that this unit would necessarily generate further noise disturbance than exists given the proximity of other residential units in this locality.

The District Ecologist has commented that an ecological survey is not required but that it would be appropriate for an informative to be attached to any consent to ensure due care and attention is used when the site is cleared.

Recommendation and Proposed Conditions/Informatives

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

- (i) Public Open Space contribution

following completion of which the Development Control Manager be authorised to GRANT Planning Permission subject to and including 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 plans submitted and prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

4. No development shall commence until details of the following matters (in respect of which approval is

expressly reserved) have been 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;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.

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

Items 1 to 6 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

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) 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.

6. Prior to the use or occupation of the development hereby permitted, details of the layout and construction of areas for the parking of vehicles and means of access thereto shall be submitted to, and approved in writing by, the local planning authority. Such areas shall thereafter be kept available for the parking of vehicles and access thereto at all times.

Reason: In the interests of highway safety and convenient access.

7. The garages hereby permitted shall be used wholly in conjunction with and ancillary to the use of no.87 Oxford Road and the single dwelling hereby permitted and not for any commercial, industrial or business purposes.

Reason: In the interests of residential amenity and highway safety.

8. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed bathroom window on the south eastern roof elevation shall be glazed with obscure glass only.

Reason: In the interests of residential amenity.

Informatives

1. This permission does not include Listed Building Consent which is required for any demolition, partial demolition, alteration (including internal works) or extension (including the addition of signs of all types) which would affect the character of the listed building in any way and works should not commence until such Consent is obtained. Failure to do so is an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. 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.

Plan References

Site location plan date stamped 14/01/09; LPC08.1847.04/03/01 and Design and Access Statement date stamped 21/11/08

3. The site may be a potential habitat for reptile. The District Ecologist has advised that any clearance of the site is carried out with due care and attention in order not to harm any protected species. Vegetation should be cut or 'strimmed' down to within a few centimetres of the ground during the winter months and then left as such for several days prior to a further cut or 'strim' as close to ground level as possible. All cuttings should be carefully removed from the site and the grass maintained short thereafter. For further advice please contact the District Ecologist at Wiltshire County Council on 01225 713303.

Reason for Decision

This scheme is seen to be acceptable in terms of the use of the site, the design and scale of the new dwelling and its relationship to the adjacent listed building as well as to the surrounding residential properties. The proposal complies with policies C3, H3 and CF2 of the North Wiltshire Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20; 1.10; 1.03; 2.02; 2.34; 4.02; 4.04