

**REPORT TO THE DEVELOPMENT CONTROL COMMITTEE**      Report No.

<b>Date of Meeting</b>	<b>25<sup>th</sup> February 2009</b>
<b>Application Number</b>	<b>08/02706/FUL</b>
<b>Site Address</b>	<b>Land Adjoining 9 Ruxley Close, Wootton Bassett</b>
<b>Proposal</b>	<b>Erection of building to provide two flats</b>
<b>Applicant</b>	<b>Mr T. Marks</b>
<b>Town/Parish Council</b>	<b>Wootton Bassett</b>
<b>Grid Ref</b>	<b>406749    182033N</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 a building to provide two flats 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**

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 Manager be authorised to GRANT Planning Permission.

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## Proposal and Site Description

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 felling of three trees to allow for the erection of a detached two-storey building.

Planning permission (Ref. 08/01461/FUL) for the erection of a detached dwelling was granted by Committee Members in September 2008. The only difference between this application and the previous scheme is that the building is to accommodate two flats rather than being a three bed house. Externally, the building is to remain as previously approved apart from an additional window on the side elevation.

Planning History		
Application number	Proposal	Decision
07/01409/FUL	Erection of detached dwelling.	Permission
08/01461/FUL	Erection of detached dwelling (revision to 07/01409/FUL)	Permission

## Consultations

**The Town Council** objects to the proposal as they are of the opinion that the proposed development does not respect the character and distinctiveness of the area with regards to design, size, scale, density and massing, in accordance with Policy C3 (i, iii and vii) of the North Wiltshire Local Plan.

**County Highways** would accept a provision of two parking spaces to serve the two 1-bed flats in this location. As such, Highway Officers raise no objections to the proposal subject to a number of conditions being attached to any permission granted.

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

## Representations

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

- Over-development
- Traffic and parking/pedestrian problems
- Flood risk
- Loss of privacy
- Lack of cycle storage/recycling facilities

## Planning Considerations

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

### Amenity:

In terms of impact on residential amenities, this application remains as previously approved. The applicant is not proposing any external alterations (apart from an additional window on the side elevation), just internal works for the building to be converted to two flats rather than a three-bed dwelling.

When previously considered, local residents did 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 is 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 first floor level on the side elevation to provide natural light into the lounge. This window is considered to be acceptable as it is located on the side elevation and will not lead to any detrimental 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 by reason of the design, 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 and Impact on Streetscene

On the basis that the current proposal does not propose to alter the external appearance of the approved property (apart from an additional window on the side elevation), it would be difficult to argue now that the proposal would have an adverse impact on the character and appearance of the streetscene.

Previously, objectors were of the opinion that the proposal would 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 removed. The Council's Landscape Planning Officer was consulted on the previous applications 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 one off-street car parking space to the front of the dwelling for each of the proposed flats.

County Highways take the view that in this particular location, the provision of one off-street car parking space for each of the one-bed flats proposed is acceptable, 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.

## **Conclusion**

The proposed 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).

## **Recommendations and Proposed Conditions / Informatives**

Delegate to GRANT Planning Permission subject to conditions, including the following, and the completion of an Agreement.

### **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. On first being glazed and at all times thereafter, the proposed window on the rear elevation at first floor level and shown on the approved plans as serving a kitchen shall be in the form of a top-hung window and 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 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, at all times, 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. Prior to the flats hereby approved first being occupied, the parking spaces 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 prior to works commencing on site.

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.

Plan References

Site location plan, block plan and drawing number 1000.1 date stamped 2<sup>nd</sup> December 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 18<sup>th</sup> 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.

6. 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.

### **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).

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 2.24; 4.02; 4.04; 4.07; 5.01; 5.03</b>