

**Wiltshire Council
East Area Planning Committee**

**May 28th 2009
List of Applications for Consideration**

1. K/59723/F (page 2)

Full planning application for: Demolition of existing dwelling and erection of five 'general market' and three affordable homes

At: 'Fortlands', Forest Hill, GREAT BEDWYN, SN8 3LF

RECOMMENDATION: Defer and Delegate to Area Development Manager to grant full planning permission following the completion of a legal agreement.

2. E/09/0159/FUL (page 13)

Full application for: Demolition of existing house and erection of replacement dwelling

At: Copsewood, Low Road, LITTLE CHEVERELL, SN10 4JZ

RECOMMENDATION: Refuse planning permission

3. E/09/0160/CAC (page 21)

Conservation area consent application for: Demolition of existing house and erection of replacement dwelling

At: Copsewood, Low Road, LITTLE CHEVERELL, SN10 4JZ

RECOMMENDATION: Refuse conservation area consent

4. E/09/0396/FUL (page 26)

Full planning application for: Erection of five lock-up garages

At: Land at St Johns Close, Cross Lane, MARLBOROUGH

RECOMMENDATION: Grant planning permission

5. E/09/0255/FUL (page 32)

Full planning application for: Proposed replacement 1.5 storey family dwelling

At: 'Melrose', MILDENHALL, Marlborough, SN8 2LP

RECOMMENDATION: Grant planning permission

6. E/09/0426/FUL (Page 39)

Full planning application for: Change of use of an annexed section of land and for an amendment to an approved plan for a pool and pool house

At: Manor Farm, WEDHAMPTON, SN10 3QE

RECOMMENDATION: Grant planning permission

REPORT TO THE EAST AREA PLANNING COMMITTEE		Report No. 1
Date of Meeting	28/05/2009	
Application Number	K/59723/F	
Site Address	Fortlands, Forest Hill, Great Bedwyn, Marlborough, Wilts, SN8 3LF	
Proposal	Demolition of existing dwelling and erection of five "general market" and three "affordable" homes	
Applicant	Mrs Rosemary Cummins	
Town/Parish Council	GREAT BEDWYN	
Grid Ref	427651 164686	
Type of application	Full Planning	
Case Officer	Andrew Guest	

Reason for the application being considered by the Committee

The application has generated considerable local interest. The applicant was formerly a Member of Kennet District Council.

Purpose of Report

To consider the recommendation that the application be approved, subject to the prior completion of a legal agreement covering affordable housing and an off-site recreation contribution.

Report Summary

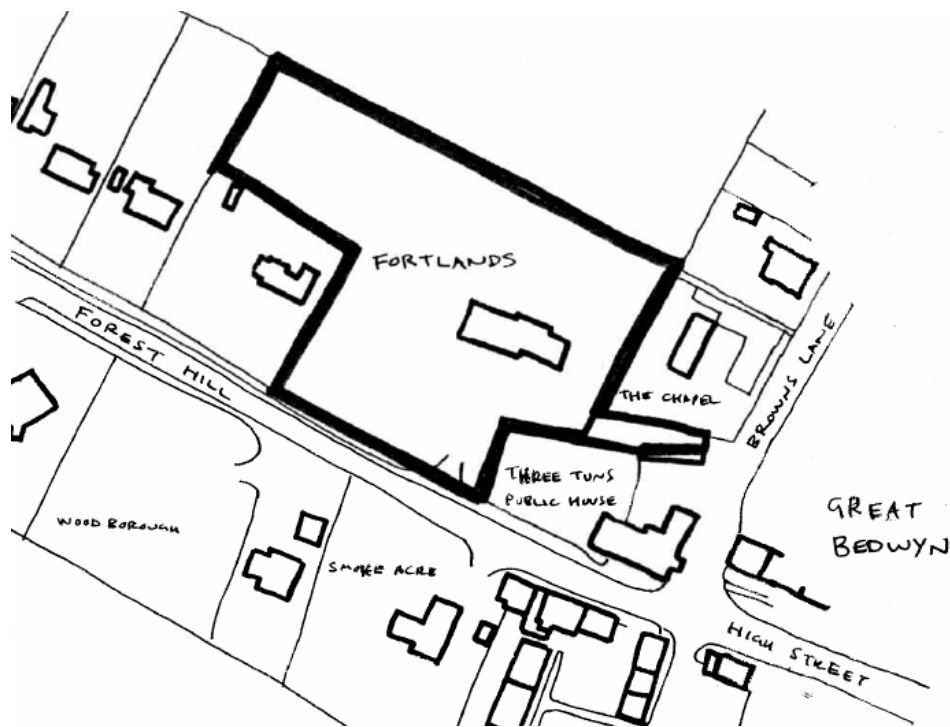
The main issues to consider are -

- * Whether or not the proposal is in accordance with the policies of the development plan relating to residential development;
- * The impact of the specific proposal on the Great Bedwyn Conservation Area and the Area of Outstanding Natural Beauty;
- * The impact of the proposal on protected trees;
- * Highway safety;
- * Ecology;
- * Affordable housing;
- * Recreation provision;
- * Visual and residential amenity.

Site Description

The application site lies on the west side of Great Bedwyn with frontage to Forest Hill. The site presently supports a single large detached house and its gardens which extend to approximately 0.5 hectares (1.3 acres). In addition to fronting Forest Hill the site also extends behind the neighbouring house to the west, ('Little Chase'), and in part behind the neighbouring property to the east, The Three Tuns PH. The gardens are partly laid to lawns, and partly planted with mature trees. Ground levels rise away from Forest Hill, although levelling out at the rear of the site.

The front boundary with Forest Hill is defined by hedgerows with trees and/or mature shrubs behind. These largely screen the existing house from views from Forest Hill. The boundary with 'Little Chase' is defined by a close-boarded fence at the side and very tall fir trees to the rear. Further evergreen planting defines the boundary with no. 4 Forest Hill (also to the west) and The Chapel (to the east). A gappy line of fir trees define the boundary with The Three Tuns PH. The boundary with open countryside to the rear is defined by an open post and wire fence.



Location Plan

Forest Hill is characterised by mainly larger houses positioned within mature and treed gardens. Fortlands lies at the very eastern end of this character area, adjacent to the more built-up and historic core of Great Bedwyn. To the south-east of the site (opposite the public house) is Foxbury Place, a relatively recent higher density residential development.

The application site lies within the Limits of Development of Great Bedwyn. It also lies within the recently enlarged Great Bedwyn Conservation Area and the Area of Outstanding Natural Beauty. The site is partly subject to an area tree preservation order affecting a central strip of woodland.

Relevant Planning History

K/57334/O - Demolition of existing house and erection of five 'general market' and four 'affordable' homes - withdrawn 30/10/07

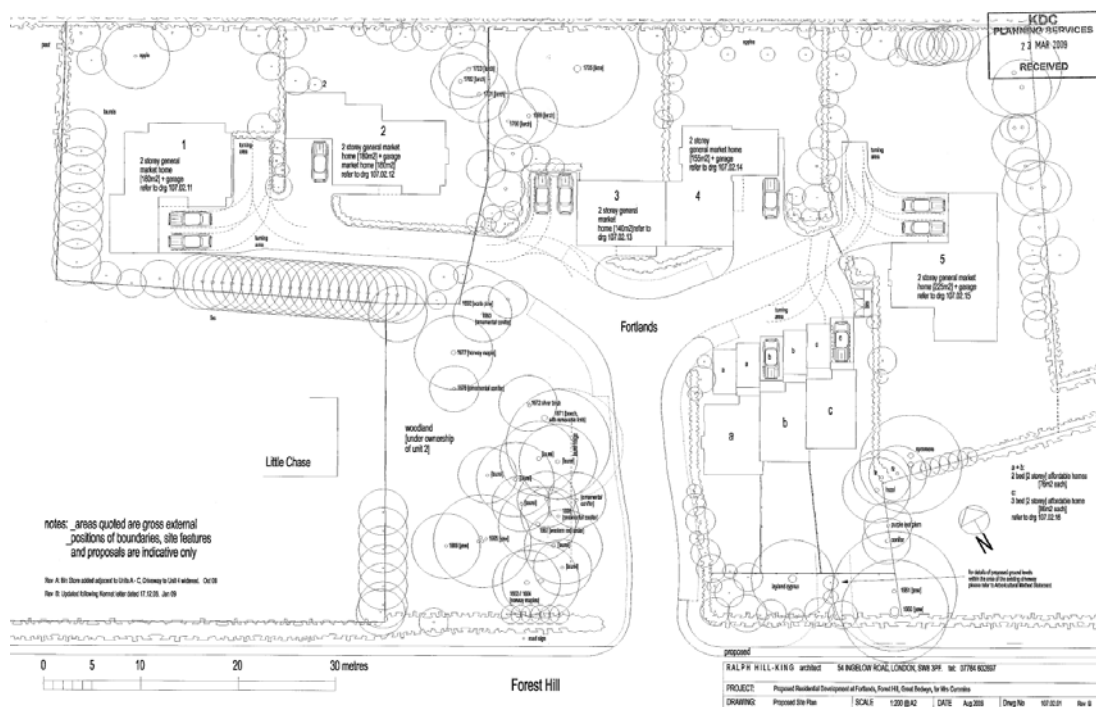
K/34276/R – Construction of house, garage and access (linked to application below) – approved 12/06/97 (not implemented)

K/30697/O – Construction of one house, garage and access (renewal of K/18427/O) – approved 24/11/94

K/18427/O – Construction of one house, garage and access – approved 13/02/92

Proposal

The proposal is to demolish the existing house and erect eight new houses. These would comprise five open market houses (3 x detached and 2 x semi-detached) and three affordable houses (3 x terraced). To access the houses a new estate road would be constructed slightly to the west of the existing driveway (the existing driveway would then be permanently closed).



Layout Plan

The five open market houses (units 1 to 5) would be sited at the rear of the site, including two on the land behind Little Chase (units 1 and 2). The three affordable houses (unit's a to c) would be positioned on the east side of the new estate road. These houses would have their rear gardens facing Forest Hill. All houses would be two storey and of traditional design.

No development would take place in the area of woodland the subject of the preservation order other than part of the access drive to units 1 and 2. An 8m wide screen margin would be retained between the rear boundary of unit's a to c and Forest Hill; the existing front boundary hedge would be replaced in part to enable visibility splays.

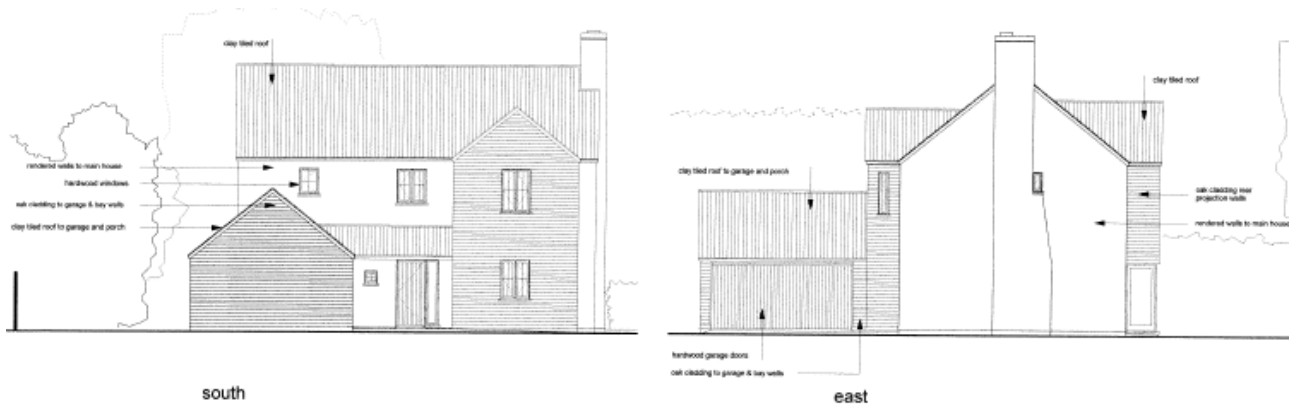
The pavement to the south-east of the site (that is, at the junction with Browns Lane) would be slightly widened for approximately 20m (this improving this junction and reducing the extent of hedge removal).

A separate application for conservation area consent has also been made for the demolition of the existing house. This will be decided in due course under the scheme of delegation with due regard to the Committee's decision on the planning application.

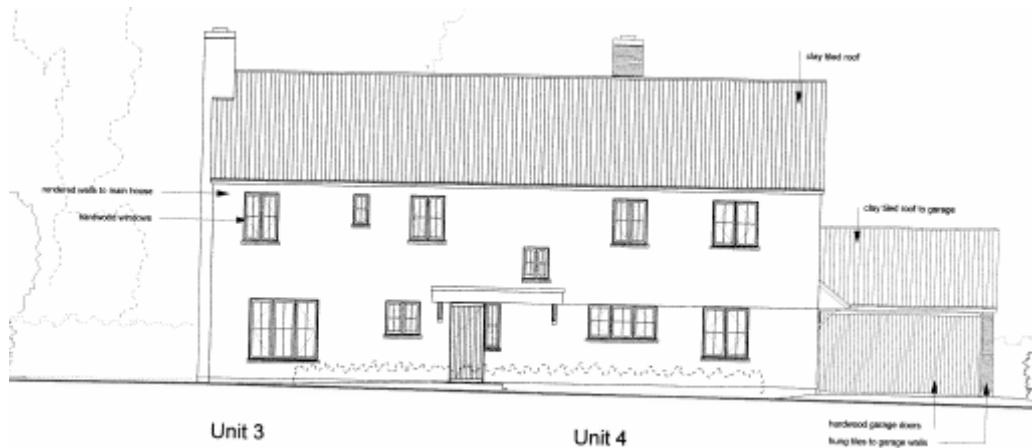
Planning Policy

Kennet Local Plan 2011 – Policies PD1, HC6, HC22, HC35, NR7

Central Government planning policy – PPS1, PPS3, PPS7, PPG15



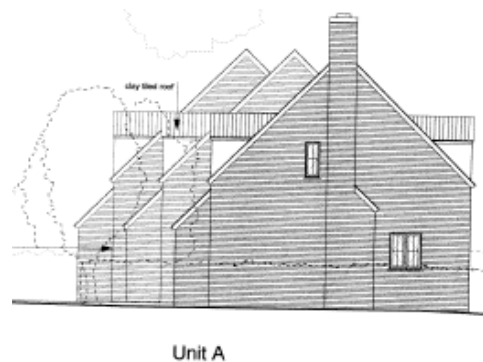
Unit 1 – Front & Side Elevations



Units 3 and 4 – Front Elevation



Unit A – Side Elevation



Units a – c – Rear Elevations

Consultations

Great Bedwyn Parish Council: The mixture of materials is unsympathetic to the local vernacular architecture (refer to VDS). The oak cladding on the main structure is particularly inappropriate and the rendered walls unsuitable in this setting. The PC would prefer to see brick elevations with good quality wire cut bricks, white windows and barge boards with some brickwork detail as in Granary Road and Bolland Close. Unit's a to c should have equal sized dormer windows.

Highways: Final views awaited.

Landscape & Countryside Officer: The amended scheme has taken account of concerns raised previously. The soft landscape scheme is as discussed in detail with the arboricultural consultant. However, details of tree works, trees to be retained and tree protection measures is missing. Also hard landscaping details are still required.

Conservation Officer: The site is now included within the recently extended Great Bedwyn Conservation Area and the primary consideration from a conservation standpoint is the requirement on the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The existing dwelling is an unexceptional modern building which makes limited reference to its local context. Its contribution to the character and appearance of the conservation area is neutral and there can be no objection in principle to its demolition. The well-wooded plot, however, contributes to the sylvan character of this part of the conservation area and is identified in within the conservation area appraisal as being important to preserve.

Whilst the proposed development in depth on the site is not entirely characteristic in this context, the tree cover at the site frontage will limit visibility from the street and, provided that this can be maintained, the impact on the conservation area as a whole should be largely neutral.

Drainage Engineer: In view of recent flooding incidents in Great Bedwyn from adjacent land the applicant should ensure that any surface flooding is routed around the houses.

County Archaeologist: no objection subject to standard condition.

English Heritage: No comments on this occasion.

Thames Water: No objection in relation to water supply or foul drainage.

Publicity

The application has been advertised in the local paper and by site notice. Neighbour notification has also been carried out.

Twelve local residents have raised objections, summarised as follows:

- * Eight units is too many for the existing character of Forest Hill and would severely detract from its arcadian and sylvan nature. This is a rural village and the proposal appears to reflect an urban density on backland, with properties with smaller gardens than elsewhere in Forest Hill. Two substantial properties only would be more appropriate and would avoid damage to trees and repositioning of the driveway/need for new driveway. Earlier permissions for one dwelling to the rear of Little Chase should be re-considered. The development would set a precedent for further inappropriate backland development;
- * Site lies within a conservation area and the AONB, both of which should be protected for their own sakes;
- * Layout of units a to c means that back gardens front Forest Hill with likelihood of sheds/equipment being visible
- * The proposal contradicts a previous appeal decision where the view across Tyle Field was considered important, and in particular the impact of buildings close together on this view. The proposal would completely change this view to the detriment of visual amenity. Removal of trees would add to this objection;
- * Insufficient parking provision leading to parking in Forest Hill which would be a hazard. Parking restrictions should be imposed. Additional traffic generated by the development would cause hazards in Forest Hill and Browns Lane, including for pedestrians using the pavement. Any visibility splays should not result in loss of roadside hedges, including those belonging to neighbouring properties;

- * The merits of the existing building to be demolished should be taken into account;
- * Impact on wildlife;
- * Loss of privacy - proposal would result in roads/drives to three of Little Chase's sides with resulting loss of amenity. The unfenced woodland area may become common ground for children to play or for the dumping of rubbish with resulting health/fire risks. The trees may be mismanaged (including those on the rear boundary) with resulting danger and/or loss of amenity to Little Chase. Unit 1 would overlook the entrance way to Little Chase and the rear garden of no. 4 Forest Hill. The garage roof design of unit 1 is inappropriate in this context. Noise levels would increase from so many units compared with the one existing, including from cars on the proposed gravel driveways (request bonded surfacing to be used). Patio doors in the front elevation of unit 2 would result in disturbance to Little Chase. Ownership and management of the fir trees is necessary to safeguard amenity - no management has taken place recently. Tree planting should take place to the side of Little Chase in the woodland area. Where trees are proposed these should be more mature than specified to advance screening benefit. Any tree that dies should be replaced;
- * Additional pressure on services/infrastructure;
- * Controls are necessary on times/days development work takes place in the interests of residential amenity;
- * Boundary with Little Chase may be incorrectly shown on application drawings;

Planning Considerations

The main issues in this case are, firstly, the principle of residential development and then (assuming the principle is accepted) the impact of the specific scheme on the conservation area and Area of Outstanding Natural Beauty, trees, highway safety, ecology, and visual and residential amenity.

Principle of residential development

Great Bedwyn is defined in the Kennet Local Plan as a 'Village with a Range of Facilities'. Within such villages policy HC22 allows limited additional housing, including small groups of houses, provided that the development is in harmony with the village in terms of its scale and character.

In this particular case the proposed development is considered to be in harmony with the village for the reasons set out below. Consequently the proposal complies with policy HC22 and so is acceptable as a matter of principle.

Scale and character

The proposal is to demolish the existing house and erect eight new units in its place, this representing a net increase of seven. Although on face value this is a significant change, the site is large enough to accommodate this scale of development without an unduly cramped or overcrowded layout and appearance. Policy HC5 specifically states that residential development within the defined limits of development of the villages should make efficient use of previously developed land, and that planning permission will not be granted for development which is not efficient in the use of land and which does not reflect the character of the surrounding area. The proposal, therefore, complies with this policy being efficient in the use of the land whilst having regard to the character of the surrounding area. A proposal for fewer units would not make efficient use of the land, and consequently could be refused for this reason.

With specific regard to the character issue, Forest Hill is characterised by larger houses set in spacious and well-treed grounds. However, this character changes towards its eastern end where the road becomes the High Street, and higher density, village centre properties predominate. The application site lies at the changeover point between these two character areas, and consequently it is considered the proposal provides an appropriate transition. This appropriateness is endorsed by the large number of trees retained on the site (respecting the underlying characteristic of

Forest Hill), and the retained spacious layout of the development, notwithstanding its increased density. For these reasons the proposal would not set a precedent for other re-developments in Forest Hill, which in any event would be considered on their own particular merits.

Also in terms of the character issue, the majority of the proposed buildings on the site would not be visible from Forest Hill being either set well back from public views or screened by trees and hedges to be retained or planted. There would, therefore, be very limited impact on the existing visual amenities of Forest Hill. The new access road would be visible, but this is considered acceptable in view of the closure of the existing access it is to replace. Original proposals to widen the pavement have been removed from the proposal to safeguard the character of Forest Hill. The hedgerow would be replaced where removal is necessary to provide visibility splays (or where its condition is poor).

Regarding views of the site from the rear (that is, from public rights of way on the far side of the adjacent field), the proposed houses would be visible. However, their wide and varied spacings, the traditional designs and the backdrop of trees and other glimpsed residential properties in Forest Hill would ensure no harmful impact on visual amenity or the quality of the landscape in general.

Overall the proposal is considered to be in-keeping with the scale and character of development in the locality. The density remains relatively low, this allowing an irregular, or non-suburban, layout and retention of important trees. The proposal, therefore, preserves the status of the area as a conservation area and an Area of Outstanding Natural Beauty, in accordance with both local and national policy.

Highway safety

The final views of the Highways Officer are awaited and will be reported verbally. His initial detailed objections based on the positions of parking spaces have been addressed in the amended plans.

Visibility splays can be provided at the proposed access without adversely affecting important hedging. Where limited lengths of hedging are to be removed they are to be replaced as specified in the landscaping scheme accompanying the application.

Parking spaces are to be provided in accordance with the adopted maximum standards (that is, at least two spaces per unit). The estate road would provide additional spaces for visitor parking, this making it very unlikely that parking should take place in Forest Hill.

Ecology

An ecology survey accompanying the application revealed no protected species affected by the proposed development.

Residential amenity

Some nearby residents have expressed concern that the development would result in loss of privacy. In relation to Little Chase, the proposed houses are considered to be sufficiently distanced and sufficiently screened by existing vegetation to ensure no loss of amenity through overlooking or overshadowing. The larger part of the boundary between Little Chase and units 1 and 2 is defined by a tall and dense line of fir trees which would make inter-visibility difficult. In any event the intervening gap between the houses is a minimum of 20m. To the side of Little Chase is the protected woodland which is not to be developed. Future management of this woodland is the responsibility of the owner (indicated to be unit 2), and it is considered unreasonable to assume that it would become an open playground or dumping ground. In any event, a fence defines the boundary between the properties.

Errors on the position of the boundary line between Little Chase and the site is a private matter to be resolved by the parties concerned. As the boundary in dispute does not affect the development proposed there is no reason to delay determination of the application for this reason.

Regarding the relationship with no. 4 Forest Hill, this property shares the end section of its side boundary with the curtilage of proposed unit no. 1. Again, this boundary is reasonably screened, and this fact combined with the orientation of unit 1 (side-on to the boundary) would ensure no adverse impact on residential amenity.

Other boundaries of the site with neighbouring properties are also screened, in the main by fir trees. The boundary with The Three Tuns PH is gappy. However, the orientation of the new houses and the intervening gap would ensure no loss of privacy to the occupiers.

Other matters

The application proposes three affordable houses in accordance with policy which expects 50% of the net increase in new houses in the villages where demand exists. Provision of these houses can be ensured by way of a 'Section 106 agreement'.

A financial contribution is required towards off-site recreation provision in the locality. Again, this can be ensured through a Section 106 agreement. The development falls below the threshold for further contributions towards education and community facilities.

The Parish Council has raised concerns over the proposed external materials for some of the houses. The proposed materials are brickwork in some cases and render or timber cladding in others. The Parish Council would prefer to see brickwork in all houses having regard to the overall character of Great Bedwyn. Forest Hill supports a variety of building styles and building materials, and consequently the use of render and timber is not considered inappropriate. However, a condition requiring details of the materials to be submitted is recommended in any event, and a further informative could be imposed specifying the use of bricks in all units, should the Committee consider this to be an important issue. Conditions can also be imposed requiring white painting of joinery, should the Committee also share this concern with the Parish Council.

Conclusion

It is considered that this proposed development strikes the right balance between making the best use of the site whilst preserving the character and appearance of a sensitive location. The estate has been designed to 'fit' amongst important trees and features of the site, and this has resulted in a spacious, non-suburban layout which is considered appropriate within the conservation area and wider landscape.

For these reasons the application is recommended for approval subject to the applicant entering into a Section 106 agreement.

RECOMMENDATION

Following completion of a legal agreement to secure –

- **Provision of three affordable houses for rent; and**
- **A financial contribution towards off-site recreation facilities in the locality,**

- defer to the Area Development Manager to approve with 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 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.

- 3 All soft landscaping comprised in the submitted landscaping scheme hereby approved 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 5 years, die, are removed, or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development.

- 4 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 landscaping. All hard landscaping shall be carried out in accordance with the approved scheme prior to 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.

- 5 In this condition "retained tree" means an existing tree 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 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 is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree 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 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 this fencing 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. 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 trees on the site in the interests of visual amenity.

- 6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the strip of land between units a, b & c and Forest Hill shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To ensure the proper management of this landscaped area in the interests of visual amenity.

- 7 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, houses 2 and 3 hereby approved shall be erected, nor shall any building or enclosure, swimming or other pool, or container used for domestic heating purposes for the storage of oil or lpg be constructed within the curtilages of houses 2 and 3, unless otherwise agreed in writing by the local planning authority.

REASON: To enable the local planning authority to retain control over such development in the interests of safeguarding important amenity trees.

- 8 Notwithstanding the details set out in the application particulars and prior to development commencing, further details of the final siting of house 1 shall be submitted to the local planning authority for approval in writing. The further details shall comprise a revised site plan showing unit 1 re-sited a minimum of 1m to the north-east of its presently indicated position. The development shall be carried out in accordance with the further details.

REASON: To safeguard the amenities of the locality and adjoining properties.

- 9 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.

- 1
0 Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces 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.

- 1
1 The sole means of vehicular and pedestrian access to the development from Forest Hill shall be as shown on the plans hereby approved and within one month of the first occupation of any part of the development, the existing access shall be permanently stopped up and abandoned in

accordance with the details set out in the application particulars.

REASON: In the interests of highway safety.

- 1 Before the development hereby permitted is brought into use the highway
2 visibility area shall be cleared and kept free of all obstructions to sight
above 600mm above the adjoining carriageway from a point of 2.4 metres
from the edge of the carriageway measured along the centre line of the
access, to the points on the edge of the carriageway 90m to the north-west
and 56m to the south-east from the centre of the access.

REASON:

In the interests of highway safety.

- 1 Within one month of the first occupation of any part of the development
3 hereby approved the alterations to the alignment of Forest Hill/High Street
as shown on drawing no. 107.02.02C shall be completed to the satisfaction
of the local planning authority.

REASON:

In the interests of highway safety.

- 1 INFORMATIVE TO APPLICANT:

- 4 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 nos. 107.02.01B & 107.01.02 received 04/10/08;

Plan nos. 107.02.01B, 107.02.02C, 107.U1.01A, 107.U1.02A, 107.U1.03A,
107.U2.01A, 107.U2.02A, 107.U2.03A, 107.U3/4.01A, 107.U3/4.02A,
107.U3/4.03A, 107.U3/4.04A, 107.U5.01A, 107.U5.02A, 107.U5.03A,
107.U6.01A, 107.U6.02A and 107.U6.03A received 23/03/09;

Method Statement for construction process and associated plans received
23/03/09.

- 1 INFORMATIVE TO APPLICANT:

- 5 The consent hereby granted shall not be construed as authority to carry out
works on the highway. The applicant is advised that a license may be
required from Wiltshire County Council as highway authority before any
works are carried out on any footway, footpath, carriageway, verge or other
land forming part of the highway.

- 1 INFORMATIVE TO APPLICANT:

- 6 This permission shall be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act, 1990 and dated
the *****.

Date of Meeting	28 th May 2009
Application Number	E/09/0159/FUL
Site Address	Copsewood, Low Road, Little Cheverell, Devizes, Wiltshire, SN10 4JZ.
Proposal	Demolition of existing house and erection of replacement dwelling
Applicant	Mr & Mrs Walker
Town/Parish Council	GREAT CHEVERELL LITTLE CHEVERELL
Grid Ref	398892 154105
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

The application has been called to committee by the former Councillor Grundy.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issues to consider are:

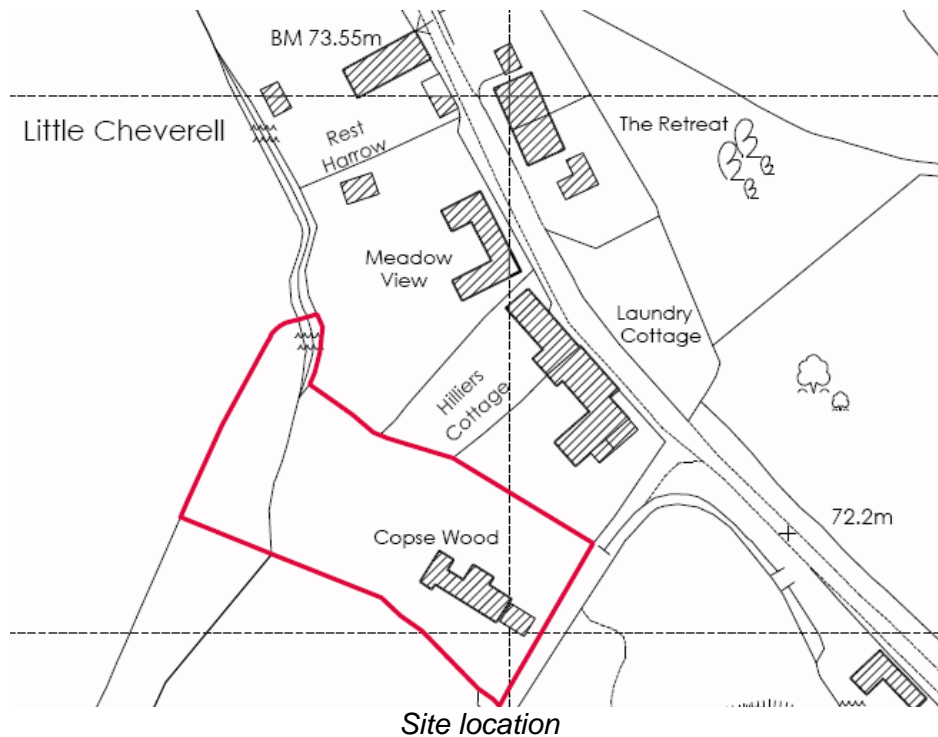
- Whether the proposal is in accordance with national guidance contained within Planning Policy Guidance Note 15: Planning and the Historic Environment and the policies of the Development Plan, and in particular policy PD1 of the adopted Kennet Local Plan 2011.

The key issues within these are;

- Visual amenity
- The impact on the character and appearance of the conservation area
- Neighbour amenity
- Trees
- Ecology

3. Site Description

The application site lies within the village of Little Cheverell. . The site lies along a private driveway to the southwest of properties fronting onto Low Road. From the A360 proceeding south from the direction of Devizes, take the right turning signposted to Great Cheverell. Continue along this road and immediately after the railway bridge, take a left turning into Low Road. Continue along here for approximately a quarter of a mile and the property can be found along a private drive on the right hand side, which is immediately after a pair of semi-detached properties on the same side. The site is at a lower level than the road and lies within Little Cheverell's Conservation Area.



4. Planning History

The most recent and relevant planning history for the site is as follows;

K/19413 - Refuse 20/10/1992
Erection of two storey extension and alterations

K/20397 - Approve with Conditions 22/07/1993
Erection of two storey extension

K/57240/F - Withdrawn 25/09/2007
Demolition of existing single storey extension and replacement two storey extension.
Demolition of existing garage and replacement with single garage and carport.

(This application was withdrawn following officer concerns that the proposed extension was too large in scale and would dominate the host dwelling and that insufficient information had been submitted to accurately assess impact on protected species; namely water voles and bats.)

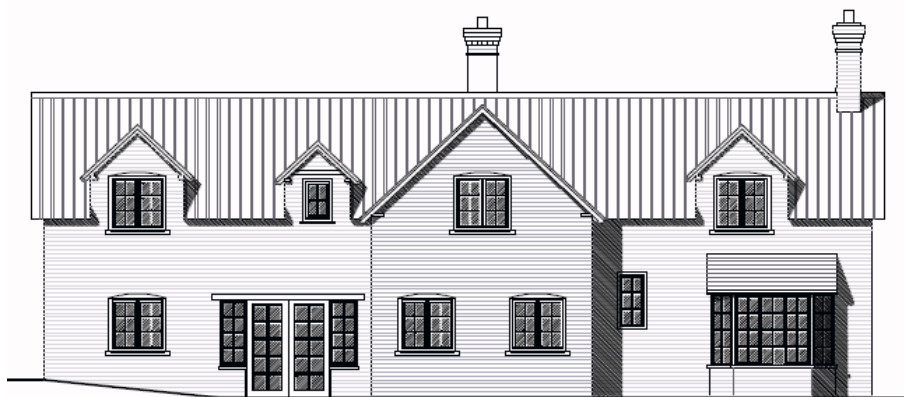
K/57806/TR2 - Approve with Conditions 10/01/2008
The felling and removal of a Hornbeam tree in the rear garden of the property.

K/59075/F - Approve with Conditions 22/08/2008
Replacement garage

E/09/0160/CAC –This is the corresponding application for conservation area consent for the demolition of the dwelling currently under consideration. This application is the following item for consideration on this agenda.

5. The Proposal

The application proposes the demolition of the existing detached property and its replacement with a further detached dwelling which would largely follow the form of the existing property. The existing property has a modest ridge height of 5.15 metres and the proposed design incorporates additional headroom at first floor level by increasing the height of the ridge by approximately 60 centimetres to 5.75metres, with corresponding increase in the gable span from 4.1metres to 4.55 metres. The proposed design also incorporates additional accommodation at first floor level by increasing the existing single storey 'element' of the existing dwelling at the northwest end of the property to two storey height. The existing dwelling is largely finished in painted brickwork under a clay tiled roof with white painted timber external joinery. The proposed dwelling is to be constructed from red bricks under a clay tiled roof. The applicant claims that they intend to re-use the existing clay tiles, although the condition report states that the existing roof has numerous chipped and broken tiles.



Proposed north east, south west and north west elevations

6. Planning Policy

Kennet Local Plan 2011 – policy PD1

Adopted Supplementary Planning Guidance – Little Cheverell Conservation Area Statement

National Guidance – Planning Policy Guidance Note 15: Planning and the Historic Environment

7. Consultations

Little Cheverell Parish Council - No objection.

Great Cheverell Parish Council – Infer that they object to the proposal as they state 'We would support renovation of the property as opposed to demolition to preserve the character of the conservation area of the village.

WC East Conservation Officer (Emma Gibbons) – The cottage does make a positive contribution to the character and appearance of a conservation area and therefore, as per the guidance given in PPG15, the presumption is that the historic building should be retained. There is no doubting that the cottage is in need of renovation or even that an extension of an appropriate scale may be considered acceptable, but it is clear that the proposal for its demolition has not been fully justified in the Conservation Area Consent (CAC) application. The application and the related application for a new dwelling must therefore be refused.

These comments will be expanded upon within the Planning Officer comments section and a copy of the conservation officer's full comments is retained on file.

WC East Landscape & Forestry Officer – No objection subject to a condition requiring tree protective fencing in accordance with the terms of BS5837 (2005) 'Trees in Relation to Construction'.

WC Ecologist – Originally recommended a further bat emergence survey in accordance with the submitted Protected Species Survey Report in order to properly assess the impact of the scheme on bats and ensure that any appropriate mitigation measures can be adequately incorporated into the scheme. This has since been carried out and the further survey results submitted. The ecologist now has no objection to the scheme

WC Highways – No objection.

8. Publicity

The application has been advertised by press and site notices. Neighbour notification has also been undertaken.

A total of 19 further representations have been received in support of the application.

3 further objections have been received. Some of these are lengthy and can be viewed in full on file. However, some of the main concerns can be summarised as follows;

1. The condition report and the argument that this is the only financially viable way to provide habitable accommodation on the site does not warrant demolition of this cottage, which is defined as a significant unlisted building within the conservation area statement. This is especially so in light of the fact that the property was recently purchased and the applicant is a local surveyor.

2. If allowed, the application could set an unwanted precedent for further demolition within the conservation area.
3. Allowing the demolition of this significant unlisted cottage which makes a positive contribution to the conservation area would undermine the very reason for its designation.
4. The property may be worthy of listing and should not be demolished
5. A 2009 pastiche property would not be in keeping with the character of the conservation area and would have no soul.
6. It is difficult to conceive that the planning authority can grant these applications in the statutory exercise of their powers.

Two of these objectors have set out that if the existing dwelling can be retained, a sympathetic extension which would give an attractive finish in keeping with the host dwelling, they would not raise objection.

9. Planning Considerations

The key issues are considered to be the impact of the proposal on visual and neighbour amenity, trees, highway safety, ecology and the impact on the character and appearance of the conservation area.

Impact on Visual Amenity , Trees and Ecology

The existing detached property occupies a large plot which contains a number of mature trees, many of which are covered by Tree Preservation Orders. The site lies at a lower level than the road, and the building is visible between the rooftops from Low Road and is also visible from the public footpath which runs northeast to southwest along the southern boundary of the site. The south west of the site borders onto open countryside and to the north of the site lies an area of woodland. A stream also lies towards the northeast of the site.

The proposals would not adversely affect trees subject to appropriate tree protective fencing during construction works. Similarly, Wiltshire Council's Ecologist is happy that the submitted surveys are adequate and has no objection to the proposals.

In terms of the impact of the proposed new dwelling on visual amenity, the property would be taller (by approximately 60 centimetres) and would have corresponding wider gable spans. However, the design of the proposed dwelling largely follows the design of the existing dwelling with the exception of its height and span and the additional first floor accommodation above the existing ground floor extension. The impact of the additional height and depth of the new dwelling, in its position, which does benefit from its low lying position and some tree cover, is not considered to result in significant harm to visual amenity in general so as to warrant refusal of planning permission on the grounds visual amenity, subject to further control over design details and materials. Whilst the additional first floor accommodation over the area of the existing single storey extension would increase the bulk of the property, its design and position means that the front and rear elevations are not viewed as a whole. Therefore, whilst the elevations shown do appear bulky, in this context the bulk of the proposed design is not considered to result in significant harm to visual amenity.

Impact on Neighbour Amenity

The existing dwelling sits in a substantial plot and largely follows the form and position of the existing dwelling. The property is sufficiently distant from neighbouring dwellings (minimum 27 metres back to back distance) so as for the alterations, over and above the existing dwelling, to cause no significant harm to the amenities of neighbouring occupiers in terms of overbearing impact or loss of privacy.

Impact on the Character and Appearance of the Conservation Area

PPG15 provides clear guidance on assessing proposals for demolition of buildings within a conservation area;

Paragraph 4.27 states 'The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19 above).' -

'3.19 Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority..... to address the following considerations:

- i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use....
- ii. the adequacy of efforts made to retain the building in use...
- iii. the merits of alternative proposals for the site....'

With regard to the tests in PPG15, the assessment must first be made as to whether the building makes a positive contribution to the character and appearance of the conservation area. The cottage is clearly historic, dating from the 19th century and relates closely to the other buildings in the village, the architectural character of which is of small scale buildings dating from the late 18th and 19th centuries. The cottage also reflects the area's palette of traditional materials.

The historic cottage is nestled in the valley, in the only plot situated behind those building fronting the lane and on the edge of a wooded area with only a small scattering of cottages in the immediate area; this is clearly reflective of and therefore contributes to the character of Little Cheverell as a rural and unspoilt village. The conservation area appraisal states how the relationship of buildings with the landscape is a very important part of its character and this is particularly well demonstrated here. The appraisal especially notes the setting of the cottage and the contribution that trees on the site have to the character of the conservation area.

For the reasons highlighted above, the cottage is noted as a significant unlisted building in the conservation area, which was designated as recently as 2007 and it is therefore clear that the building does make a positive contribution to the character and appearance of the conservation area.

Having established this, it is then necessary to assess the proposal for demolition against the advised criteria, as highlighted above:

- i. A professional survey report has been submitted which outlines the condition of the building, which is clearly in need of renovation. Significant works are required, such as the replacement of the substandard single storey extension, which probably dates from mid 20th century and complete stripping of the roof to make it weatherproof and to improve ventilation and insulation; However, these works do not perhaps seem exceptional for a renovation project such as this where a building has been somewhat neglected over the years.

The conclusion of the report is that the feasibility (in financial terms) of a renovation project is exceeded by the economic logic of replacing the property in its entirety. However, the supporting information infers that the building is capable of refurbishment and repair. The two quotes provided to renovate and extend the property support the fact that whilst not favorable from an economic perspective, refurbishment and extension is an option.

This economic argument, combined with the desire to introduce measures to increase energy efficiency, is put forward as the justification for the demolition of the building and its replacement with a new dwelling. Two basic quotations have been submitted which outline the renovation works as costing £253,517 & £261,972, whilst the total demolition and re-build costs would total £182,250 and £189,478 respectively. No further supporting information or justification for the demolition of the building is included with these quotes.

Other issues that should be addressed relate to the value derived from its continued use which may take into account its intrinsic value of it being an historic building and also the value that the cottage's presence in the historic conservation area adds to the overall value of the building stock of the village. The Impact Assessment submitted on the 11th May 2009 by CGMS Ltd, sets out the historical phasing of the property but otherwise concentrates on justifying the proposed new dwelling and provides scant justification for the proposal of demolition. In the absence of further justification for demolition in accordance with PPG15, it must surely be the case that if historic buildings that make a positive contribution to the conservation area are demolished to make way for modern replicas, that the historic character of the conservation area will be severely eroded.

ii. The building is in use and being used as a family home and no information has been provided that explains why this continued use is not feasible (except, of course, for the need to renovate). The assessment of the adequacy of efforts made to retain the building in use is clearly linked to the argument of renovation versus replacement, as discussed above. It is also linked to the desire to introduce energy saving measures to the site but no information has been provided which explains why, in conjunction with a scheme of renovation, that such measures (or alternative ones to those desired if they are not feasible) cannot be incorporated into the existing building.

iii. The proposal is to replace the cottage with a similar, but larger, dwelling. In designing the new building some of the architectural features have been copied, such as chimneys, dormer and bay windows; the ridge height and gable spans are only marginally greater than the existing. It is inevitable that because of modern construction practices and the requirement to meet buildings regulations that the resulting building that could never replicate the detailing of the existing historic building.

There is a significant risk that the replacement dwelling would result in a building that would at best make a neutral contribution to the conservation area. As the existing cottage makes a positive contribution this would result in an overall net loss in character which would consequently be harmful to the character and appearance of the conservation area. The submitted information falls short of the justification required for demolition of the dwelling in PPG15 and the application cannot therefore be supported by your officers.

The concerns regarding the erosion of the character of the conservation area could be avoided by retaining the existing cottage and extending it to a sympathetic scale.

10. Conclusion

Paragraph 3.17 of PPG15 states that, 'The Secretary of State would not expect consent to demolition simply to be given simply because the redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.' The existing cottage makes a positive contribution to the character and appearance of a conservation area and therefore, as per the guidance given in PPG15, the presumption is that the historic building should be retained. There is no doubting that the cottage is in need of renovation or even that an extension of an appropriate scale may be considered acceptable, but it is clear that the proposal for its demolition has not been fully justified.

In the absence of sufficient justification, the proposed replacement of this dwelling would result in harm to the character of the conservation area and the application is therefore recommended for refusal on this basis.

RECOMMENDATION

Refuse for the following reason;

- 1 The cottage, which is noted as a significant unlisted building in the Little Cheverell Conservation Area Statement, makes a positive contribution to the character and appearance of the conservation area. The design of the proposed replacement dwelling would not make a positive contribution to the character and appearance of the conservation area and this would result in an overall net loss in character which would consequently be harmful to the character and appearance of conservation area. The proposal would therefore be contrary to the guidance in Planning Policy Guidance Note 15.

Date of Meeting	28 th May 2009
Application Number	E/09/0160/CAC
Site Address	Copsewood, Low Road, Little Cheverell, Devizes, Wilts, SN10 4JZ.
Proposal	Demolition of existing house and replacement dwelling
Applicant	Mr and Mrs Walker
Town/Parish Council	GREAT CHEVERELL LITTLE CHEVERELL
Grid Ref	398892 154105
Type of application	Conservation Area Consent
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

The application has been called to committee by the former Councillor Grundy.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issue to consider is:

- Whether the proposal is in accordance with the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

In considering the above, national guidance contained within Planning Policy Guidance Note 15: Planning and the Historic Environment and the Little Cheverell Conservation Area Character Appraisal and Management Plan adopted by Kennet District Council in September 2007 are relevant.

3. Site Description

See previous item on this agenda, application E/09/0159/FUL

4. Planning History

See previous item on this agenda, application E/09/0159/FUL

10. The Proposal

The application seeks conservation area consent for the demolition of the existing detached property on the site. The related planning application also seeks planning permission for the construction of a replacement dwelling, as per the plans shown on the previous item on this agenda, application E/09/0159/FUL

11. Planning Policy

National Guidance – Planning Policy Guidance Note 15: Planning and the Historic Environment

12. Consultations

Little Cheverell Parish Council - No objection.

Great Cheverell Parish Council – Infer that they object to the proposal as they state 'We would support renovation of the property as opposed to demolition to preserve the character of the conservation area of the village.

WC East Conservation Officer – The existing cottage does make a positive contribution to the character and appearance of a conservation area and therefore, as per the guidance given in PPG15, the presumption is that the historic building should be retained. There is no doubting that the cottage is in need of renovation or even that an extension of an appropriate scale may be considered acceptable, but it is clear that the proposal for its demolition has not been fully justified in the CAC application. The application and the related application for a new dwelling must therefore be refused.

These comments will be expanded upon within the Planning Officer comments section and a copy of the conservation officer's full comments are retained on file.

13. Publicity

The application has been advertised by press and site notices. Neighbour notification has also been undertaken.

A total of 19 further representations have been received in support of the application.

3 further objections have been received. Some of these are lengthy and can be viewed in full on file. However, some of the main concerns can be summarised as follows;

7. The condition report and the argument that this is the only financially viable way to provide habitable accommodation on the site does not warrant demolition of this cottage, which is defined as a significant unlisted building within the conservation area statement. This is especially so in light of the fact that the property was recently purchased and the applicant is a local surveyor.
8. If allowed, the application could set an unwanted precedent for further demolition within the conservation area.
9. Allowing the demolition of this significant unlisted cottage which makes a positive contribution to the conservation area would undermine the very reason for its designation.
10. The property may be worthy of listing and should not be demolished
11. A 2009 pastiche property would not be in keeping with the character of the conservation area and would have no soul.
12. It is difficult to conceive that the planning authority can grant these applications in the statutory exercise of their powers.

Two of these objectors have set out that if the existing dwelling can be retained, a sympathetic extension which would give an attractive finish in keeping with the host dwelling, they would not raise objection.

14. Planning Considerations

PPG15 provides clear guidance on assessing proposals for demolition of buildings within a conservation area;

Paragraph 4.27 states 'The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19 above).' -

'3.19 Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority..... to address the following considerations:

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The historic cottage is nestled in the valley, in the only plot situated behind those building fronting the lane and on the edge of a wooded area with only a small scattering of cottages in the immediate area; this is clearly reflective of and therefore contributes to the character of Little Cheverell as a rural and unspoilt village. The conservation area appraisal states how the relationship of buildings with the landscape is a very important part of its character and this is particularly well demonstrated here. The appraisal especially notes the setting of the cottage and the contribution that trees on the site have to the character of the conservation area.

For the reasons highlighted above, the cottage is noted as a significant unlisted building in the conservation area, which was designated as recently as 2007 and it is therefore clear that the building does make a positive contribution to the character and appearance of the conservation area.

Having established this, it is then necessary to assess the proposal for demolition against the advised criteria, as highlighted above:

ii. A professional survey report has been submitted which outlines the condition of the building, which is clearly in need of renovation. Significant works are required, such as the replacement of the substandard single storey extension, which probably dates from mid 20th century and complete stripping of the roof to make it weatherproof and to improve ventilation and insulation; However, these works do not perhaps seem exceptional for a renovation project such as this where a building has been somewhat neglected over the years.

The conclusion of the report is that the feasibility (in financial terms) of a renovation project is exceeded by the economic logic of replacing the property in its entirety. However, the supporting information infers that the building is capable of refurbishment and repair. The two quotes provided to renovate and extend the property support the fact that whilst not favourable from an economic perspective, refurbishment and extension is an option.

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its replacement with a new dwelling. Two basic quotations have been submitted which outline the renovation works as costing £253,517 & £261,972, whilst the total demolition and re-build costs would total £182,250 and £189,478 respectively. No further supporting information or justification for the demolition of the building is included with these quotes.

Other issues that should be addressed relate to the value derived from its continued use which may take into account its intrinsic value of it being an historic building and also the value that the cottage's presence in the historic conservation area adds to the overall value of the building stock of the village. The Impact Assessment submitted on the 11th May 2009 by CGMS Ltd, sets out the historical phasing of the property but otherwise concentrates on justifying the proposed new dwelling and provides scant justification for the proposal of demolition. In the absence of further justification for demolition in accordance with PPG15, it must surely be the case that if historic buildings that make a positive contribution to the conservation area are demolished to make way for modern replicas, that the historic character of the conservation area will be severely eroded.

ii. The building is in use and being used as a family home and no information has been provided that explains why this continued use is not feasible (except, of course, for the need to renovate). The assessment of the adequacy of efforts made to retain the building in use is clearly linked to the argument of renovation versus replacement, as discussed above. It is also linked to the desire to introduce energy saving measures to the site but no information has been provided which explains why, in conjunction with a scheme of renovation, that such measures (or alternative ones to those desired if they are not feasible) cannot be incorporated into the existing building.

iii. The proposal is to replace the cottage with a similar, but larger, dwelling. In designing the new building some of the architectural features have been copied, such as chimneys, dormer and bay windows; the ridge height and gable spans are only marginally greater than the existing. It is inevitable that because of modern construction practices and the requirement to meet buildings regulations that the resulting building that could never replicate the detailing of the existing historic building.

There is a significant risk that the replacement dwelling would result in a building that would at best make a neutral contribution to the conservation area. As the existing cottage makes a positive contribution this would result in an overall net loss in character which would consequently be harmful to the character and appearance of the conservation area. The submitted information falls short of the justification required for demolition of the dwelling in PPG15 and the application cannot therefore be supported by your officers.

The concerns regarding the erosion of the character of the conservation area could be avoided by retaining the existing cottage and extending it to a sympathetic scale.

10. Conclusion

Paragraph 3.17 of PPG15 states that, 'The Secretary of State would not expect consent to demolition simply to be given simply because the redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.' The existing cottage makes a positive contribution to the character and appearance of a conservation area and therefore, as per the guidance given in PPG15, the presumption is that the historic building should be retained. There is no doubting that the cottage is in need of renovation or even that an extension of an appropriate scale may be considered acceptable, but it is clear that the proposal for its demolition has not been fully justified. In the absence of sufficient justification, the proposed replacement of this dwelling would result in harm to the character of the conservation area and the application is therefore recommended for refusal on this basis.

RECOMMENDATION

Refuse for the following reason;

- 1 The cottage, which is noted as a significant unlisted building in the Little Cheverell Conservation Area Statement, makes a positive contribution to the character and appearance of the conservation area and therefore, as per the guidance in Planning Policy Guidance Note 15, the presumption is that the historic building should be retained. The proposed demolition of the existing dwelling has not been justified as part of this application and as such its demolition would be considered contrary to the guidance in Planning Policy Guidance Note 15.

REPORT TO THE EAST AREA PLANNING COMMITTEE		Report No. 4
Date of Meeting	28/05/2009	
Application Number	E/09/0396/FUL	
Site Address	Land at St Johns Close, Cross Lane, Marlborough	
Proposal	Erection of 5 lock-up garages	
Applicant	Mr Mike Milton	
Town/Parish Council	MARLBOROUGH	
Grid Ref	418497 169485	
Type of application	Full Planning	
Case Officer	Rebecca Hughes	

Reason for the application being considered by Committee

This application is before the committee at the request of the local ward member, Cllr M. Hannaford-Dobson.

Purpose of Report

To consider the recommendation that the application be approved.

Report Summary

The main issues to consider are:

- the impact of the proposal on highway safety; and
- the impact of the proposal on the visual amenity of the surrounding area.

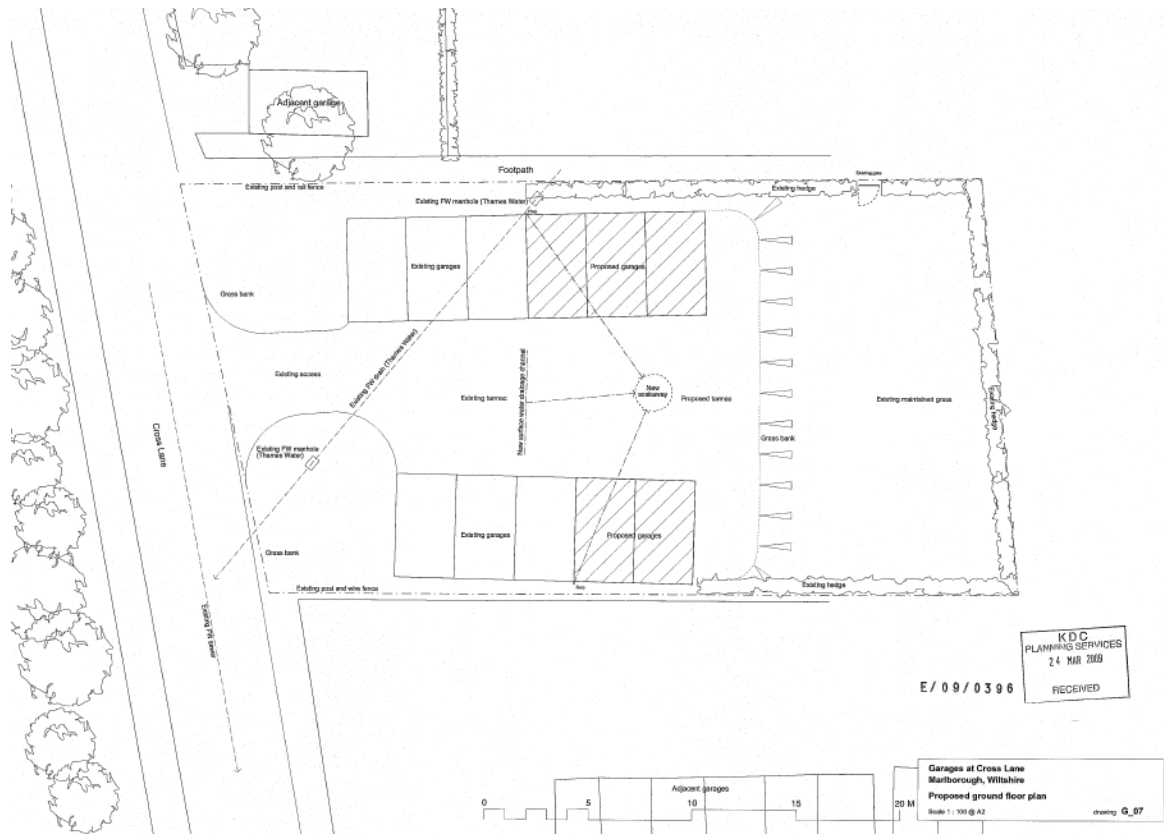
Site Description

The site lies within St John's Close, which comprises a small estate of early C20th houses positioned in a 'U' formation around a central, largely open area used partly as allotments. The site lies at the open end of the 'U' with independent access from Cross Lane.

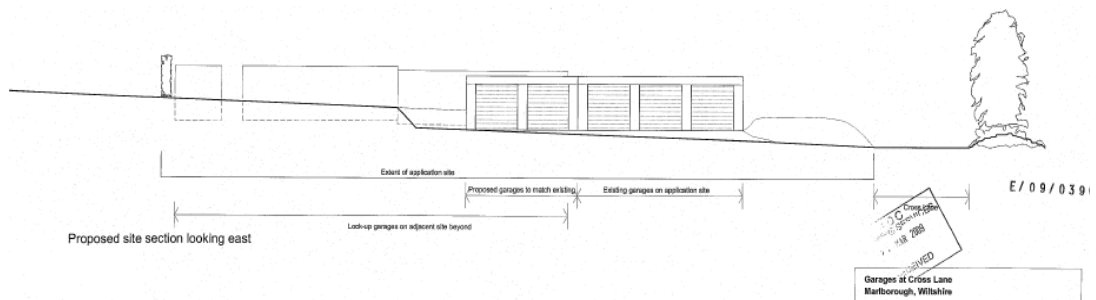
The site currently supports six lock-up garages with associated tarmac hardstanding. An area of rough grassland is located at the rear of the site, which is elevated in relation to Cross Lane. With the exception of the south west boundary which borders Cross Lane, the remainder of the site boundaries are demarcated by hedging. To the south east lies existing garaging and to the north west lie residential properties, separated from the site by a footpath (not a designated public right of way)



Location and Proposed Site Plans – not to scale



Proposed East and West Elevations – not to scale



Planning History

K/12555/O – Erection of pair of houses and garages - Refuse 23/08/1988

K/58994/F - Demolition of 6 lock-up garages and erection of one new house and detached garage, involving a change of use from B8 to C3 -Withdrawn 07/08/2008

The Proposal

The application proposes the erection of five additional garages on the site. The garages would be attached to the east of the current garages, with three on the northern side of the site and two on the southern side. The grass bank at the rear of the site is proposed to be regraded back to allow for the siting of the garages. The existing tarmac hard standing would be extended to serve the new garaging. Access to the site would remain unchanged.

The size and design of the garages closely matches those existing on the site. The new garages are proposed with a footprint of approximately 5 metres by 2.9 metres and would be of concrete construction, with a flat roof.

Planning Policy

Kennet Local Plan – Policy PD1 of the adopted Kennet Local Plan 2011 is relevant to the consideration of this application as is central government guidance contained in PPS 1 (Delivering Sustainable Development) and PPG13 (Transport).

Consultations

WC -Transportation and Development (Mark Wiltshire) – no highway objections, comments that the traffic generation of the garages through the junction of Hyde lane would be minimal. Users are likely to be local and parking in the area anyway in which case there will be no increase. If users are from further away such as the High Street then do not consider that there would be likely to be more than 1 outward movement per day per garage in such use.

WC - Environmental Health – comments that no burning of any material should be allowed on the site both during construction and operation of the garages.

WC - Ecologist – area of grass within application site holds some potential for reptiles, particularly along the margins, given that it is adjacent to allotments. However, given the size of the area and as the proposed new garages will only impact on a small section of this, I consider the risk to be low. Recommends informative that clearance of grass within the location of the new garages should be undertaken with due care and attention.

Publicity

The application has been advertised via a site notice. Neighbour notification has also been undertaken.

16 letters of objection have been received to the application. Key concerns raised are summarised below:

- More garages will increase traffic at Cross Lane/Hyde Lane junction, which already causes problems at the present level of use and will pose a road safety risk
- Basic infrastructure of the area does not support larger volumes of traffic, single lanes, no passing spaces, no pavements, blind corners. An increase in traffic flow will only serve to intensify the problem.
- Applicant described existing garages as unsightly and an eyesore in previous planning application, yet now proposes to erect more of the same and further spoil the unique character of St John's Close
- Do not want to see more garages built in St John's Close allotment area
- Loss of an allotment on the site, Marlborough Town Council is looking to increase the amount of allotments in the Town, precedent set.
- Garages will not house cars from the immediate area and are more likely to bring in

extra cars from outside

- Many young families in St John's Close. Older people living in St Luke's Court and Merlin Court walk through the close on their way to the High Street. Extra traffic could be a danger to them.
- Change of greenfield to brownfield site. This could ultimately lead to another application for a house to be built on the site of the garages.
- Impact on visual amenity and appearance of the area, garages are out of character with the existing buildings in the close
- It would be more appropriate to look at ways to improve the appearance of the current garages
- Noise and atmospheric pollution from increase in number of cars in the area
- Character of St John's Close needs to be protected as is part of our heritage for future generations, unique example of early 1900's social housing and area should be designated as area of special character and interest or as conservation area
- Overlooking and overbearing proximity of new walls to nearby properties
- Proposed garages are unsightly, of a poor design and will destroy open rural aspect at western end of the close
- 11 garages and black tarmac forecourt will have the appearance and appeal of a small industrial estate and create new zone with potential for loitering, skateboarding, cycling etc.
- There will be no obligation for the applicant to offer the garages to local residents.
- No market in the area surrounding the site for more garage tenants so more garages will not alleviate the local parking issue. Do not want St. John's Close to become a parking zone for the rest of Marlborough
- View of properties overlooking the site would be significantly and adversely affected
- Application is for garages not parking spaces so can be used for any purposes (storage etc) and will not necessarily contain cars, let alone cars from the local area.
- Garages will be closer to the allotments and traffic to and fro will impact this much valued, quite space.
- No pre-application discussions were held with the residents of St. Johns Close.
- Additional garages will increase footprint on the site, reducing current open space by half and will have harmful impact on spaciousness of the Close.

Planning Considerations

The main issues governing acceptability of this application are Highway Safety and Visual Amenity.

Highway Safety

The application proposes an additional five garages, taking the total number on the site to eleven. It follows that up to five additional cars would use these garages as well as the surrounding road network which is characterised by no pavements, poor visibility at some junctions and narrow roads.

The Council is unable to ensure the future availability of the garages or to control the choice of tenants, as the site is privately owned. Evidence (in the form of information submitted by the applicant accompanying the recent application K/58994/F and representations made by third parties to the current application) suggests that approximately 50% of the current garages on the site are rented to tenants from further afield. Although the applicant has cited his intention to offer first refusal of the tenancies of the garages to resident's of St John's Close, it would seem logical that at a conservative estimate, approximately 50% of the new garages would be similarly rented to tenants outside the immediate locality. The frequency of trips associated with the lock up garages may vary depending on the origin of tenants and the nature of use of the garages. Notwithstanding the above issues, lock up garages are not generally regarded as an intensive use as trip generation rates are generally low. For this reason the Council's Highway Officer raises no objections to the application and as such it is not recommended that an objection to the application on the grounds of highway safety could be sustained.

Third parties have raised concerns that the garages could be used for business use. The current use of the site would not allow for business/warehouse use, which would require a separate change of use application.

Visual Amenity

As with most of the Kennet area, the site falls within the North Wessex Downs Area of Outstanding Beauty. It is located close to the historic centre of the town, and as the locational details on the application suggest, should be viewed in the context of St John's Close.

The proposed new garages have been designed with a similar external appearance to the existing garages on the site. Whilst low key in nature, it is acknowledged that the appearance of the current garaging on the site is somewhat functional. However the additional garaging is proposed to be sited towards the rear of the site and the alignment will ensure that the development will not have any significant additional visual impact when viewed from Cross Lane at the front of the site. The scheme has been designed to limit the height of the garages, which will be no higher than the current garaging on the site and the existing boundary vegetation will help mitigate the visual impact of the development when viewed from properties within St John's Close. Although the garaging would be visible from the residential properties within St John's Close, it is important to note that loss of view is not a material planning consideration and for the reasons above it is not considered that the overall impact of the development on the character of the surrounding area would be sufficiently harmful to warrant an objection to the application on visual amenity grounds.

Residents of St John's Close have expressed the view that the area should be considered for designation as a conservation, or other protected area. To this regard it should be noted that during consideration of the recently withdrawn application (ref: K/58994/F) this issue was considered by the Council's Conservation Officer who concluded that the area does not meet the criteria for consideration as a Conservation Area, commenting that whilst the houses were "pleasantly designed....it does not appear that the area or the individual houses are particularly distinctive in the context of the district, nor yet could the area be said to be unusually intact or of exceptional visual quality".

Other Issues Raised by Third Parties:

- Neighbour Amenity (including that from noise, pollution and disturbance) – the level of additional noise, pollution or disturbance that would be likely to be generated from the development would not adversely affect the amenity of neighbouring properties. There will be no impact on light or privacy of nearby properties, nor would the development have an overbearing impact on nearby residential dwellings.
- Precedent/Future Development of the Site – only the scheme before committee is for consideration and should be decided on its own merits. In any event the site occupies a sustainable location where policy would allow in principle for residential use, subject to compliance with other policies in the Local Plan.
- Loss of Allotment – it appears that a small section of land at the rear of the site is used as an allotment. The established use of the site is as lock up garages (sui generis use) and this small allotment is not protected.

10. Conclusion

The proposed garages will not harm the character or appearance of the surrounding area and will have no adverse impacts on highway safety. Therefore there are no grounds to withhold the granting of planning permission.

RECOMMENDATION

Approve with 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 There shall be no burning of any produce or material whatsoever on the site other than within a building.

REASON:

To safeguard the character and amenities of the area.

- 3 The development hereby permitted shall be used as lock up garages for private use for parking of motor vehicles/domestic storage only and not for any other purpose.

REASON:

To maintain planning control in the interests of safeguarding the character and amenities of the area.

- 4 INFORMATIVE TO APPLICANT:

The applicant is advised that clearance of grass within the location of the new garages should be undertaken with due care and attention. Should any reptiles or evidence of reptiles be found, works should stop and the district ecologist should be contacted for further advice.

- 5 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 Ref: G_07, G_01, G_06, G_04, G_05, G_03 and G_02 received on the 24/03/09.

REPORT TO THE AREA HUB PLANNING COMMITTEE		Report No. 5
Date of Meeting	28/05/09	
Application Number	E/09/0255/FUL	
Site Address	Melrose, Mildenhall, Marlborough, SN8 2LP	
Proposal	Proposed replacement dwelling	
Applicant	Mr C A Pawley	
Town/Parish Council	MILDENHALL	
Grid Ref	420804 169687	
Type of application	Full Planning	
Case Officer	Julie Matthews	

Reason for the application being considered by the Committee

The application was referred to the Committee before 1st April by the then district council ward member.

Purpose of Report

To consider the recommendation that the application be approved.

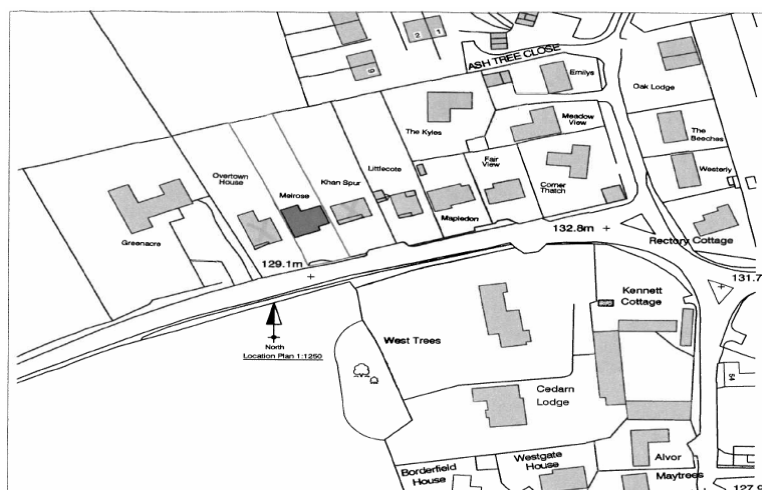
Report Summary

The main issues to consider are:

- the additional visual impact of the proposal on the character and appearance of the area and the streetscene in particular, over and above that of the approved scheme;
- the additional impact on the residential amenity of the neighbours, over and above that of the approved scheme.

Site Description

The site lies on the northern side of the main road into Mildenhall from Marlborough, near the western edge of the village. It is the second house on your left as you drive into Mildenhall and is a detached, hipped roofed bungalow. The row of properties lining this side of the road are a mix of two storey houses, bungalows and chalet style bungalows, all detached and situated on reasonable sized plots. The road slopes gently from east to west along this road frontage.



Site location plan

Planning History

K/34806 - Construction of roof extension to facilitate loft conversion. Approved with Conditions 1997

K/41710 - Conversion of bungalow to house by addition of first floor. Refused 2001. Appeal dismissed April 2002.

This proposal was for a conventional two storey house with a ridge height of 8 metres above ground level. The appeal was dismissed as in its immediate setting the proposed house, due to its height and bulk, would appear incongruous and over dominant.



Front (south) elevation of the house dismissed on appeal

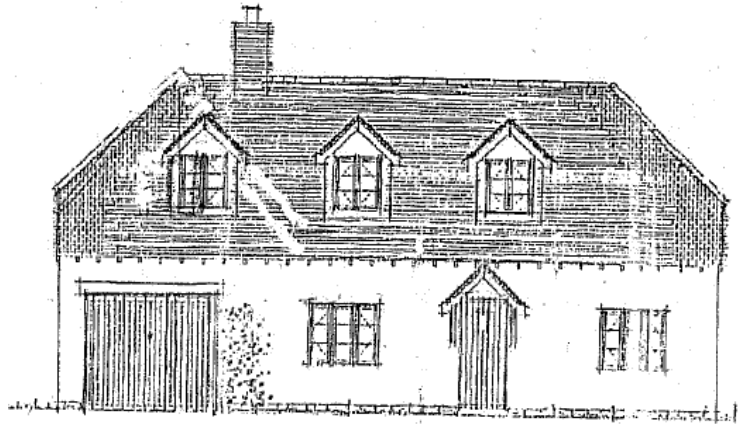
K/43681 - Alterations and extensions to convert bungalow to a chalet bungalow. Approved with Conditions August 2002

K/57082/F - Renewal of planning permission for alterations and extensions to property. Approve with Conditions 2007

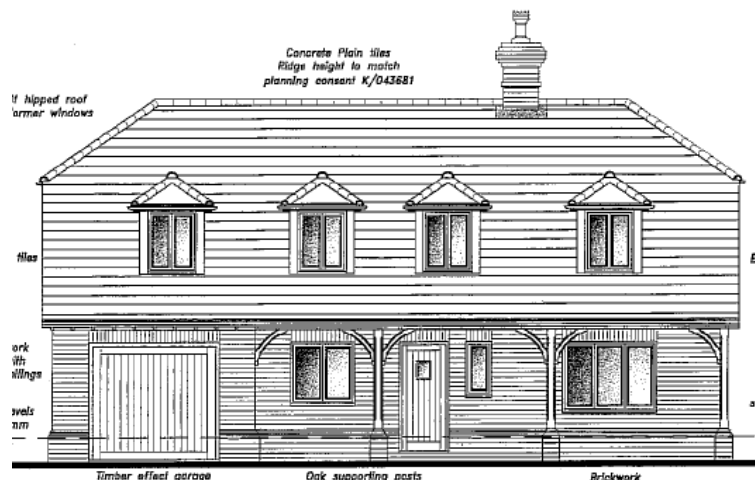
The Proposal

The application is for full planning permission to demolish the existing bungalow and erect a two storey chalet style house. The size and style of the proposed house is similar to the extended dwelling approved under reference K/57082/F. The main differences are as follows:

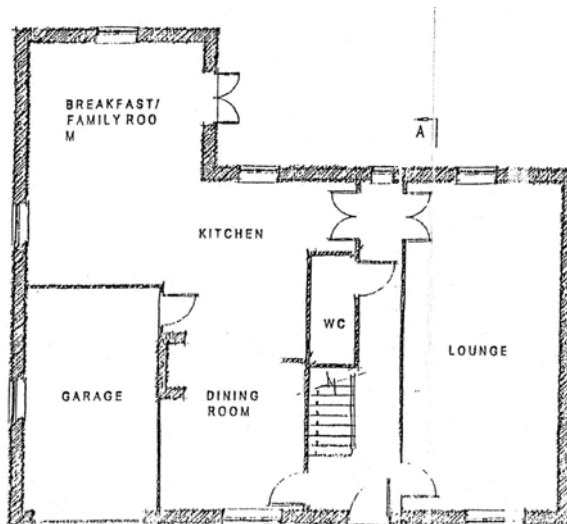
- i. an increase in the height of the dwelling by 0.5m offset by a reduction in ground level by 0.5m, resulting in no actual change to the ridge level which would be 6.5m over the existing ground level;
- ii. the addition of a dormer window (giving a total of four) and ground floor window in the front (south) elevation;
- iii. an increase in the width of the rear, two storey wing by approximately 1.5m and the half-hipping of its roof and alterations to the fenestration;
- iv. provision of roof light in western roofslope of two storey rear extension; and
- v. garage and porch extension to the front.



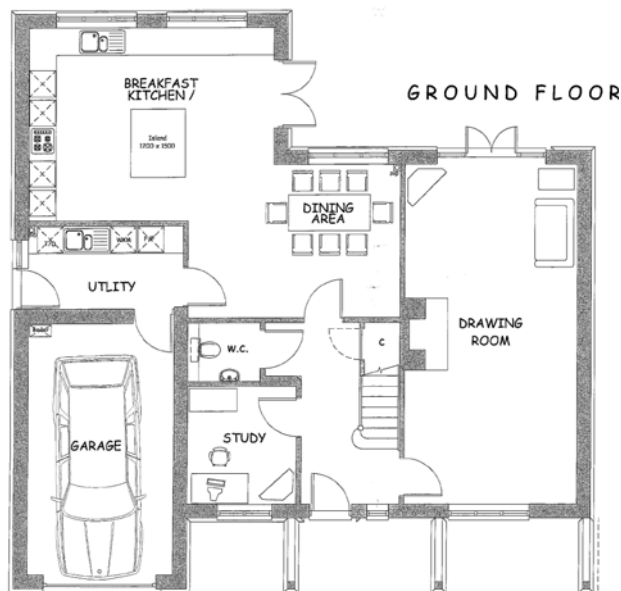
Front (south) elevation of approval K/57082



Proposed front (south) elevation



Approved ground floor layout



Proposed ground floor layout

Planning Policy

Kennet Local Plan 2011 – Policy PD1 is relevant to the consideration of this planning application.

Consultations

Mildenhall Parish Council – object as the replacement dwelling is too large for the site.

Publicity

The application has been advertised by site notice. One letter has been received raising the following concerns:

- a) the building appears much bigger than the previous plans;
- b) three windows in the rear will overlook Khanspur;
- c) there have been a number of large buildings permitted in the vicinity recently and this proposal will not enhance the approach to the village; and
- d) noise, dust, dirt, traffic and bonfires from construction of nearby houses will be added to by the construction of this proposal.

Planning Considerations

Visual Impact

The proposal would be readily visible as part of the street scene. The overall design and scale of the dwelling is not dissimilar to that which has already been approved. As shown from the drawings, the amendments to the front elevation are relatively unobtrusive and although the roof height has increased slightly, this would be offset by the reduction in ground levels. Therefore, overall, the proposed alterations are not dramatically different to those already approved.

The road frontage is characterised by a mix of property types with a two storey neighbour, Overton House, to the west, three bungalows in a row immediately to the east followed by a chalet style bungalow (Fair View) with a half hipped roof similar to this proposal, and a two storey dwelling beyond. It is considered that the size and design of the proposal would not be out of place in this context but would be in-keeping with the size and appearance of properties in the surrounding area. It would have no significant impact on the visual amenity of the area over and above that of the approved scheme, would be in-keeping with the surrounding properties and have no detrimental impact on the character and appearance of the streetscene. The design, size and scale of the proposal are therefore considered acceptable.



Illustrative streetscene of approved scheme (Melrose second from the left)



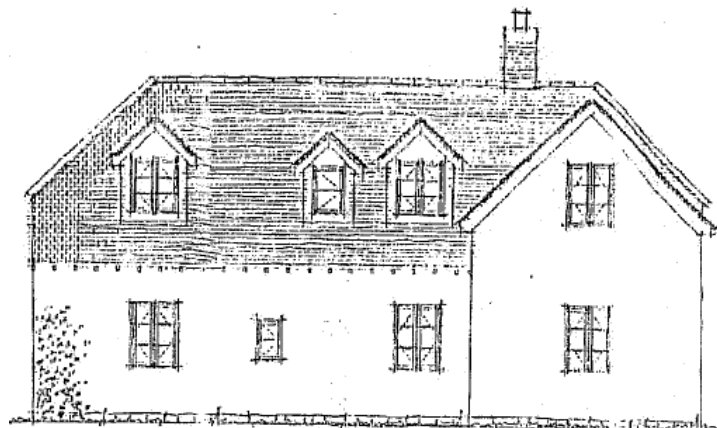
Illustrative streetscene of proposed alterations (Melrose second from the left)

Impact on Residential Amenity

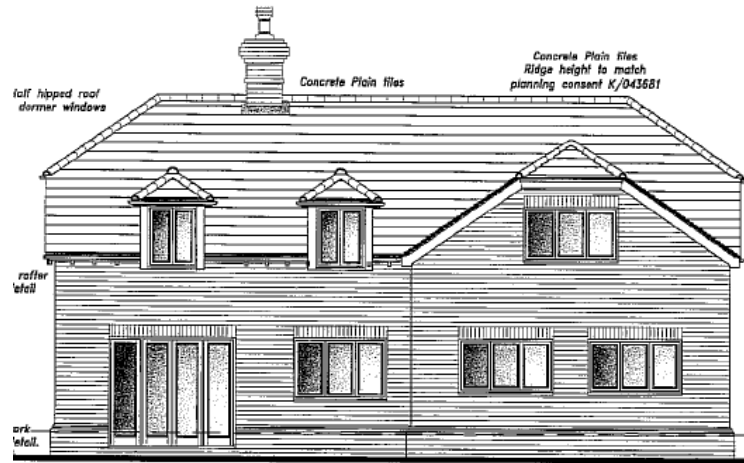
Noise, dust and traffic generation is unlikely to be significantly different to that resulting from the construction of the approved extended dwelling. In any event these are short term consequences of the development process and consequently would not amount to reasons to object.

There are four windows in the rear elevation of the approved dwelling, and only three in this proposal (although that in the gable end of the rear extension would be slightly larger). It is therefore considered that in terms of overlooking, the proposal would result in no greater loss of privacy than if the existing approval were to be built.

There is a window proposed in the western roofslope of the rear extension which differs from the approved scheme but this would be obscurely glazed and as such no undue loss of privacy would result. The two storey extension would be wider than that approved, but would be approximately 7 metres from the boundary with Khanspur and as such would have no significant overbearing or overshadowing impact on this neighbour. The relationship with Overton House in this respect would be similar to that which has already been approved.



Rear (north) elevation of approved scheme



Rear (north) elevation of the proposed scheme

The new porch element extending across the front elevation of the house would be open-sided and as such would have minimal impact on the amenities of the neighbours. The garage would extend 1.6m from the front elevation of the house but would be single storey with the roof sloping up to the main ridge height and it is considered that there would be no adverse impact on the occupiers of Overton House. Overall, therefore, it is considered that the proposal would have no significant additional impact on the amenities of the occupiers of the neighbouring properties.

Conclusion

There is an extant permission for alterations and extension to the bungalow to form a chalet-style bungalow with a two storey extension to the rear. This proposal is a replacement dwelling which would be similar in size and appearance to this approval. It is therefore considered that the proposal would not harm the character and appearance of the streetscene. Furthermore, it would have no adverse impact on the amenities of the occupiers of the neighbouring properties and is therefore in accordance with Policy PD1 of the Kennet Local Plan 2011. There are therefore no grounds to withhold the granting of planning permission.

RECOMMENDATION

Approve with 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 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.

- 3 The roof light shown on the approved plans on the roofslope of the side (west) elevation of the rear extension shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

- 4 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 numbers: Pawley-02, Pawely-03 and Pawley-05, received by the local planning authority 16/02/09. Drawing number Pawley-01 received by the local planning authority 23/03/09.

Date of Meeting	28 th May 2009
Application Number	E/09/0426/FUL
Site Address	Manor Farm Wedhampton Nr Devizes SN10 3QE
Proposal	Change of use of an annexed section of land, and for an amendment to an approved plan for a pool and pool house
Applicant	Mr & Mrs Morrison
Town/Parish Council	URCHFONT
Grid Ref	405983 157647
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

The application has been called to committee by former Wiltshire County Councillor Willmott.

4. Purpose of Report

To consider the recommendation that the application be approved.

5. Report Summary

The main issue to consider are:

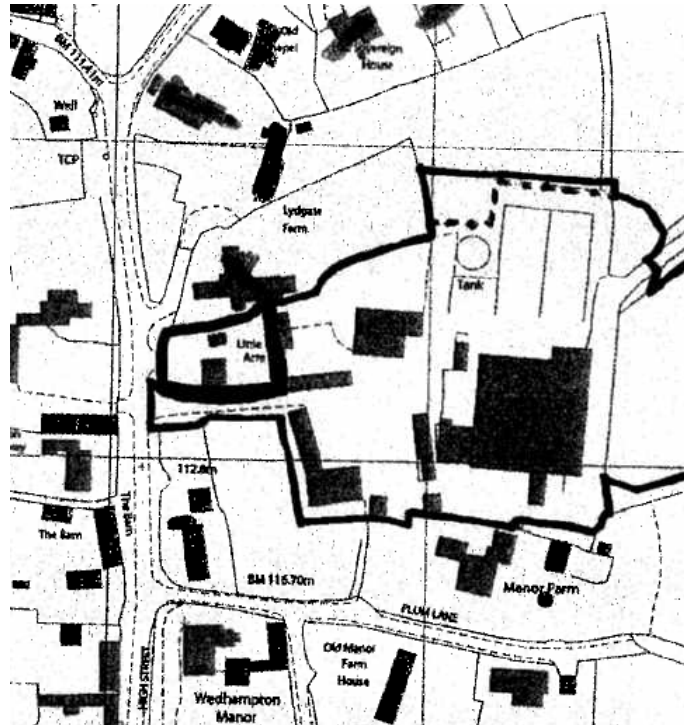
- Whether the proposal is in accordance with national guidance contained within Planning Policy Guidance Note 15: Planning and the Historic Environment and the policies of the Development Plan, and in particular policy PD1 of the adopted Kennet Local Plan 2011.

The key issues within these are;

- Visual amenity
- The impact on the setting of the nearby conservation area and how this may affect the character and appearance of the adjacent conservation area
- Neighbour amenity

6. Site Description

The application site lies within the village of Wedhampton. To access the site, proceed from Devizes in a south-westerly direction towards Upavon on the A342. After about 2.5 miles, after the car garage on the left hand side at Lydeway, take the left hand turning signposted Wedhampton. Proceed through the village, following the road and past the first turning on the left. The site can be accessed a short way past this turning on the left hand side of the High Street. The site is a former farm complex, for which planning permission was recently granted by Kennet District Councillors for a substantial detached dwelling, gardens and grounds. To the north and east of the site lie paddocks and open countryside. The conservation area excludes the site itself, but includes the adjacent curtilage of Lydgate Farm to the west.



Site Location Plan (Dashed line showing extent of extended curtilage)

4. Planning History

The most recent and relevant planning history for the site is as follows;

K/54890/F - Approve with Conditions 10/11/2006

Demolish existing buildings and structures and erect a new dwelling and associated outbuildings, swimming pool and tennis court with associated landscaping, access roads and parking.

K/56058/F - Approve with Conditions 19/04/2007

Demolish existing buildings and structures, erect a new dwelling and associated outbuildings, swimming pool and tennis court with associated landscaping, access roads and parking (amendment to previous approval K/54890/F)

15. The Proposal

The application is for the retention of an amendment to the previous approval (K/56058/F), namely the reorientation of the swimming pool and repositioning of the pool house at the northern boundary of the site. This results in the change of use of a section of the adjoining paddock to domestic curtilage.

16. Planning Policy

Kennet Local Plan 2011 – policy PD1

National Guidance – Planning Policy Guidance Note 15: Planning and the Historic Environment

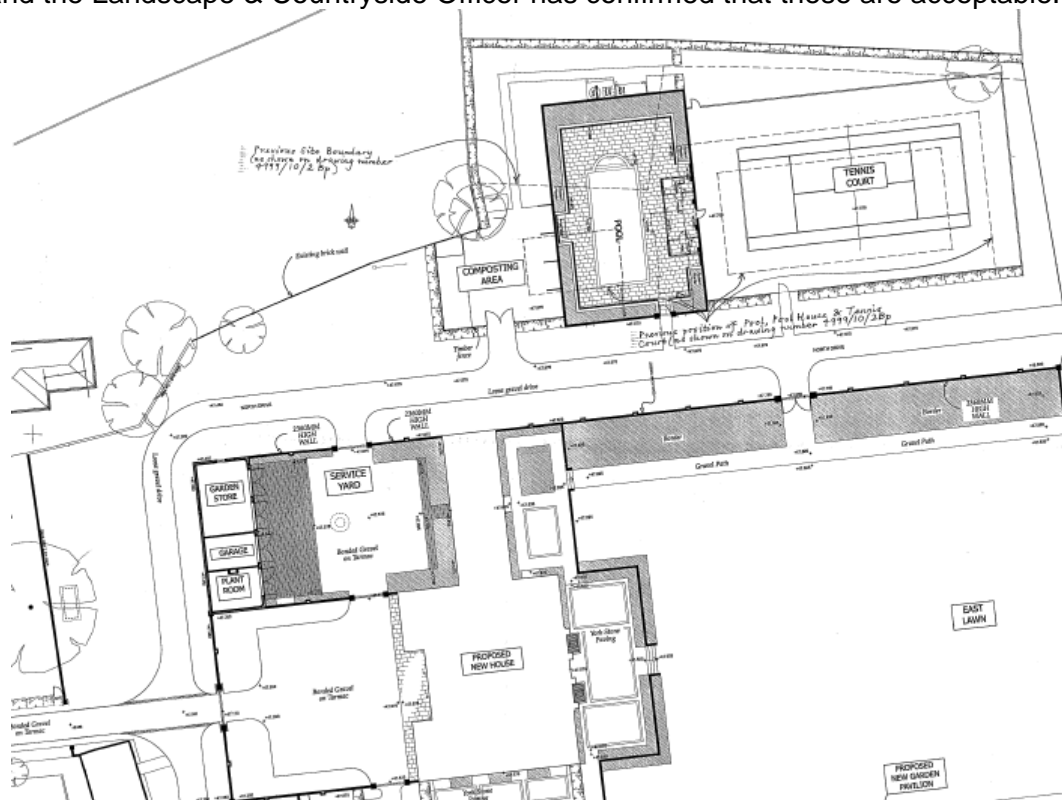
17. Consultations

Urchfont Parish Council – Object to the application on the basis that it represents an encroachment onto agricultural land and the impact it would have on the adjacent conservation area. The parish council consider that the proposed re-definition of the settlement boundary and the close association of this planning application to an

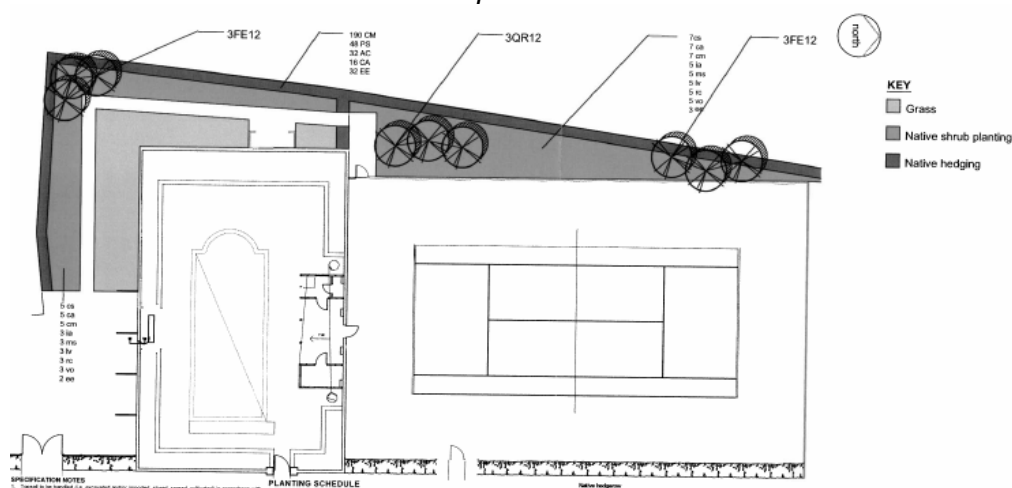
earlier planning application to the north of the site, could set a precedent for further encroachment onto agricultural land.

WC East Conservation Officer – No objections subject to suitable landscaping - Whilst the proposal does represent a further incursion into the open countryside the proposal will have limited additional impact on the setting of the conservation area, over and above that of the new house which has already been granted planning permission.

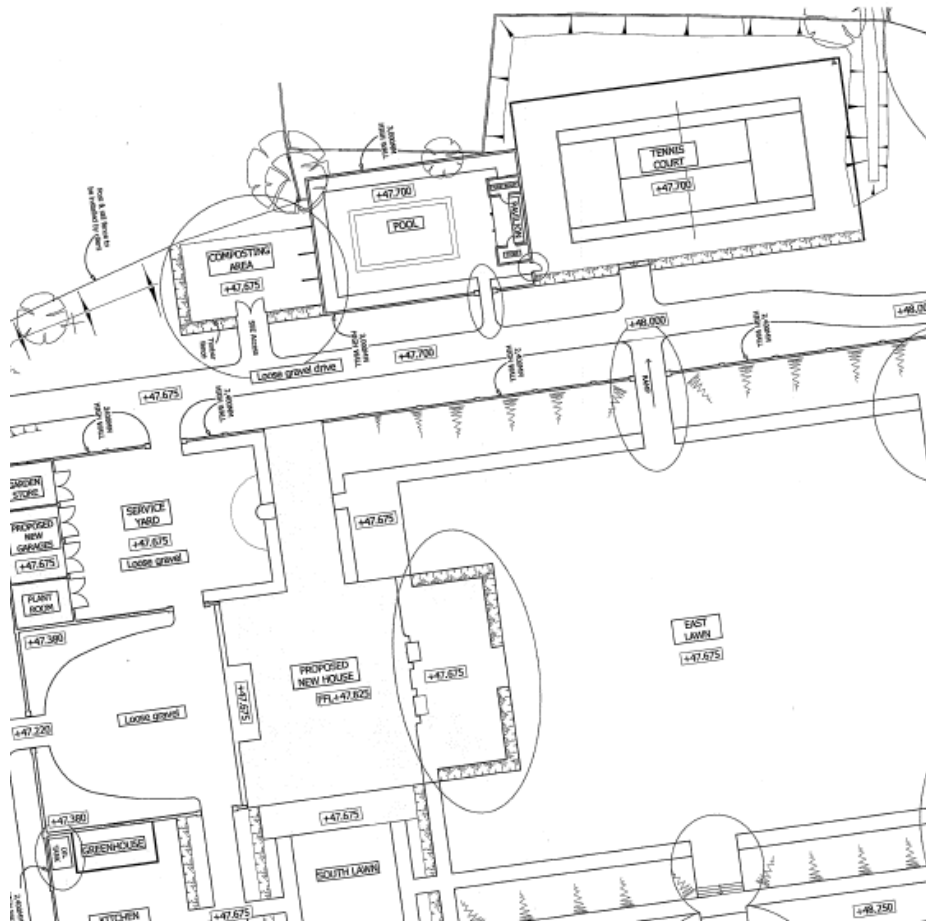
WC East Landscape & Forestry Officer – No objection to the principle of the proposal subject to the submission of appropriate landscaping details prior to determination. The agent has now submitted the full landscaping details proposed and the Landscape & Countryside Officer has confirmed that these are acceptable.



Proposed Plan



Landscaping details around swimming pool



Plan as previously approved under planning reference K/56058/F

18. Publicity

The application has been advertised by press and site notices. Neighbour notification has also been undertaken.

A total of 2 representations have been received in support of the application.

19. Planning Considerations

The key considerations are the impact on the proposal on visual amenity and on the setting of the conservation area, and the impact of the proposal on residential amenity.

Visual Amenity and the setting of the nearby Conservation Area.

The area of land proposed for change of use would effectively 'square off' a step in the northern boundary between the rear curtilage of Lydgate Farm and a protruding part of the existing curtilage. The landscaping scheme proposed by the applicant as part of this application ties in with that required under planning reference K/56058/F for the approved scheme. This parcel of land is relatively modest in scale and is not prominent from public viewpoints. It can however, be glimpsed from the public footpath which lies towards the east of the adjacent field and runs approximately north-west to south-east. Having regard to; the angle and position of the proposed garden extension, the distance from the public footpath and the proposed landscaping, it is considered that the garden extension would have only a very limited impact on the visual amenity of the area. The site lies immediately outside of the conservation area boundary but it is considered that the proposal would have a broadly neutral impact on its character and appearance, especially in the context of

the backdrop of the significant property, grounds, garden walls and other structures that have already been given planning permission. The amended position for the pool, pool building and adjacent wall is not significant over and above the previously approved application and is considered acceptable.

Neighbour Amenity

The proposed garden extension would include land to part of the rear of 'Lydgate Farm', however this would be approximately 50 metres from that dwelling and as such, the proposal would cause no significant harm to the amenities of the occupiers of that dwelling in terms of overbearing impact, loss of privacy or noise and disturbance.

Other Issues

The parish council have raised concerns that the application if approved may set a precedent for further encroachment into the countryside. Each application must be determined on its merits and the impact of the 'squaring off' of this section of boundary is likely to be an unusual instance which, in your officers' view would not warrant refusal of planning permission on the basis of setting an undesirable precedent.

10. Conclusion

Officers consider the proposal would not result in any significant harm to neighbour or visual amenity or the character or appearance of the adjacent conservation area.

RECOMMENDATION

Approve with 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 All soft landscaping comprised in the approved landscaping details shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the area hereby granted planning permission for change of use to domestic curtilage.

REASON:

In the interests of visual amenity.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no outbuildings or structures, other than those shown on the approved plans shall be erected anywhere within the area hereby

granted permission for change of use to domestic curtilage.

REASON:

To enable the local planning authority to retain control over outbuildings in the interests of the proper planning and the amenities of the area.

- 5 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 Ref: 4999/10/5D, 4999/10/2Bp, 4999/10/14C4999/10/5Bp &4999/9/15B received on the 26th March 2009 and 937-004-P01 received on the 12th May 2009.