

Schedule of Planning Applications for Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

ABBREVIATIONS USED THROUGHOUT THE TEXT

AHEV	-	Area of High Ecological Value
AONB	-	Area of Outstanding Natural Beauty
CA	-	Conservation Area
CLA	-	County Land Agent
EHO	-	Environmental Health Officer
HDS	-	Head of Development Services
HPB	-	Housing Policy Boundary
HRA	-	Housing Restraint Area
LPA	-	Local Planning Authority
LB	-	Listed Building
NFHA	-	New Forest Heritage Area
NPLP	-	Northern Parishes Local Plan
PC	-	Parish Council
PPG	-	Planning Policy Guidance
SDLP	-	Salisbury District Local Plan
SEPLP	-	South Eastern Parishes Local Plan
SLA	-	Special Landscape Area
SRA	-	Special Restraint Area
SWSP	-	South Wiltshire Structure Plan
TPO	-	Tree Preservation Order

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
NORTHERN AREA –13/12/07

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
1	S/2007/2140	NEWTON TONY
3-7	Mrs S Appleton	APPROVED WITH CONDITIONS
	R WILLIAMS PADDOCK VIEW NEWTON TONY SALISBURY SP4 0HQ PROPOSED LEAN TO CONSERVATORY	UPPER BOURNE IDMINSTON & WINTERBOURNE WARDS Councillor Hewitt & Councillor Wren

Enforcement Agenda Item: **Dance studio at Paddock View, 17 Beechfield, Newton Tony**

Part 2

Applications recommended for Approval

1

Application Number:	S/2007/2140		
Applicant/ Agent:	R WILLIAMS		
Location:	PADDOCK VIEW NEWTON TONY SALISBURY SP4 0HQ		
Proposal:	LEAN TO CONSERVATORY		
Parish/ Ward	NEWTON TONY		
Conservation Area:	NEWTON TONY	LB Grade:	
Date Valid:	26 October 2007	Expiry Date	21 December 2007
Case Officer:	Mrs S Appleton	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Hewitt has requested that this item be determined by Committee due to the controversial nature of the application.

SITE AND ITS SURROUNDINGS

The site is a newly built house known as Paddock View in Newton Tony. The dwelling is located on a long strip of land directly adjacent to a Grade II listed building known as Little Old Thatch. The site is part of a linear form of development, which runs along Beechfield. To the rear, the site backs onto open countryside. The site is located within a Conservation Area.

THE PROPOSAL

The proposal involves the erection of a lean-to conservatory to the rear of the dwelling. This proposed conservatory will be located just outside of the Housing Policy Boundary.

PLANNING HISTORY

The site has an extensive planning history. The most relevant cases are summarised below:

S/2007/1497	To vary condition 2 of S/2005/2087 allowing the erection of a close boarded fence instead of a wall	REF 18/09/2007
S/2006/2574	Erection of lean to conservatory Dismissed at appeal 29/08/2007	REF 05/02/2007
S/2006/0910	Erection of garden shed (10' x 8')	A/C 22/06/2006
S/2006/0891	Erection of a garden shed	REF 21/06/2006
S/2006/0241	Conservatory and extension to patio Part allowed part dismissed at appeal 18/09/2006	REF 27/03/2006
S/2006/0071	New studio and glazed lobby	REF 31/03/2006
S/2005/2542	Demolish existing studio build new studio and sun room	W/D 17/01/2006
S/2005/2374	Close boarded fence	A/C 13/01/2006
S/2005/2087	Retrospective application for the retention of existing dance studio Allowed at appeal 01/08/2006	REF 21/11/2005
S/2005/0855	(Retrospective) conservatory	REF 09/06/2005

Members may recall that previous applications for a conservatory at the site have been discussed at the Northern Area Planning Committee. S/2005/0855 was considered at NAC, where members decided to refuse planning permission on the following grounds:

The proposed conservatory by reason of its design, size, appearance and materials is considered to be an unsympathetic and large addition to the rear of this dwelling, out of character with the Newton Tony Conservation Area and surrounding dwellings and contrary to policy D3 and CN8 of the adopted local plan.

The proposed conservatory by reason of its positioning outside of the housing policy boundary is considered to be an intrusive development which in turn is having an adverse effect on the open countryside and is contrary to policy H16 and H31 of the adopted plan.

The conservatory proposed in this application was relatively large and of a hexagonal design, the plans for which can be seen in appendix I.

The applicant did appeal against this decision, however, this was withdrawn due to inaccuracies over the ownership certificate submitted with the application.

An application for a conservatory identical to that submitted under S/2005/0855 was received by the Local Planning Authority on 02/02/2006 (ref: S/2006/0241). This again was refused by NAC on the grounds above. The applicant did appeal this decision and the Planning Inspectorate issued a split decision on 18 September 2006, where the appeal regarding the conservatory was dismissed. The Planning Inspectorate did however allow a patio. The appeal decision that relates to S/2006/0241 is included within appendix II.

On 18/12/2006, the applicant submitted another application for the erection of a simpler lean-to conservatory built with the materials (brown UPVC) used in the previous conservatory (ref S/2006/2574). This application was refused under delegated powers for the following reason:

The proposed conservatory by reason of the materials used, is considered to be an unsympathetic addition to the rear of this new dwelling contrary to policy D3 of the Adopted Salisbury District Local Plan.

With regards to this application, whilst the design of the proposed conservatory was considered appropriate, the materials used were considered to be incongruous to the existing dwelling. Indeed under S/2006/0241 the Planning Inspectorate dismissed the appeal on the grounds that the use of brown UPVC was inappropriate.

The applicant did appeal against the above decision, however the appeal was dismissed on 29/08/2007. The full appeal decision can be found in appendix II, however to summarise, the Inspector stated that the design of the conservatory would be simpler and more in keeping with the house, however, he agreed with the previous Inspector that the proposed materials would not be compatible with the existing house.

The current application for a conservatory at the site, involves the same lean-to design seen in S/2006/2574 but with hardwood window frames.

CONSULTATIONS

Conservation Officer At the time of writing this report, no response has been received from the conservation officer. Such a response will be included in the late correspondence.

REPRESENTATIONS

Advertisement	Yes – Expiry 29/11/2007
Site Notice displayed	Yes – Expiry 29/11/2007
Departure	No
Neighbour notification	Yes – Expiry 16/11/2007

Third Party responses

Yes – One anonymous representation to support the application and two letters of objection received from the same person, raising the following points:

Original letter received on 12/11/2007

The stub walls from a previous conservatory, that was built without planning permission, which should have been removed but were not, must be removed before any construction can take place and may not be incorporated in the new construction, if approved.

The proposed construction will be outside the planning line.

The concrete block wall facing the conservation area will not enhance the area. If approved this wall must be rendered and painted.

The failure to implement the Planning Inspectorate's decision, which stated that a wall should be built in front of the dance studio, should mean that this application should not be considered until the Planning Inspectorate's decision has been acted upon. When the Planning Officer was contacted, Mr. Hawkins stated that the reason for the failure so far to implement the Planning Inspectorate's decision was out of consideration for the applicant's age, infirmity and finance. These considerations should also be applied to the planning approval of the conservatory.

If approved, it is important that the appropriate authority oversee any development because of the total disregard of planning regulations on this site.

Second letter received on 28/11/2007

A conservatory was built without planning permission and was later removed. However, the walls were not removed because there was not enforcement on these walls, which are due to be incorporated into a new application for a conservatory, which I feel, is wrong.

An application for a conservatory and dance studio was rejected by the planning department and went to the Planning Inspectorate on appeal. The Planning Inspectorate refused the conservatory but allowed the dance studio provided a wall was built in front marking the boundary between Little Old Thatch and Paddock view. The report from the Planning Inspectorate came out over one year ago and nothing has happened despite several visits of enforcement officials. I feel that this matter should be settled and either the wall should be constructed or the dance studio should be removed.

Yet another application has been submitted for another conservatory. I feel this application should not be considered until the outstanding planning issues have been resolved.

The planning situation with regards to this site is making a laughing stock of the planning department and particularly, the enforcement section, amongst the local community. This also sets a precedent for other people submitting planning applications.

Parish Council response

Yes – Refuse

When planning consent was originally allowed for the cottage, strict conditions were put into place by the NAC. The conditions were to prevent any further development to take place in front of the building line. We consider that this application is in breach of those conditions. Furthermore this application asks for the stub wall left from the previous conservatory to be left in place. The conservatory that was constructed without planning consent has a 'breach of condition notice' served on it, issued by the enforcement department and should have been removed in its entirety but never was. Therefore the wall is illegal and should not be there as it was part of the conservatory construction. We consider that for this wall to be left in place as mentioned in the design and access statement once again flouts all planning authority. Because of the reasons given we cannot support this application.

MAIN ISSUES

Principle

Scale, design, impact on the character of the Conservation Area and on the character and setting of the adjacent listed building.

Impact on neighbour amenities

Other issues

Northern Area Committee 13/12/2007

POLICY CONTEXT

Adopted Salisbury District Local Plan, G2 (General), D3 (Design), H16 (Housing Policy Boundary), H31 (Extensions in the Countryside), CN3 CN5 (Listed Building), CN8, CN10 and CN11 (Conservation Areas).

PLANNING CONSIDERATIONS

Principle

The proposed extension will be located just outside of the designated Housing Policy Boundary and as a result, is classed to be located within open countryside. This location does not preclude the construction of extensions to existing dwellings. Policy H31 of the adopted Salisbury District Local Plan allows extensions to existing dwellings in the countryside provided that:

The extension is subservient in size to the existing dwelling and house plot and does not substantially alter the character of the dwelling;

The design of the extension is in keeping with that of the existing dwelling and uses complementary materials; and

The extension would not create, or be capable of creating, a separate dwelling.

The proposed conservatory must also comply with the relevant design policy within the Local Plan. In this case, the design policy relevant is D3, which states that extensions should be of a scale and design that is appropriate to the overall appearance of the existing dwelling, using complementary materials, therefore creating a harmonious environment. This policy also states that extensions should be carefully integrated in relation to other properties and the overall landscape framework. Policy G2 ensures developments do not have any significant adverse impacts on the amenities of neighbouring dwellings.

Little Old Thatch, a grade II listed building is situated to the north of the site and as such policies CN3 and CN5 apply. Both policies ensure that the developments do not adversely affect the character or setting of a listed building.

The site is also located within a Conservation Area and as such the application should conform to policies CN8, CN10 and CN11 of the Local Plan. Policy CN8 states that developments will only be allowed if they preserve or enhance the existing character of the area. Policy CN10 states that the loss of open spaces, gaps between buildings and gardens will not be permitted where this would detract from the special character of the Conservation Area. Policy CN11 ensures views into and out of the Conservation Area are safeguarded.

Scale, design, impact on the character of the Conservation Area and on the character and setting of the adjacent listed building

The proposed conservatory will be of a lean-to design attached to the rear of the dwelling. The conservatory will have a maximum height of approximately 3 metres, will protrude approximately 1.8 metres from the dwelling and will be approximately 4.5 metres wide. The proposal incorporates the stub wall currently in situ (part of the original conservatory) and will use hardwood framed glazed units, along with hardwood windows and doors. The colour of the units will match that used in the existing dwelling and the remaining walls will be rendered block work.

The simplistic design of the lean-to conservatory is considered to be appropriate to the overall appearance of the existing dwelling and the use of hardwood instead of UPVC is considered appropriate in this instance. As a result, it is considered that by virtue of its scale and design, the proposed conservatory will be appropriate to the overall appearance of the existing dwelling, using complementary materials, therefore creating a harmonious environment. As a result, it is considered that the proposal complies with policies H31 and D3 of the adopted Salisbury District Local Plan.

This application also includes the retention of the stub wall, which was part of the previous conservatory. This wall should have been removed when the original conservatory was taken down. This wall is of a relatively low height (approximately 75 cms) and therefore has a minimal impact on the appearance of the dwelling and the surrounding area. As a result of this, it is not considered appropriate to refuse the application on the basis that the stub wall is being retained.

With regards to the impact the conservatory and stub wall will have on the character of the Conservation Area, when viewed within the wider context of the area, it is considered that due to the Northern Area Committee 13/12/2007

small scale of the proposed conservatory, along with its design and complementary materials, it should not have any adverse impacts on the visual amenities of the Conservation Area significant enough to warrant refusing the application. As a result, the application is considered to comply with policies CN8, CN10 and CN11 of the adopted Salisbury District Local Plan.

With regards to the potential impact on the grade II listed building (Little Old Thatch), the conservatory will be screened from this property by both Paddock View itself and by the existing close-boarded fence. As a result, it is considered that due to its location, the conservatory will not cause any significant adverse harm on the character and setting of the adjacent listed building and therefore complies with policies CN3 and CN5 of the adopted Salisbury District Local Plan.

Impact on neighbour amenities

The conservatory will be screened from the neighbouring properties to the east and west by a 1.8 metre (approximately) high close-boarded fence. As a result of this and due to the small scale of the development it is considered that the proposed conservatory will not have any significant adverse impacts on the amenities of the occupiers of the neighbouring dwellings. As a result, it is considered that the proposal complies with policy G2 of the adopted Salisbury District Local Plan.

Other issues

Issues have been raised from representations regarding previous planning issues at the site, including the failure to build a wall in front of the dance studio.

It should be noted by members that although the site has been the subject of various enforcement action in the past, this is not a valid reason to refuse the current application. This application has to be dealt with on its own merits and the failure of the applicant to complete the wall in front of the dance studio does not constitute a valid reason to refuse this application.

CONCLUSION

It is considered that the proposed conservatory and stub walls are appropriate to the overall appearance of the existing dwelling and will not have any significant adverse impacts on the character of the Conservation Area, on the character and setting of the adjacent listed building or on the residential amenities of neighbouring properties.

RECOMMENDATION: APPROVAL

It is considered that the proposed conservatory and stub walls are appropriate to the overall appearance of the existing dwelling and will not have any significant adverse impacts on the character of the Conservation Area, on the character and setting of the adjacent listed building or on the residential amenities of neighbouring properties.

Subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be 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 a harmonious form of development.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

G2 – General Criteria for Development
D3 – Design
H16 – Housing Policy Boundary

CN3 & CN5 – Listed Building
H31 – Extensions in the Countryside
CN8, CN10 & CN11 – Conservation Areas