

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE		Report No. 8(b) 7	
Date of Meeting	8 th April 2009		
Application Number	09/00048/OUT		
Site Address	Land at 4 Pool Gastons Road, Malmesbury		
Proposal	Demolition of existing dwelling and erection of three dwellings		
Applicant	Mr & Mrs Shellard		
Town/Parish Council	Malmesbury		
Grid Ref	392726 187572		
Type of application	Outline		
Case Officer	Simon T. Smith	01249 706633	ssmith@northwiltshire.gov.uk

Reason for the application being considered by Committee

- This application has been submitted to the Committee at the discretion of the Area Development Manager.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The application is for residential development of three new dwellings within an established residential area inside the settlement framework boundary of Malmesbury. The key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Principle of development and previous appeal decision
- layout of development and effect upon residential amenity
- Access

3. Site Description

The existing property is part of a series of detached, semi-detached and terraced residential development, generally fronting onto Pool Gastons. The property benefits from an extensive rear garden that projects back some 70m+ from the road, meeting similarly proportioned curtilages of properties fronting Bremilham Road and Gastons Road.

4. Relevant Planning History		
Application number	Proposal	Decision
02/02231/OUT	Erection of two detached dwellings with garages	Refused 21/11/02
05/03225/OUT	Demolition of existing dwelling and erection of four detached dwellings	Refused 13/02/06
07/02654/OUT	Demolition of existing dwelling and erection of 3 dwellings	Refused 02/04/08 Appeal dismissed 02/10/08

5. Proposal

This application for three new detached dwellings and relates to an area of residential garden to the rear of No.4 Pool Gastons, which is to be demolished and removed. The application is made in outline only, but with matters of layout and access matters for determination. Floor plans and elevations of the proposed dwellings are supplied purely for illustrative purposes.

6. Consultations

The Town Council:

"Oppose - Whilst we recognise that the revised development addresses some of the Inspectors concerns it will still provide levels of privacy and create loss of privacy for neighbours. C3iii of the NWDC Local Plan refers. We still have concerns also about the car parking and vehicular access to the site. Policy C3vii of the Local refers."

In respect of the revised plans:

"Whilst it is appreciated that highways has lifted its objections, we are still concerned that the adjoining Pool Gastons Road is a narrow and busy thoroughfare with a regular bus service and is regarded as a safe route to school. Additionally we are not by any means convinced that the development will provide sufficient parking leading to additional parking on Pool Gastons Road on which many of the houses have insufficient parking needs, we still feel that this application fails on Policy C3iii."

Wiltshire County Council Highways

No objections subject to conditions.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Fourteen (14) letters of objection received in respect of amended plans (i.e. since the reduction in unit numbers to three).

Summary of key relevant points raised:

- Overdevelopment of the site
- Detracts from the visual amenity of locality
- Pool Gastons Road is already busy and heavily used by pedestrians and for on-street parking – proposal would have detrimental effect upon highway safety
- Uneighbourly form of development – especially overlooking
- The views of WCC Highways and the previous Inspector are wrong

8. Planning Considerations

Principle of development and previous appeal decisions

The site lies inside the defined settlement framework of Malmesbury. The principle of residential on this site complies with policy H3 of the adopted Local Plan, but the ultimate acceptability of the submitted scheme should be assessed against criteria laid out in policy C3.

Three previous applications for residential development on this site has been refused, and subsequent appeals dismissed. The most recent appeal decision, relating in 07/02654/OUT was for demolition of existing dwelling, is included as an appendix to this report, as the proposal upon which it was predicated (i.e. demolition of existing and erection of three new dwellings), is largely similar to that now proposed.

The 2007 Inspectors decision identified three main matters relevant to the consideration of development on this site, which are equally applicable to the consideration of this application. The 2007 Inspectors decision is clear on the following matters:

- (i) Access - the proposed access arrangements to the new dwellings is satisfactory in terms of its layout and any potential impact upon neighbours amenity;
- (ii) Character and appearance - development in depth upon this site is not out of character with the locality and there is no objection to the principle of backland development;
- (iii) Living conditions – the position of plot 2, which was demonstrated as a conventional two-storey house, would have an unacceptably harmful effect upon the living conditions of the occupants of “Orchard House” and No.2a, that could only be overcome through plot 2 being single storey only.

Due to the similarities to the current proposal, it is very much the case that the clear, unequivocal and largely prescriptive conclusions drawn by the previous appeal Inspector should form the starting point for the determination of this application.

Living conditions and single storey design of plot 2

In dismissing the 2007 appeal Inspector specifically notes that the introduction of a single storey design to the new plot immediately to the rear of “Orchard House” would overcome the harm that would be caused to outlook from Orchard House and the loss of privacy from overlooking into the back garden of No.2a from a conventional two-storey house type (as was demonstrated under 07/02654/OUT).

In seeking to address the previous appeal decision, and in accordance with the very clear conclusions drawn by the Inspector, this new application includes a simple single storey two bedroom bungalow design for plot 2.

As the application remains in outline, with matters relating to appearance and scale reserved for later consideration, it would be appropriate to impose a planning condition that would specifically restrict the design for plot 2 to single storey.

Access

The revised plans now demonstrate that the technical standard of the existing and proposed new shared access can be achieved to the satisfaction of WCC as the highway authority.

Although the concerns of local residents with regard to highway safety and adequacy of parking have again been noted, it must be made clear that (a) Wiltshire County Council have been consistent in expressing their satisfaction with proposals for development on this site; (b) none of the previous refusals have been based upon matters relating to highway safety; and (c) previous appeal Inspectors have not expressed concern on this matter, and in particular the 2007 appeal Inspector expressly considered access arrangements to be acceptable.

9. Recommendation:

Planning Permission be GRANTED subject to the following conditions:

APPROVE subject to the following conditions:

1. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the local planning authority:

- (a) The scale of the development;
- (b) The appearance of the development;
- (c) The access to the development;
- (d) The landscaping of the site.

Reason: The application was made for outline planning permission.

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

Reason: The application was made for outline planning permission.

The application for approval in respect of all matters reserved in Condition No.1 above shall be made to the local planning authority within a period of three years, commencing on the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Prior to being brought into use the driveway between the edge of the carriageway and 4.5m back shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which have been first submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety

4. The area allocated for parking on the submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of amenity and road safety

5. The design and external appearance of plot 2 (as shown on the submitted layout plan) shall be of a single storey design only, in accordance with the illustrative floor plans and elevations submitted with this application, and those details that may be approved as reserved matters to this outline planning permission.

Reason: In the interests of neighbour amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

Informatives:

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

Location plan 1:1250 (dated 13/01/09)

Existing layout (dated 13/01/09)

Layout plan revision 2 1:500 (dated 10/02/09)

Illustrative elevations plot 1 (dated 13/01/09)

Illustrative floor plans plot 1 (dated 13/01/09)

Illustrative elevations and plans plot 2 (dated 23/01/09)

Reason for Decision

The proposal is considered to be in accordance with Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.03; 4.04; 5.02