

<b>REPORT TO THE NORTHERN AREA PLANNING COMMITTEE</b>			Report No. 6 (3)
<b>Date of Meeting</b>	<b>27<sup>th</sup> May 2009</b>		
<b>Application Number</b>	<b>09.00448.FUL</b>		
<b>Site Address</b>	<b>Land adjoining 9 Lime Trees, Christian Malford, Chippenham, Wiltshire, SN15 4BN</b>		
<b>Proposal</b>	<b>Erection of 3 Bed Detached Dwelling &amp; Alteration to Existing Vehicular Access.</b>		
<b>Applicant</b>	<b>Besthomes Construction Ltd</b>		
<b>Town/Parish Council</b>	<b>Christian Malford</b>		
<b>Electoral Division</b>	<b>Sutton Benger</b>	<b>Unitary Member</b>	<b>Mrs Scott</b>
<b>Grid Ref</b>	<b>396446 178558</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>John Simmonds</b>	<b>01249 706 643</b>	<b>john.simmonds@wiltshire.gov.uk</b>

#### **Reason for the application being considered by Committee**

This application has been submitted to the Committee because the site is owned by a member of the Northern Area Planning Committee.

### **1. Purpose of Report**

**To consider the above application and to recommend that the applicant be invited to enter an agreement in respect of contributions to open space and affordable housing, following completion of which the Area Development Manager be authorised to GRANT planning permission.**

### **2. Main Issues**

The application is for the Erection of a 3 Bed Detached Dwelling & Alteration to Existing Vehicular Access. The key points to consider are as follows:

- Implications of DC Core Policy C3, Housing Policy H3, Open Space Policy CF3 and Affordable Housing Policy H6

### **3. Site Description**

The site forms part of the garden of 9 Lime Trees and is located within the framework boundary. The site is partly occupied by an attached garage and has a hedge on the eastern boundary which separates it from a strip of grassland, at a slightly lower level, between the site and Station Road. Lime Trees is characterised by substantial houses in large plots. The site is at the end of a cul-de-sac.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>NONE</b>		

## **5. Proposal**

The proposal is to demolish the existing attached garage and create a new plot alongside the existing house to accommodate a detached, 3 bedroom dwelling with integral garage. The house would have first floor windows facing the east, north and south with rooflights in a catslide roof above the garage facing towards the existing house. The ridge line would be slightly (300mm) higher than the existing house (chalet bungalow). Two adjacent entrances are proposed plus a new garage for No. 9. (The new garage does not require permission.)

## **6. Consultations**

Christian Malford Parish Council - Objects on the grounds that the proposal is out of character to the estate both in terms of design and scale. It is an unnatural contrived site.

Wiltshire Highways - No objections subject to conditions

Wiltshire Archaeology - No objections

Wiltshire Ecology - No objections subject to conditions

Wessex Water - No objections

## **7. Publicity**

The application was advertised by site notice and neighbour consultation.

9 letters of letters of objection have been received.

Summary of key relevant points raised:

- Out of character / small garden
- Garage position
- Loss of trees
- Design out of character
- Building on garden
- Missing drawings
- In front of no. 9
- Overlooking
- Foul drainage overloaded
- Surface water drainage
- Density
- Private footpath dispute
- Loss of value
- Highway safety
- Great crested newts
- Bin storage

## **8. Planning Considerations**

The site is within the framework boundary where additional residential development is acceptable in principle under policy H3 subject to other policies of the North Wiltshire Local Plan 2011.

The existing Lime Trees development is characterised by detached houses in large plots and policy C3 requires that proposals have respect for the local distinctiveness of the area. This proposal is marginal in that respect. A “similar” proposal virtually anywhere else on the estate would be clearly contrary to C3(i) and would not receive support. In this instance, however, the site is in a corner of the estate which is not readily visible from the estate as a whole and for that reason the impact on the character of the area will be very limited. There will be some limited local visual impact but there are no grounds for refusal in relation to overlooking or impact on other dwellings.

The site is already partially developed with the garage and the house has been designed to retain space between the existing and proposed dwellings at first floor level. The proposed house has a distinctively different design to 9 Lime Trees but there is a variety of styles of house in the area with no distinct overriding character.

Permission has previously been granted for additional dwellings within gardens in Lime Trees, including to the rear of No. 9, albeit with larger gardens.

There may be some loss of the adjacent hedge but the dwelling would remain partially screened from Station Road.

Wessex Water are satisfied that drainage can be satisfactorily accommodated.

Wiltshire Council's ecologist is satisfied that there will be no direct impact on potential habitat for great crested newts.

Highways are satisfied that there will be no adverse impact on highway safety.

Value and private rights of way are not planning matters. Bin storage areas can be conditioned.

## **9. Conclusion**

This application hinges on a judgement on the impact the proposal has on the distinctiveness of the area under policy C3. This is a finely balanced judgement but it is considered that the particular circumstances of the location of this site and the design of the proposal indicate that permission should be granted.

## **10. Recommendation**

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

Contributions to:

- Open Space
- Affordable Housing

following completion of which the Area Development Manager be authorised to GRANT Planning Permission for the following reason:

The site is within the framework boundary where development is acceptable in principle under policy H3. The design and siting of the proposal comply with policy C3 and there would be no demonstrable harm.

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 the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY- C3

3. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

POLICY- C3

4. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

POLICY- C3

5. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY- C3

6. During construction all trenches and other excavations shall be backfilled before nightfall or a ramp left to allow newts and other wildlife to easily exit.

REASON: In the interests of biodiversity.

POLICY – NE11

7. Materials stored at the site shall be raised from the ground.

REASON: In the interests of biodiversity.

POLICY – NE11

8. If a protected species is found during construction, work shall be suspended whilst consultation with the Council Ecologist is carried out.

REASON: In the interests of biodiversity.

POLICY – NE11

9. Sufficient space for one garage and one parking space (or two parking spaces) together with a vehicular access thereto shall be provided for each dwelling, before it is occupied, in a position approved by the local planning authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: In the interests of amenity and road safety.

POLICY- C3

10. Prior to being brought into use the driveway for the first 4.5m from the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

POLICY- C3

#### Informatives

1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

2. The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated 2.4.09.

3. 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.

Existing and proposed elevations 2008-23-1B received by the local planning authority 13.3.09  
Floor plans, block plan and location plan 2008-23-2B received by the local planning authority 3.4.09

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1:20, 2:02, 2:07, 4:02, 4:04, 5:02,</b>