

**West Wiltshire District Council  
 Planning Committee  
 15<sup>th</sup> February 2007  
 PLANNING APPEALS UPDATE REPORT  
 11<sup>th</sup> January 2007 – 31<sup>st</sup> January 2007**

Agenda item no. 9

**New appeals received**

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
06/02022/FUL	197 Norrington Lane	Broughton Gifford	Two storey extension & 3 dormers to replace roof lights	DEL	REF	WR
06/01515/FUL	36 Summerdown Walk	Trowbridge	Erection of two storey side extension	DEL	REF	WR
06/02281/FUL	36 Summerdown Walk	Trowbridge	Erection of single and two storey extensions (retrospective application)	DEL	REF	WR
06/01976/FUL	53 Leigh Park Road	Bradford	Boundary fence to north and east of the property	DEL	REF	WR

**Appeal Decisions Received**

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
05/03023/FUL	31 Deverill Road	Warminster	Replacement retail unit with flat over	DEL	REF	WR	DISMIS
05/02904/OUT	104 The Butts	Westbury	Erection of a bungalow	COM	PER	HRG	ALLOW
05/01750/FUL	Rear of 106 West Street	Warminster	Demolition of existing garage buildings, formation of access including partial demolition of 106 West Street and construction of 1 three bedroom cottage and 4 two bedroom cottages	COM	REF	WR	DISMIS

\* additional notes on decision below

- I = Inquiry            H = Hearing
- Del = Delegated decision

WR = Written Representations  
 Comm = Committee decision

## ❖ Points of interest arising from decisions

**05/03023/FUL 31 Deverill Road, Warminster** – The Inspector concluded that although the proposed development would respect its context of height, the roof would end in a hip whereas the properties either side are gable. This roof form and the external materials would not be visually incongruous given the variety which exists. With regard to the living conditions of neighbouring properties, the height, width and proximity to the dwellings would significantly reduce their sunlight, be overpowering and intrusive to one dwelling and present a large unrelieved side elevation to the other. He noted that there is a good range of services and facilities accessible from the site and the occupiers would not be totally reliant on the car. Any on street parking would be limited because of the size of the unit and could be controlled by introducing on street parking controls. He concluded that the proposal would not materially reduce road safety. He also noted the redevelopment of the site would bring positive benefits but this did not outweigh the harm it would cause.

**05/02904/OUT 104 The Butts, Westbury** – The Inspector noted that the immediate locality is varied in building form with no strongly established or defined building lines. He concluded that the form of building would not be out of keeping with that of the nearby structures. The appearance in the street scene would be appropriate in terms of scale, siting and access with details of materials conditioned. The bungalow would not be an incongruous feature on this access road and the proposal would not be harmful to the character and appearance of the surrounding area. He felt that the indicative drawings suggested that the necessary fenestration could be small enough or obscure glazed such that they would not be intrusive. He concludes that the proposal would not harm the living conditions of the prospective occupiers. On the highway issue he noted that the Highway Authority had not objected and provision for 2 parking spaces would allow acceptable traffic movement.

There was also an application for **costs** in which the appellant claimed that Council had acted unreasonably in that they had no reasonable grounds for ignoring officers recommendation without a site visit, had no substantive evidence to demonstrate serious harm to the character of the area nor to the residential amenity of future occupiers. The Inspector concluded that the Reasons for Refusal were clearly stated and linked to the relevant policies, they were complete, precise specific and relevant. The substance of the Council's case was insufficient to refuse the proposal, but their case was based on reasonable planning grounds even though the officer had recommended approval. The development has not been prevented, inhibited or unacceptably delayed. He therefore refused the application for costs.

### **Note**

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

### Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
05/00681/REM	147B Westbury Leigh	Westbury	Proposed development of 5 residential units with associated parking, landscaping and private drive	INQ	CC	3 <sup>rd</sup> and 4 <sup>th</sup> April 2007
05/00859/OUT	147B Westbury Leigh	Westbury	Renewal of outline planning permission for residential development (00/01349/OUT)	INQ	CC	3 <sup>rd</sup> and 4 <sup>th</sup> April 2007
06/02483/FUL	147B Westbury Leigh	Westbury	Residential development comprising of 3 dwellings	INQ	CC	3 <sup>rd</sup> and 4 <sup>th</sup> April 2007
06/02482/FUL	147B Westbury Leigh	Westbury	Residential development comprising of 4 dwellings	INQ	CC	3 <sup>rd</sup> and 4 <sup>th</sup> April 2007

**West Wiltshire District Council  
 Planning Committee  
 8<sup>th</sup> March 2007  
 PLANNING APPEALS UPDATE REPORT  
 1<sup>st</sup> February 2007 – 21<sup>st</sup> February 2007**

**New appeals received**

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
05/00978/FUL	Workmans Hall, Bath Road	Atworth	Conversion of derelict building to residential use	COM	REF	HRG

**Appeal Decisions Received**

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
06/01205/FUL	Former Octagon Motors Site, George Street	Warminster	Redevelopment of site for 23 open market flats	COM	PER	INQ	ALLOW*
06/02329/FUL	63 Westbury Road	Edington	Conversion of redundant primary school and community centre into two dwellings	DEL	REF	HRG	WTHDR

\* additional notes on decision below

- I = Inquiry                      H = Hearing                      WR = Written Representations
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**❖ Points of interest arising from decisions**

**06/01205/FUL Former Octagon Motors Site, George Street** Members will recall that this was one of three applications by McCarthy & Stone; two were for 38 Sheltered accommodation units and this one for 23 open market units. One of the 38 sheltered unit applications was dismissed on appeal at an earlier Inquiry because the applicants challenged the need for an affordable housing contribution. The other is still pending negotiation of an affordable housing contribution.

The latest appeal against the refusal for the 23 market units was also heard by means of a Public Inquiry and concentrated on the issue of inadequate parking provision. The Inspector noted that the site was located in an attractive street of mixed residential and

commercial uses on the edge of the town centre. It is within walking distance of shopping centre, a range of services, the rail station and bus routes. There is unrestricted parking available in Manor Gardens and overnight parking in George St and Silver Street, which provides for short term parking Mon – Sat. She concluded that the combination of offsite and on site parking is sufficient to serve the development without significant safety implications. She also felt that there was no material impact on the amenity of the objector opposite in Ash Walk and was satisfied that, subject to conditions, the development would preserve and enhance the character and appearance of the conservation area. She granted permission on the basis of the s106 to secure highway improvements, revised plans and conditions.

The applicants also submitted an application for costs. The Inspector noted that 1.2 spaces were proposed, whereas the highway authority had stated they would normally require 1.5 spaces, but accepted the lower figure on the basis of some contributions to sustainable and alternative means of travel such as footway improvements, secure cycle parking and contribution to the cycle network. Local people raised objection on parking grounds and Councillors discussed the matter at committee. She did not agree that the evidence by the Council amounted to only assertions and noted that the Council gave detailed information on their concerns about the small amount of unrestricted parking nearby, the particular highway problems associate with it and the restrictions on other street parking. She did not find evidence that parking was based on minimum standards. She therefore found that the Authority had reasonable grounds for reaching their decision, they had substantiated it in their evidence to the inquiry and they therefore did not behave unreasonably. The claim for cost was dismissed.

**Note** - If Members of the Council wish to read the Planning Inspectors decision letter, please contact the Planning Office for a copy.

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