

**West Wiltshire District Council  
 Planning Committee  
 2<sup>nd</sup> August 2007  
 PLANNING APPEALS UPDATE REPORT  
 26<sup>th</sup> June 2007 – 18<sup>th</sup> July 2007**

Agenda item no. 7

**New appeals received**

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
06/02123/FUL	Land Rear Of 92 To 98 Portway	Warminster	Construction of 2 storey building, comprising 4 flats and associated works, including provision of additional car parking	COM	REF	WR
01/01971/OUT	Land Off Hackett Place	Hilperton	Residential development and associated roads	COM	PER	INQ

**Appeal Decisions Received**

Ref. No.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal Type	Appeal Decisn
06/03779/FUL	Land Between Frampton Court And 32 Whiterow Park	Trowbridge	Erection of a detached 2 bedroom chalet bungalow	DEL	REF	WR	Dismissed
06/02597/FUL	Longacre 17 Staples Hill	Freshford	Convert and extend existing building to form annex to the main house	DEL	REF	WR	Dismissed*
06/01775/LBC 06/01776/FUL	41 And 42 Hilperton Road	Trowbridge	Formation of vehicular access including partial demolition of frontage boundary wall	COM	REF	WR	Dismissed*

\* additional notes on decision below

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

WR = Written Representations  
 Comm = Committee decision

## ❖ Points of interest arising from decisions

**06/02597/FUL Longacre 17 Staples Hill Freshford** –. This site is located within the Green belt. The Inspector noted that the extension would amount to about 130 cu.m., the demolition of existing garage about 80 cu.m., the net increase would therefore be about 50 cu.m. However, the extension would increase the length of building by about 50% and be 1.3 metres higher than the ridge of the demolished garage. The net effect would be to significantly harm the openness of the area which amounts to inappropriate development in the Green Belt which by definition is harmful to the Green Belt. He concluded that the additional built development would be significant and visible, would harm the natural beauty of the area in a pleasant, largely unspoilt landscape to the detriment of the character and appearance of the countryside. He also considered the proposal to be tantamount to the provision of a new dwelling, notwithstanding the intention to occupy as an annexe to the existing dwelling, which conflicts with H19 (new dwellings in the countryside) and policy H21 (criteria for conversion of rural buildings in the countryside to dwellings) which do not appear to have been met or proven. With regard to any 'very special circumstances' in the Green Belt, he concluded that, although the appellants circumstances were understandable, the building would outlast the circumstances which give rise to it but it would be unrealistic to expect the building to revert to its current size and form when those circumstances no longer apply. The harm caused is not clearly outweighed by the personal circumstances.

### **06/01776/FUL & 06/01775/LBC 41 And 42 Hilperton Road Trowbridge**

This site is part of a row of 3 terraced houses which are listed buildings with small front gardens bounded by a low stone wall fronting onto a main road into Trowbridge. The Inspector noted the quality of the houses and concluded that it was vital that they should be preserved with only necessary alterations. He took the view that the stone wall, although little more than 200mm high, defines the frontages and curtilage of the distinctive dwellings and the loss of a significant part would impair the setting of the listed buildings. They are a feature of the local scene and it is desirable to preserve that aspect in the conservation area. He concluded,

“This terrace of houses is a reminder of the quality of the 19<sup>th</sup> century life in what is now an expanding market town. Although the physical effect of the loss of the short length of low stone wall may appear to be slight, it has an impact on the listed buildings and the Conservation Area that is significant not least because of the added opportunity to park vehicles against the façade of these sophisticated structures.”

**04/02303/OUT Staverton Triangle, Staverton** and **04/02156/OUT, Victoria Road, Warminster** – members will recall that these applications were called in by the Secretary of State. Following a Public Inquiry, the Secretary of State decided that she would be minded to grant planning permission for both sites subject to some alterations to the respective S106 Agreements in order to secure the delivery of the affordable housing and ensure its enforceability. These amendments have now been completed and forwarded to the Secretary of State who has now confirmed that planning permission has been granted for both sites subject to conditions.

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

### **Award of Costs against the Council**

In November 2005, following a public Inquiry, an appeal was allowed for the erection of 67 dwellings at Phase 7B, Staverton Marina and full costs were awarded against the Council. The Appellants submission of their costs was eventually received in March this year claiming £56,157.70 for preparing and appearing at the appeal. This sum was challenged by officers because it included costs pertaining to a concurrent, similar appeal on the same site which had been withdrawn. It has now been agreed to settle on a figure of £50,375.33. This amount will be paid to the appellant and is in addition to the Council's own cost in preparing and attending the appeal to defend the planning application decision.

### **Forthcoming hearing or Inquiries**

<b>Ref. no.</b>	<b>Site</b>	<b>Town/ Parish</b>	<b>Description</b>	<b>Appeal type</b>	<b>Venue</b>	<b>Date</b>
05/00855/LBC	The Coach House Lovel House 42 Lovel Road	Upton Lovell	Conversion of Coach House to provide annexe to Lovel House	HRG	Council Chamber	4 <sup>th</sup> September 2007
06/02374/LBC	The Coach House Lovel House	Upton Lovell	External and internal alterations	HRG	Council Chamber	4 <sup>th</sup> September 2007