

Development Services
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Report

Report subject: S/2007/1513 - 2 dwellings and garaging together with access drive at rear of Red House, Winterslow, Salisbury

Report to: Planning and Regulatory Panel

Date: 30 October 2007

Author: Janet Wallace (Senior Planning Officer)

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|---------------------|--|-----------------|--------------|
| Application Number: | S/2007/1513 | | |
| Applicant/ Agent: | TREVOR L GILBERT | | |
| Location: | LAND TO REAR OF THE RED HOUSE WINTERSLOW | | |
| Proposal: | 2 NO DWELLINGS AND GARAGING TOGETHER WITH ACCESS DRIVE AT REAR OF RED HOUSE | | |
| Parish/ Ward | WINTERSLOW | | |
| Conservation Area: | | LB Grade: | |
| Date Valid: | 25-Jul-2007 | Expiry Date | 19-Sep-2007 |
| Case Officer: | Mrs J Wallace | Contact Number: | 01722 434687 |

REASON FOR REPORT TO MEMBERS

At its meeting of 4 October 2007 the Southern Area Committee failed to determine this application and it is therefore referred to Planning & Regulatory Panel for a decision. The report to southern Area Committee is reproduced below with additions from the schedule of late correspondence in bold type.

REASON FOR REPORT TO MEMBERS

Councillor Devine has requested that this item be determined by Committee due to the public interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located in the rear of the Red House and consists of part of its garden, adjacent to a gated access to Yarmley Lane. The boundaries of the site are well treed and the site secluded.



Awarded in:
 Housing Services
 Waste and Recycling Services



THE PROPOSAL

It is proposed to erect two dwellings, (one of 4bedrooms and one of 5bedrooms). The access to be via the existing vehicular access off Middleton Road, though improved and altered to provide a private driveway to the 2 new dwellings.

PLANNING HISTORY

05/1048 Erect 2 dwellings with garages, parking and new access onto Yarmley Lane W/D

06/1606 Erect 4 dwellings at rear of the Red House Refused for the following reasons

- 1 The site is situated within a Housing Restraint Area, which has an open and spacious character largely derived from the mature trees and the large garden areas. As a consequence, this sub-division of the garden and the proposed development of 4 dwellings within only part of the garden is considered to be detrimental to the spacious character and appearance of the Housing Restraint Area and furthermore would set a precedent for similar development within this locality. The proposal is therefore considered to be contrary to the aims of policy H19 of the Salisbury District Local Plan.
- 2 The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.
- 3 The proposal makes no provision for affordable housing in accordance with policy H25 of the Salisbury District Local Plan and the Affordable Housing SPG

CONSULTATIONS

WCC Highways

no highway objections raised subject to the conditions suggested for the previous application S/2006/1605 with the exception of suggested condition 2 which should be reworded to reflect the appropriate drawing number

Wessex Water

not in a Wessex sewered area, but served by water main

Southern Water

Served by a foul sewer. No adverse comment on the application

Wiltshire Fire and

Rescue Services

Comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of domestic sprinklers Rescue Services

REPRESENTATIONS

Advertisement

Yes, expiry date 30/08/07

Site Notice displayed

Yes, expiry date 30/08/07

Departure No

Neighbour notification

Yes, expiry date 17/08/07

Neighbour response 11 letters and e-mails of objection raising the following points

- Outside the development area
- Inappropriate type of development in a HRA
- H19 Restraint Area is to protect areas such as this
- Will create a precedent and compromise area's character
- Previous schemes have been refused
- Appeal at The Elms, Yarmley Lane (which was dismissed) is relevant
- If the site is to be developed, it should be as part of an overall plan.
- Would be detrimental to spacious character of the area
- Not in keeping with surrounding area which is mainly bungalows and chalet bungalows
- No benefit to the village to build two very large houses

- Proposing an access on to Yarmley Lane
- Access on to Yarmley Lane should be stopped up
- Area already congested particularly at beginning and end of school.
- Visibility is hazardous
- Decreasing the parking area for the school by widening the entrance will create a traffic hazard
- Will create more completion for an already oversubscribed school
- Windows will overlook our property, loss of privacy
- Trees are subject to a TPO and House A is too close to protected oak tree
- Concerns regarding the trees
- Water pressure in Yarmley lane is poor already, more houses will add to problem

Parish Council Object on grounds of access which would increase traffic in the vicinity of the school and contrary to H19 in terms of development

MAIN ISSUES

- Principle
- Impact on SLA
- Scale and design
- Impact on amenities
- Impact on highway safety
- R2

POLICY CONTEXT

G1, G2, D2, H19, H25, C6, TR11 and R2 of Replacement Salisbury District Local Plan Affordable Housing SPG

PLANNING CONSIDERATIONS

1. Site History

An application for two dwellings with vehicular access off Yarmley Lane was withdrawn following receipt of the Inspector's decision to dismiss the appeal on the erecting of a new dwelling adjacent to The Elms off Yarmley Lane A subsequent application for four dwellings with access off Middleton Road was refused. This application relates to a slightly smaller portion of the rear garden, an area of just less than half a hectare, but again proposes to use the existing access on to Middleton Road

2. Principle

The principal issue is the acceptability or otherwise of the development of 2 large detached houses within a Housing Restraint Area.

Housing Restraint Areas are characterised by having an "open, informal, irregular or loose knit pattern of development". Generally this includes areas of buildings set in large gardens, possibly containing mature trees, which give the area a "green" appearance, or areas where there are large open areas between dwellings, which allow the countryside to enter the settlement.

The Local Plan states that development within Housing Restraint Area is generally limited to single dwellings, albeit that there may be occasions where more than one dwelling will be acceptable, dependent upon the size of the plot. In the case of this site behind The Red House, the plot is substantial in size, and would be an appropriate candidate for more than one dwelling if the layout were very loose-knit so as to retain the open character of the area.

The policy however, also states that within Housing Restraint Areas such development will only be acceptable if there will be no adverse impact on the character of the settlement, there is no loss of an important open space or features, which contribute to the special character of the area, and the development will be in keeping with the character of neighbouring properties.

The character of the settlement is varied and this is also true of the immediate vicinity of this proposal. The houses to the west of the proposed development are set within large gardens, which contribute significantly to the attractive rural character of the settlement. The dwellings to the east of the proposed development are different in character being largely bungalows and chalet bungalows, set within much smaller plots and therefore the properties cover a larger proportion of the plot, nevertheless the area still has a spacious, open and green character. The plans submitted by the applicant show that the two proposed dwellings would be located in comparatively close proximity to each other, though with substantial areas of private gardens. Despite the additional residential development there will still be a green appearance to the locality and it is considered that this intensification of development would not be detrimental to its established character

3. Impact on the Special Landscape Area

The site is on the edge of the village, adjacent to the open countryside and mature trees are an important part of both the character of this part of Winterslow and of this particular site. The original layout compromised the retention of the mature trees within the garden that are the subject of a TPO; in particular the large oak, and the Council's Arboricultural Officer objected to the development. However, the scheme has been redesigned and amended plans received which resolve this issue. The only trees now affected by the development being a small number of fruit trees. The scheme is now designed to retain the trees and hedges that border Yarmley Lane and the open countryside to the south of the site, which retains the rural appearance of the locality and the feelings of openness and spaciousness commented on as so important by the Inspector when considering the appeal into a refusal for a dwelling on Yarmley Lane.

In conclusion therefore, it is considered that the location of gardens on the southern and eastern boundaries combined with the retention of the trees and hedges would minimise the views into and out of the development and its visual impact on the Special Landscape Area

4. Scale and Design

It is considered that the siting and scale of the proposed dwellings are similar to the existing dwellings in the immediate area, though not those in Yarmley Lane, which largely consist of bungalows and chalet bungalows. The proposed dwellings are designed to reflect some of the special characteristics of the style of the Red House which was designed in the early twentieth century in a colonial style. The Red House would retain its dominance on the site with the bulk and mass of the new dwellings as well as their ridge lines being smaller and lower.

5. Impact on Amenities

Concern has been expressed that the development of this site will create congestion and disturbance for the residents of the locality, due to the increase in traffic from the introduction of 2 additional dwellings using the altered drive. However, without the support of the Highway Authority, it is not considered that this is sufficient reason for refusal.

Most of the other concerns relate to concerns regarding loss of privacy primarily due to the presence of new dwellings in an existing rear garden. Whilst there will be windows in the first floor elevations of House A in particular, which will be facing in the direction of the existing dwellings, the new dwellings have been designed to reduce the degree of overlooking and loss of privacy. The amendment of the position of House A has exacerbated the perception of overlooking and loss of privacy in relation to Sherston House. However, in view of the separation distances between House A and the existing dwellings it is considered that the concerns are more due to the perceived presence of dwellings than to actual overlooking and loss of privacy and the retention of the mature trees around the site will assist in screening the residential clutter of the development from The Red House and the other neighbouring properties.

6. Impact on Highway Safety

Concerns have been raised regarding whether the increased use of an access so close to the school which suffers from severe problems of congestion in its vicinity at certain times of the day, will create additional highway hazards. The Highway Authority when considering the previous application to serve five dwellings raised no objections. In this case it is proposed to improve the access which will still be a private drive, to serve the three dwellings, and it would be difficult to support a reason for

refusal on highway grounds without the support of the Highway Authority. However, in view of the Inspector's decision with regard to the new dwelling adjacent to The Elms, which referred strongly to the detrimental impact of any additional vehicular traffic on Yarmley Lane, it is considered appropriate that the existing vehicular rear access on to the Lane be stopped up.

7. Public Open Space (Policy R2)

A contribution for recreational facilities would be required for the 2 new dwellings pursuant to the above policy. The applicant has agreed to this in principle by signing the S106 agreement, though no monies have been received (as is normal practice).

CONCLUSION

This application is for the development of part of the garden area behind The Red House, and whilst the whole plot is substantial in size; it is an appropriate candidate for more than one dwelling as the proposed layout is very loose-knit and it is considered that the character and scale of the proposal would be appropriate to the locality and would not compromise the character of the Housing Restraint Area.

RECOMMENDATION: APPROVE

Subject to the completion of the S106 Agreement for the provision of public open space

Reason for approval

The erection of two dwellings on a site within the Winterslow Housing Restraint Area would be acceptable in accordance with Policies G2, D2 and H19 of the adopted Salisbury District Local Plan

And 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. (A07B)

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 (0004 AMENDED)

2 This development shall be in accordance with the following drawings ref. site plan, 07/35/5/3 and 07/35/5/4 deposited with the Local Planning Authority on 25 July 2007 and drawings ref. No. 07/35/5/1A and 07/35/5/2A deposited with the Local Planning Authority on 11 September 2007 unless otherwise agreed in writing by the Local Planning Authority. (B03A)

Reason 0007 For the avoidance of doubt.

3 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. (D04A)

Reason: To secure a harmonious form of development.

4 Before development commences, details of the proposed access shall be submitted to and agreed in writing with the Local Planning Authority and there shall be no occupation of the dwellings hereby approved until the access and drainage have been constructed in accordance with the approved details.

Reason To ensure that the development is provided with a satisfactory means of drainage and in the interests of highway safety.

5 Notwithstanding the provisions of Class[es] A To F of Schedule 2 (Part 1) to 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 extensions to the dwellings nor the erection of any structures or enclosures within the curtilages and no additions or alterations to the roofs of the

dwellings, or insertion of any windows into the side elevations of the buildings unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason To enable the Local Planning Authority to retain control over the development in the interests of neighbouring amenities and the character of the area.

6 No development shall take place until details of the stopping up of the vehicular access on to Yarnley Lane have been submitted to and approved in writing by the Local Planning Authority. No work shall commence upon the site until this stopping up has been carried out in accordance with the approved details

Reason In the interests of the amenity and the environment of the development

7 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing, Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas, which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences placement of service runs i.e. BT, water, gas, sewage, electric etc. It shall also include the control of potentially harmful operations, such as burning, the storage, and handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The Arboricultural Method Statement shall also indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include the provision for the supervision and inspection of tree protection measures on a regular basis throughout the different phases of construction. Reports produced as a result of these inspections shall be forwarded to the Local Authority Arboricultural Officer. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works and soft landscaping have been completed and all equipment, machinery and surplus materials removed from site, unless the prior approval of the Local Planning Authority has been given in writing.

Reason To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction

8 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same

species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development

9 During construction works, no machinery shall be operated, no process (excluding fitting out) shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. There shall be no activities/working on Sundays, Bank and Public Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

10 During construction works, all plant, machinery, and building materials shall be contained within the application site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority

Reason: In order to limit the impact on Middleton Road

11 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and brought into operation prior to the first occupation of the dwellings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

12 Any access gates shall be set a minimum distance of 4.5 metres from the carriageway edge and shall be made to open inwards only. (I09A)

In the interests of highway safety.

13 Visibility shall be maintained from a point 2m from the carriageway edge back along the centre line of the access to provide uninterrupted visibility along the edge of the carriageway in accordance with further details which shall be submitted in writing for approval.

In the interests of highway safety.

14 The access for a distance of 7metres from the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall previously have been submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety.

INFORMATIVES Policy

Having regard to the following policies of the adopted Salisbury District Local Plan:

| Policy | Purpose |
|--------|----------------------------------|
| G2 | General Criteria for Development |
| D2 | Design of Infill Development |
| R2 | Public Open Space |
| C6 | Landscape Conservation |
| H19 | Housing Restraint Area |