

PLANNING COMMITTEE

5 JANUARY 2006

Planning Applications for Determination

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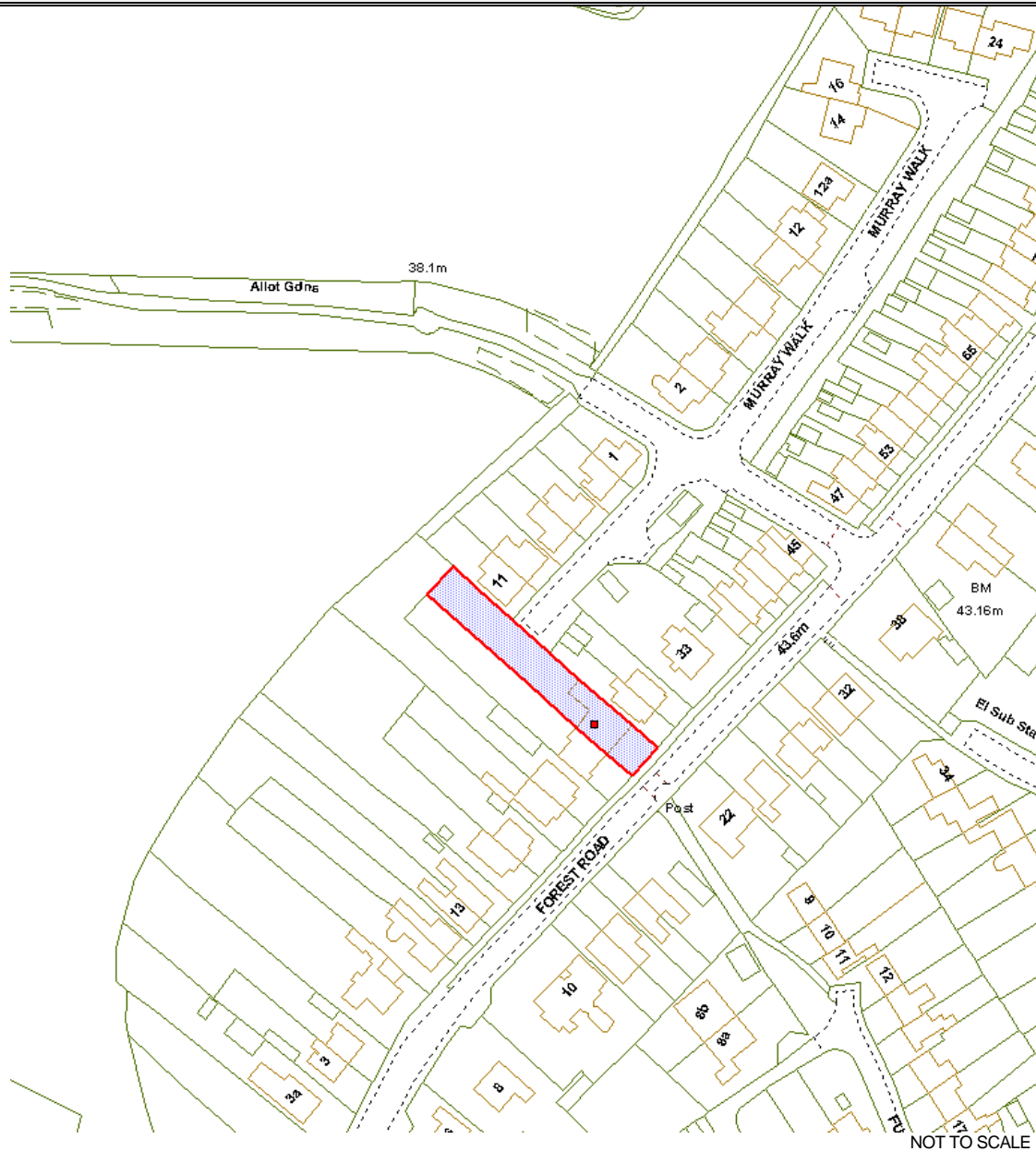
PLANNING COMMITTEE

5 January 2006

ITEM NO: 01

APPLICATION NO: 05/01175/OUT

LOCATION: 27 Forest Road Melksham Wiltshire SN12 7AA



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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 05/01175/OUT

Site Address: 27 Forest Road Melksham Wiltshire SN12 7AA

Parish:	Melksham (Town)	Ward:	Melksham North
Grid Reference	390934 164424		
Application Type:	Outline Plan		
Development:	One dwelling on site in garden north west of 27 Forest Road		
Applicant Details:	Mr And Mrs J Pocock 27 Forest Road Melksham Wiltshire SN12 7AA		
Agent Details:	Mr A Harlow 46 Longford Road Melksham Wiltshire SN12 6AT		
Case Officer:	Miss Nicola Rogers		
Date Received:	25.08.2005	Expiry Date:	20.10.2005

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 3 Approval of the details of design, external appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 The dwelling hereby permitted shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.
- REASON: In the interest of highway safety
- 9 The first 4.5 metres of the driveway into the site shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interest of highway safety
- 10 Prior to the commencement of the development hereby permitted, the site shall be subject to:
- i) site investigation and risk assessment works for chemical contamination
 - ii) works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment works
 - iii) remediation validation works
- The above is to be carried out to the satisfaction of the Local Planning Authority
- REASON: In the interests of the protection of public health and the avoidance of pollution

COMMITTEE REPORT

APPLICATION DETAILS

This item is presented to the Planning Committee at the request of Councillor Oakman. This application was deferred at the committee meeting of 27 October 2005 to enable further negotiations to take place. In the light of the debate at the Planning Committee and in order to address the concerns raised then, the application has been amended to include siting in this outline application, in addition to means of access. This was intended to add certainty to the application for the benefit of the neighbours and the members of the Planning Committee.

This is an outline application for one dwelling on land to the rear of 27 Forest Road, the proposed property would be located adjacent to number 11 Murray Walk, and would gain its access off the existing road there.

The plot of land currently forms part of a domestic garden, with a secondary access off Murray Walk. The land is located on the very edge of the Melksham Town Policy Limit, backing onto fields. The land is approximately 28 metres in depth by 9 metres and slopes down towards the rear of the site.

CONSULTATION REPLIES

- MELKSHAM TOWN COUNCIL: Felt unable to object to the application, but felt there were several points of concern which should be addressed.
- ENGLISH NATURE: A proper wildlife assessment be carried out by English Nature or Wiltshire Wildlife Trust.
- An S106 Agreement with clear evidence of an engineer's report to avoid subsidence and impact on the neighbouring property
- The drainage and sewerage has been adequately addressed in the technical part of the plan
- A survey of trees is carried out regarding whether tree preservation orders should be placed on any existing trees
- A covenant in the legal agreement to prevent any further development at the rear of Forest Road
- There is potential contamination at the site along the route of the old canal.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objections subject to the imposition of conditions.

PUBLICITY RESPONSES:

One letter of objection raised regarding the following:

- Loss of light and privacy
- Subsidence
- Conservation of wildlife
- Increased traffic
- Noise and disturbance
- Access to the proposed site

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C31a - Design
C38 - Nuisance
CA4 - Wilts and Berks Canal
H1 - Further housing development in towns

PPS1 - Delivering sustainable communities
PPG3 - Housing

RELEVANT PLANNING HISTORY:

None

KEY PLANNING ISSUES

The main issues for this application is whether the principle of a new dwelling on this land is in accordance with the Development Plan, and whether the amenity of the neighbours would be affected by the proposed dwelling.

PLANNING OFFICER COMMENTS

The plot of land is within the town policy limits of Melksham and as such new development would be subject to the criteria in policy H1 of the West Wiltshire District Plan 1st Alteration. The development of the site for housing is acceptable in policy terms if it meets these criteria. The proposed development is at a density of 31 dwellings per hectare, which is within the density range recommended in PPG3 (between 30 and 50 dwellings per hectare net) and represents an efficient use of the land.

The applicant has stated that the present use of the site is as a domestic garden, therefore the application site is considered in planning terms to contribute to the District's pool of previously developed (brownfield) land. Guidance in PPG 3 (Housing) encourages Local Planning Authorities to consider further appropriate infill development within existing urban areas, in order to make the best use of land.

Siting is now included in the application and therefore the plan now definitively shows how the proposed building would be positioned in the plot. Using this layout, it is evident that the amenity of the neighbours would not be affected, as the proposed building would follow the same building line and form of the neighbouring dwelling. The proposed property would therefore not overlook the habitable rooms of the existing dwelling and would not give rise to any additional overlooking of the rear garden than is not reasonable to expect in a residential location such as this. The proposal complies with policies H1 and C31a in this respect.

This proposal represents backland development, as it is to the rear of the existing property. This proposal is not inappropriate backland development as Murray Walk can easily be extended to serve a number of additional houses. It is consistent with the pattern of development along the whole of the road. Murray Walk was originally created through development such as this; the rear gardens of properties on Forest Road have been developed over the years to create the road as it is existing. This application proposal represents a continuation of this form of development, in keeping with the pattern of properties in Murray Walk. The Town Council suggest we impose a restriction on any further development in this style, however, this is not relevant to the application and would not be reasonable as a continuation of the development in this way would not be contrary to policy. The proposal complies with policy H1 in this respect.

The property would be located close to the line of the old Wilts and Berks Canal, which was filled in some years ago. As a result the properties built over this canal line have suffered some subsidence and remedial measures have been taken. After consulting with the Council's Building Control department, it is clear that special foundations should be used but no additional impact would be suffered by the adjoining property as a result of this proposal. A condition is suggested to ensure that suitable mitigation measures are undertaken with regard to contaminated land. The Council's records show that the former course of the canal would intersect the site on the very south western edge of the proposed dwelling. The foundations at this location would be the only point at which the proposed dwelling may be affected by the canal. There is no reason to suggest that neighbouring dwellings would be any further affected by the development and the known presence of the canal at the time of building would encourage necessary mitigation measures so the property would not suffer in the future. In this case this issue is not a material consideration as the issue can be covered by Building Control legislation.

There is evidence that badgers are active on and near the site, badgers are protected under the Protection of Badgers Act 1992. Having conducted a site visit it appears that the closest active sett is over 90 metres from the proposed house, but the land appears to be on the badger's foraging route, explaining the noticeable activity. English Nature has guidelines for mitigation against badgers on development sites; these state that if a sett is less than 30 metres from a development site mitigation measures would be required. In this case the sett is over 90 metres away and the development of the site would have no impact on the badger's sett.

To address the remainder of the comments raised by the neighbour and the Town Council: the only trees evident on the site are fruit trees, which would not be worthy of a preservation order, but would be preferably retained. The Highway Authority do not object to the application and are not concerned about the increase in vehicle movements or access to the site, at a width of 3.3 metres.

As the proposal complies with all the criteria of policy H1 of the West Wiltshire District Plan 1st Alteration 2004 and does not affect the amenity of the neighbours, there are no material considerations which outweigh the development plan in this case and the development should be permitted.

CONCLUSION

The proposal is in accordance with national and local policy and would not be harmful to the neighbouring property, or wildlife interests. Issues concerning the canal can be mitigated against by way of relevant planning conditions.

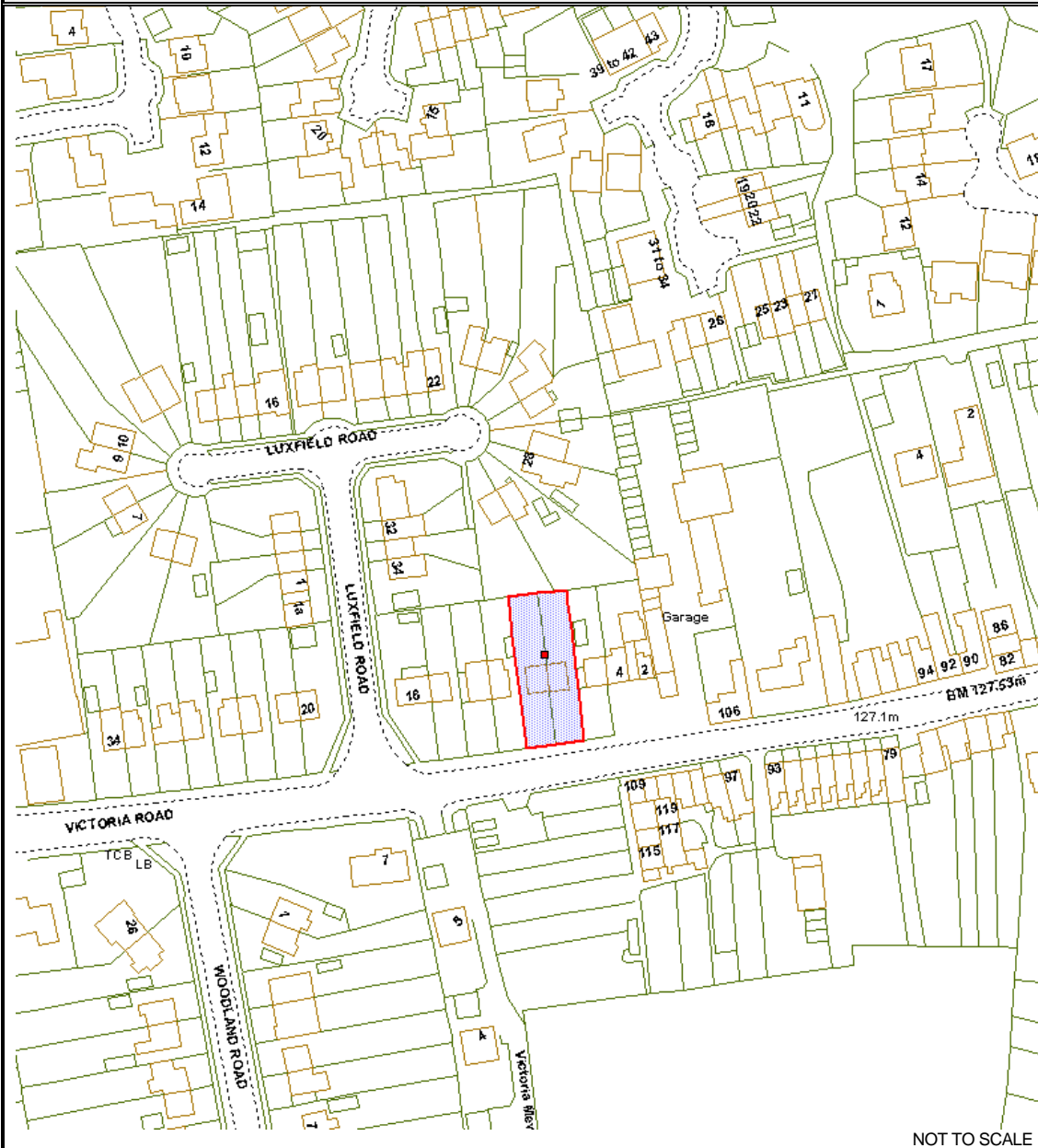
PLANNING COMMITTEE

5 January 2006

ITEM NO: 02

APPLICATION NO: 05/02322/FUL

LOCATION: 8 And 10 Victoria Road Warminster Wiltshire



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SLA: 100022961

02 Application: 05/02322/FUL

Site Address: 8 And 10 Victoria Road Warminster Wiltshire

Parish:	Warminster	Ward:	Warminster West
Grid Reference	386283 144959		
Application Type:	Full Plan		
Development:	Extension and conversion of pair of semi-detached houses to form 4 flats		
Applicant Details:	Mr D Whitten East Wing Penthouse Heytesbury Park Heytesbury Warminster BA12 0HG		
Agent Details:	Horsfall & Norris Chartered Architects Red Tuns Barn Trudoxhill Somerset BA11 5DR		
Case Officer:	Mr Matthew Perks		
Date Received:	06.10.2005	Expiry Date:	01.12.2005

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 The parking and turning areas indicated on the approved plans together with the means of access thereto shall be properly consolidated and surfaced, and made available for use before the premises are occupied and shall be maintained as such thereafter.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Warminster Town Council object and your officers recommend approval.

This is an application for full planning permission for the conversion of a pair of semi-detached dwellings at 8 and 10 Victoria Road, Warminster to create 4 flats. The proposal is for the creation of 2 modest 2-bedroom flats at ground floor level, with 2 1-bedroom flats above. The scheme includes the provision of 6 parking spaces to the front of the property and amenity space totalling approximately 200m² to the rear. A 4m double storey extension is proposed to the rear of the building, replacing an existing single storey lean to. No alterations are proposed to the front elevation of the building. The overall property size is approximately 550m².

The building is located in a row of four similar properties. The pair to the east of the site has however been extended, and a vehicle sales yard is located to the front of the property at the eastern end of the row. Residential development in the broader surrounding area takes various forms including semi-detached and higher density terraced properties.

CONSULTATION REPLIES

- WARMINSTER TOWN COUNCIL: Object "It was pointed out that this kind of development has happened in Trowbridge. Members felt that this was the wrong kind of building for flats, also the traffic problems it would create and would certainly deplete the housing stock. They have tried to encourage housing above shops. All felt this development is highly unnecessary. Also contrary to H16 of the Local Plan. Voting unanimously in favour of refusal on the following grounds:

1. This is out of character with the properties in the area.
2. Would have an adverse impact on the neighbours.
3. By virtue of the proximity to neighbouring properties would be detrimental to immediate neighbours.
4. Would deplete the housing stock.

- HIGHWAY AUTHORITY: No highway objection subject to conditions in relation to parking and the disposal of surface water.

PUBLICITY RESPONSES

Neighbours were notified of the proposal. 8 Letters of objection were received. Grounds for objection are as follows:

- development out of keeping with the surrounding properties;
- parking and traffic hazards on this main road;
- contrary to "Policy H16 of the WWDC Local Plan" which precludes the conversion of usable houses into flats;
- Loss of light to neighbouring property and noise disturbance;
- Removal of two houses from local stock with conversion to small flats;
- Houses not suited to this conversion in terms of fire safety and sound insulation.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C31a - Design
H16 - Flat Conversions
T10 - Parking

SPG on house alterations and extensions.

RELEVANT PLANNING HISTORY

04/00985/FUL: Erection of 3 bedroom house with access driveway and parking: Permission : 20 July 2004

KEY PLANNING ISSUES

The main issues in this case are the size of the property, provision for parking, the amenity of the neighbours and the suitability of the building for conversion.

PLANNING OFFICER COMMENTS

Policy H16 of the West Wiltshire District Plan, 1st Alteration 2004 states that proposals for the conversion of properties into flats will not be permitted if they are any of the following:

- An unreasonable and over intensive sub-division of an inadequate sized property;
- Detrimental to the outward appearance of the building of which they form a part or the character of the local area;
- Have inadequate access or insufficient or inadequate car parking provision;
- Have inadequate or insufficient amenity space around the building;
- Detrimental to the amenity of neighbouring residents;
- Subject to flood risk.

PPG3 guidelines for housing provision states that authorities should seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors. The Guidance also states that Local authorities should provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available.

In this case the development would be within less than a mile of the centre of Warminster, alongside one of the primary access routes. The building is a fairly substantial semi-pair that can accommodate the modest flats proposed. The design would extend the building in a manner that would not harm the front elevation, retaining the general appearance onto the street frontage. The rear extension would not be prominently visual to the street frontage. There are outbuildings and driveways adjacent to the boundaries of the neighbouring properties, the front of the outbuildings being approximately aligned with the rear of the proposed extension. The orientation of the extension and the location of these outbuildings are such that there would be no unacceptable loss of light or overshadowing, when assessed in terms of the guidelines contained in Council's SPG on house alterations and extensions. The four bedroom windows to the upstairs rear of the proposed flats would be orientated to the rear of the property, with the rear boundary being some 14m distant from these windows. The nearest dwelling to the rear would be over 30m away. There would be no new windows to the upper storey facing the neighbouring properties on either side. The side space would be approximately 2m on both sides.

Parking provision is within required standards. The highway authority has no objection to the proposal.

CONCLUSION

It is concluded that the proposal complies with development plan policy. There are no material considerations to outweigh this and accordingly the application should be granted permission.

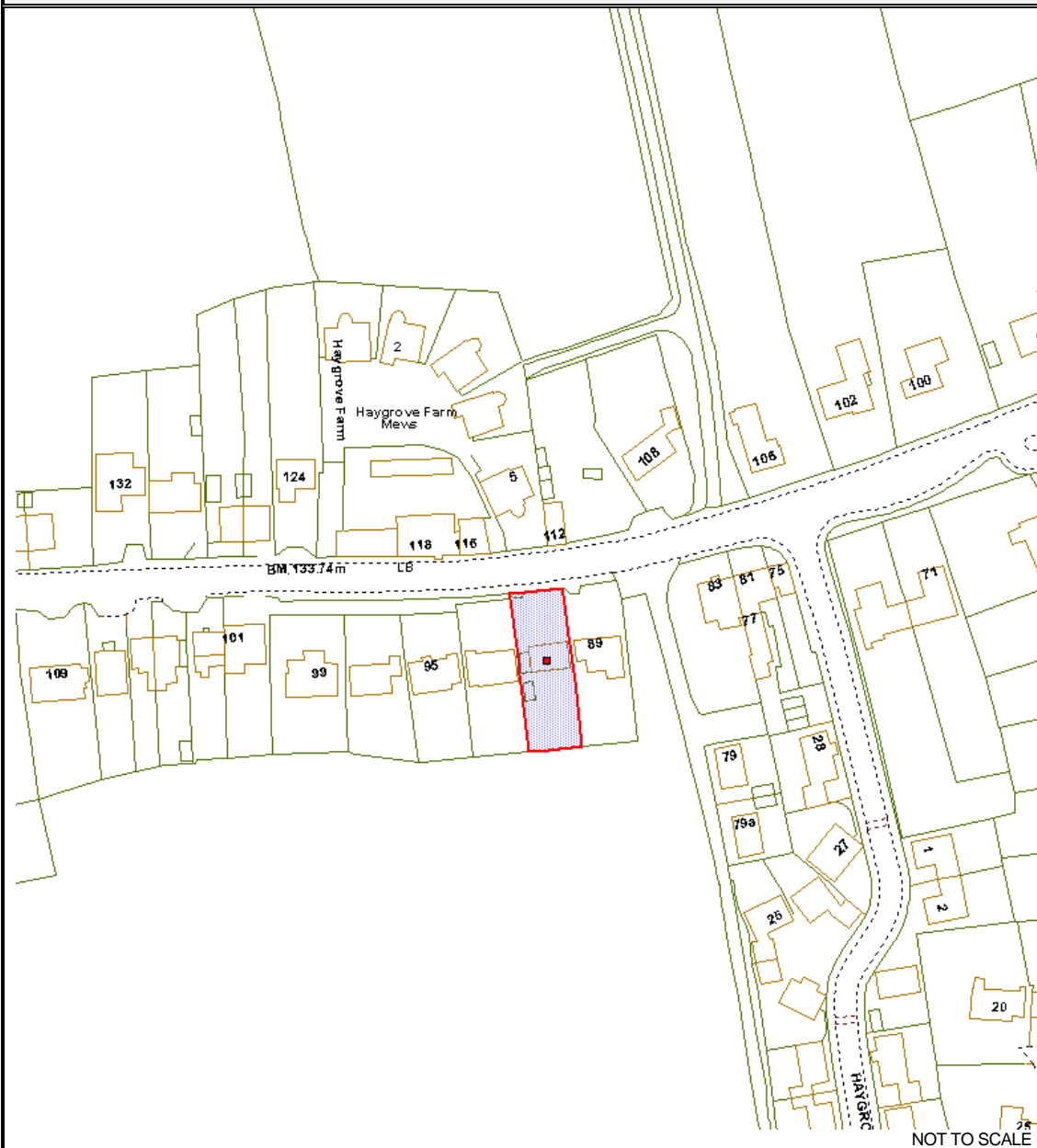
PLANNING COMMITTEE

5 January 2006

ITEM NO: 03

APPLICATION NO: 05/02324/FUL

LOCATION: 91 Victoria Road Warminster Wiltshire BA12 8HD



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SLA: 100022961

03 Application: 05/02324/FUL

Site Address: 91 Victoria Road Warminster Wiltshire BA12 8HD

Parish:	Warminster	Ward:	Warminster West
Grid Reference	385548 144788		
Application Type:	Full Plan		
Development:	Replacement dwelling and associated works		
Applicant Details:	Mr And Mrs C Slater Toynes Mead End Bowerchalke Salisbury SP5 5BW		
Agent Details:	Damen Associates 101 Wilton Road Salisbury Wilts SP2 7HU		
Case Officer:	Mr Matthew Perks		
Date Received:	06.10.2005	Expiry Date:	01.12.2005

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.

- 3 The windows to the east elevation shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Warminster Town Council recommends refusal and officers recommend Permission.

This is an application for a replacement dwelling and associated works at 91 Victoria Road, Warminster. The proposal is a revision of a plan (Ref. 05/01660/FUL) that was withdrawn.

The site is located to the south of Victoria Road, and is located in a row of 5 single storey bungalow-style dwellings. There is a degree of uniformity to the appearance of the row in terms of building style and orientation, although there is a variation to the roof ridge heights. The proposal is for a modest 3-bedroomed chalet bungalow. The ground floor would be comprised of kitchen, lounge, utility room and garage, with 3 bedrooms, a bathroom and shower occupying the roof space above.

The dwelling would be situated on site so that it would be aligned with the neighbouring row of dwellings relative to the street front. The front elevation would retain the appearance of a bungalow, of similar form to the other buildings in the row. The rear of the building would have two dormers and a rear extension of 5.8m in length. The extension would be approximately 2.5m and 4.5m from the western and eastern boundaries of the property respectively. The roof ridge height to the dwelling would be 6m. There is a public right of way that runs past the rear of the property.

The agent submitted a "Planning Assessment" in support of the application of the proposal.

CONSULTATION REPLIES

- WARMINSTER TOWN COUNCIL: Objects. "The committee felt that this development will go against the character of the area and the dimensions and style would be detrimental to the immediate neighbours. Voting 5 for refusal and 1 for approval. Carried for refusal."
- HIGHWAY AUTHORITY: No objection subject to a condition relating to the disposal of surface water.
- ENVIRONMENT AGENCY: No comment.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. Two responses were received, one expressing no objection. The second letter expressed concern with the loss of light and overshadowing to the main living room and western windows to no. 89, Victoria Road.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
DP4 - Housing in towns

West Wiltshire District Plan - 1st Alteration 2004
C38 - Effects of development on neighbouring properties
C31a - Design

PPS 1 - Delivering sustainable development.

RELEVANT PLANNING HISTORY

05/01660/FUL: Replacement dwelling: Withdrawn

KEY PLANNING ISSUES

The main issues relevant to this application are design and possible impacts on neighbouring amenity and the street scene.

PLANNING OFFICER COMMENTS

The proposed dwelling has a front elevation design that reflects the character of the neighbouring row of bungalows in the street scene. Although the roof ridge would be approximately 400mm higher than that of the immediately adjacent dwellings, there is an existing variation in ridge levels within the row of 5 dwellings.

The appearance of the row from Victoria Road would therefore not be harmed. Although there is a right of way to the rear of the property, the new dwelling would be approximately 13m from this boundary at the nearest and would therefore not be prominent to it. The relative uniformity of the front elevations of the row of dwellings is furthermore not repeated on the rear, with various extensions having occurred. The proposal would therefore not have a detrimental impact on the public right of way.

The rear elevations of the row of dwellings are orientated towards the south. The extension to the rear of the dwelling has been designed with an irregular roof pitch so that the eaves height to the eastern side (facing the neighbour who has expressed concerns) would be 4.7m from the property boundary and have a height of approximately 3.6m. There is a garage on the neighbour's side of the boundary, giving an effective side space of 3m to the dwelling itself. There is a secondary window to the western elevation of the neighbour's dwelling that would be affected by the extension, but not to an extent that would justify refusal on amenity grounds. The primary source of light to this sitting room is a set of patio doors and windows orientated towards the rear of the property. The rear extension of the new dwelling would not fall within a 45° arc of vision from the centre of these windows. The two windows in the elevation facing the neighbour to the east would serve a bathroom and shower.

The extension would be approximately aligned with an existing garage that is to be removed from the western boundary of the site. The extension would have an eaves height of 2.2m on the western side. This could be seen as an improvement in the amenity enjoyed by neighbours.

CONCLUSION

It is concluded that the proposal would not harm the street scene and would not impact neighbouring amenity to a degree that would indicate refusal of the proposal. Accordingly the application is recommended for approval.

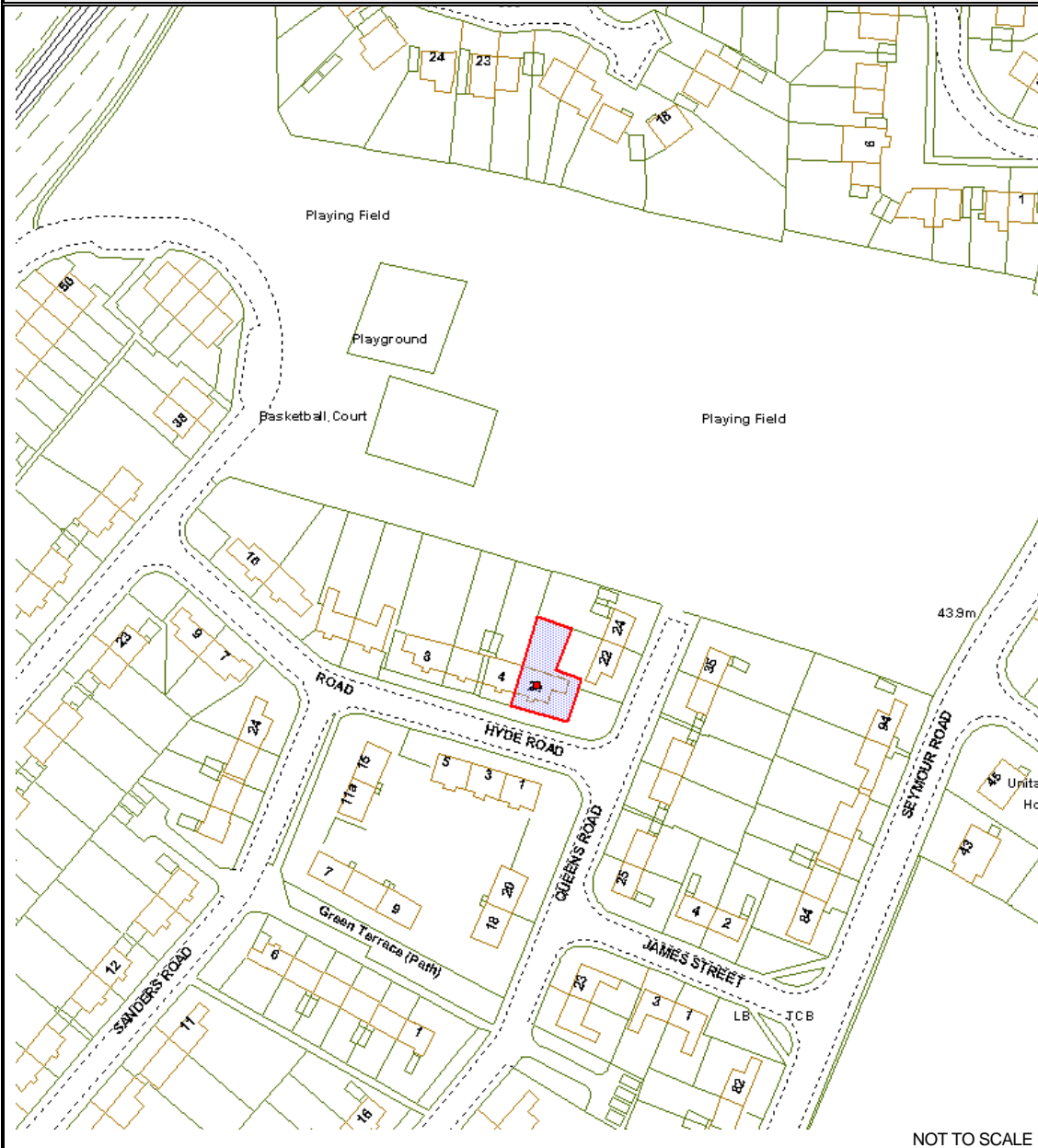
PLANNING COMMITTEE

5 January 2006

ITEM NO: 04

APPLICATION NO: 05/02675/FUL

LOCATION: 2 Hyde Road Trowbridge Wiltshire BA14 8NP



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SLA: 100022961

04 Application: 05/02675/FUL

Site Address: 2 Hyde Road Trowbridge Wiltshire BA14 8NP

Parish: Trowbridge Ward: Adcroft
Grid Reference 385521 158791
Application Type: Full Plan
Development: Conversion of single dwelling to form 2 houses incorporating a single storey extension with attic bedroom
Applicant Details: Miss K Miller
2 Hyde Road Trowbridge Wiltshire BA14 8NP
Agent Details: Mr Ian Sing
29 Lower Street Rode Bath BA3 6PU
Case Officer: Miss Julia Evans
Date Received: 11.11.2005 Expiry Date: 06.01.2006

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no development falling within Schedule 2, Part I, Classes A-E, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & C38.

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no windows, doors or dormer windows (other than those expressly authorised by this permission) shall be constructed.

REASON: The implementation of permitted development rights on this site would be unacceptable.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & C38.

- 7 The parking spaces identified on the approved and certified plans shall be allocated for the use of the occupiers of each of the dwellings hereby approved and shall be retained for the use of each of the two properties thereafter.

REASON: In the interests of amenity and highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10.

- 8 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 10 Before the commencement of development, details of the measures to protect the public water mains shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: To protect public infrastructure.

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water to arrange points of connection to their apparatus and measures to protect the public water mains.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought before the Committee because the Town Council objects and your officer recommends permission.

This is a full application for the conversion of one dwelling into two separate houses at 2 Hyde Road, Trowbridge. No 2 is an end of terrace property located within a residential area. It is constructed of red brick with plain tiles to the roof, and has an existing single storey side extension. It is proposed to subdivide this three bedroomed house vertically to provide two, two-bedroomed houses. To the front of the property the proposals would result in the formation of a new front door on the existing single storey extension, which would also have a new raised roof (from approximately 4.5m to 5.2m), to allow provision of a bedroom in the roofspace. To the rear, there would be a single storey extension, again with rooms in the roof, which would measure approximately 4m x 4.3m x 4.8m, split between the proposed dwellings.

The application proposes two parking spaces in front of the side extension, along with the formation of a new vehicular access. The front and rear gardens would be subdivided to provide gardens for each dwelling.

No 2 lies within the Town Policy Limit for Trowbridge.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Raise an "Objection ... on the grounds that it is changing the character of the area and the street scene".

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Have not responded.
- WESSEX WATER: No objection subject to conditions.

"It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure."

PUBLICITY RESPONSES

Neighbour notifications have been undertaken and no responses have been received.

RELEVANT PLANNING POLICY

90/01182/FUL - Change of use to garden - Refused 25.09.90

03/00980/FUL - Conversion of single dwelling into two houses - Permission 31.07.03

05/00535/FUL - Conversion of single dwelling to form two dwellings, incorporating a two storey rear extension - Refused 16.05.05

RELEVANT PLANNING HISTORY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP7 Housing in towns and settlements
- DP9 Reuse of land and buildings
- T5 Parking

West Wiltshire District Plan - 1st Alteration 2004

- C31A Design
- C32 Landscaping
- C38 Nuisance
- H1 Further housing development within towns
- H16 Flat conversions
- T10 Car parking
- U1A Foul water disposal
- U2 Surface water disposal

SPG - Planning Design

National Guidance

- PPS1 - Delivering Sustainable Development
- PPG3 - Housing
- PPG13 - Transport

KEY PLANNING ISSUES

The key issues in the determination of this application are

- subdivision of one unit into two, the
- impact of the proposed works, the
- parking and highways issues, and
- drainage and infrastructure protection.

PLANNING OFFICER COMMENTS

PPG3 requires that proposals should make efficient use of the existing accommodation to provide a wider housing opportunity, and more choice and a mix of the size, type and location of housing to create mixed communities, whilst making the best and most efficient use of land. It is considered that the proposal is acceptable in terms of Government Guidance.

Permission was originally granted in 2003 for the change of use of the property into two dwellings. The view was taken at that time that although the division of the property is vertical and will form two separate two storey dwellings, it is not dissimilar to the conversion of a dwelling into flats. It is both Government and Council policy (Policy H16) to encourage residential conversions into flats provided there is a reasonable subdivision, the outward appearance and local character are maintained, access and parking can be provided, there is sufficient amenity space around the building, and there is no loss of amenity to neighbours. It is considered that the raising of the height of the existing extension and new build to the rear are acceptable in respect of the requirements of this policy. The neighbouring property has a similar rear extension, and it is felt that this current proposal has overcome the previous application's design refusal reason, in that it is no longer detrimental to the character of the surrounding area. Subject to conditions for matching materials, and the removal of permitted development rights, including new windows and doors, no objection is now raised.

The previous application was also refused on the grounds of being detrimental to residential amenity in terms of overshadowing and loss of privacy. The current proposal is considered to have addressed this reason by virtue of the reduction in size of the rear extension. Again, subject to the above suggested conditions, no objection is raised.

At the time of writing the report the Highway Authority have not responded to the consultation request. However, with the previous application the Highway Authority were satisfied that the provision of two parking spaces, one for each property, is sufficient. Each parking space would need to be dedicated by condition to each of the flats. Previously recommended conditions concerning access materials and disposal of surface water have also been attached.

Wessex Water have required protection of the public water mains and private foul sewers running under the public pavement to the front of the property, plus, details of arrangements to points of connection to their apparatus. These have been attached as a condition and informative respectively.

CONCLUSION

The application is considered to have overcome the previous reason for refusal and subject to conditions, is considered to be acceptable and in accordance with Government Guidance and Development Plan Policy.

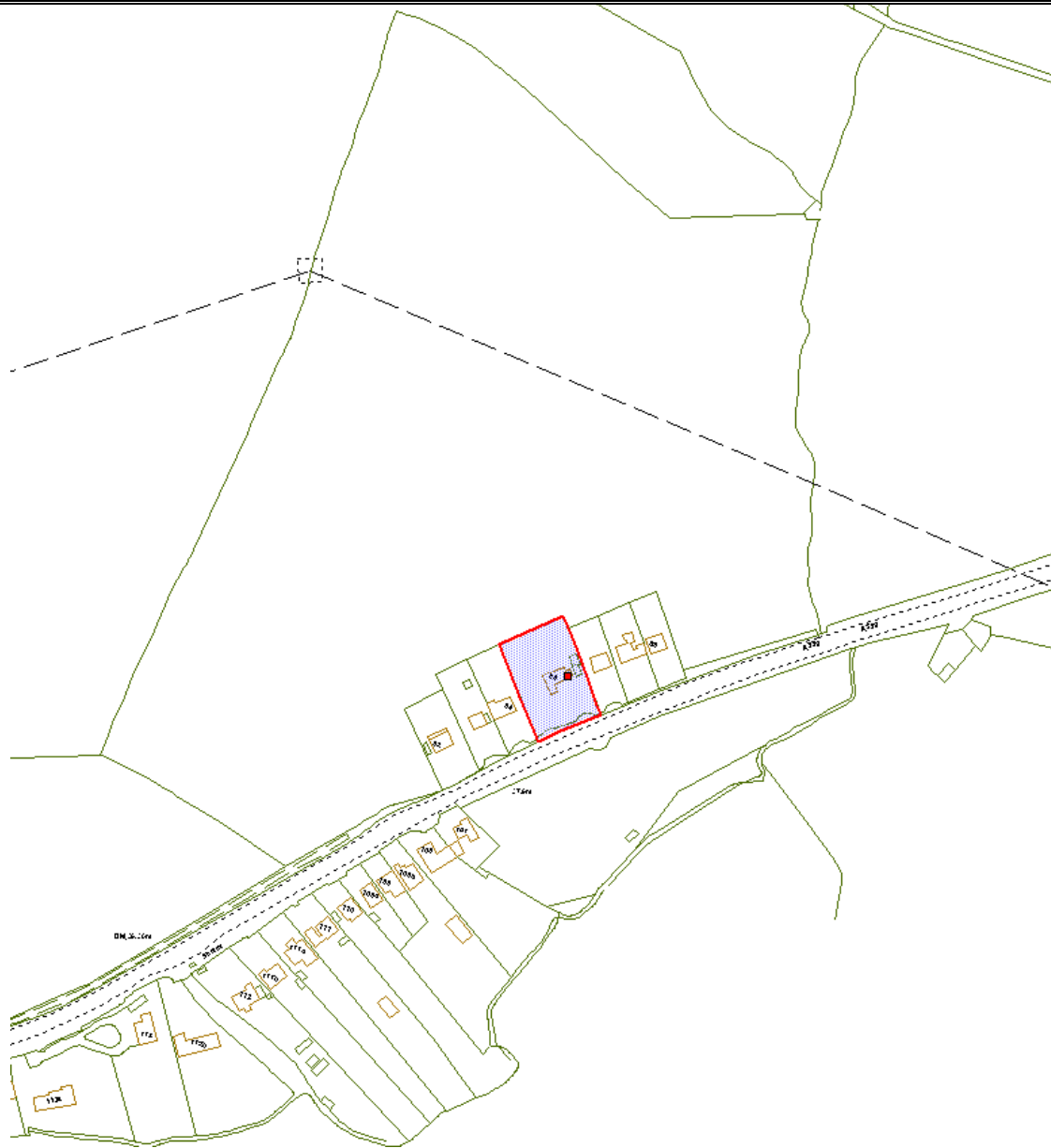
PLANNING COMMITTEE

5 January 2006

ITEM NO: 05

APPLICATION NO: 05/02344/FUL

LOCATION: 66 Beanacre Wiltshire SN12 7PY



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 05/02344/FUL

Site Address: 66 Beanacre Wiltshire SN12 7PY

Parish: Melksham Without Ward: Melksham Without
Grid Reference 390871 166584
Application Type: Full Plan
Development: Construction of vehicular access
Applicant Details: Ms K Nurkowski
West Willows 66 Beanacre Wiltshire SN12 7PY
Agent Details: MR G N Bodman
The Paddocks Whiteheads Lane Bradford On Avon Wiltshire BA15 1SU
Case Officer: Mr David Cox
Date Received: 11.10.2005 Expiry Date: 06.12.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed access would introduce an additional entrance onto the main A350 Beanacre, and would be likely to create a hazard to road users.

REASON: In the interests of highway safety

POLICY: C38 of the West Wilts District Plan 1st Alteration 2004 and Supplementary Planning Guidance "House Alterations and Extensions".

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee at the request of Councillor Oakman as it is in the public interest to debate this application, due to highway safety.

This is an application for the construction of a new vehicular access at 66 Beanacre, Melksham.

This property is one of the last few houses on the A350 where the 40 mph speed limit ends before it becomes the national speed limit. It currently only has one entrance which is only wide enough for one vehicle to pass at any one time and is positioned in the eastern corner of the front elevation to the property.

The proposal is to create a new entrance at the western end. This would be of an identical width to the existing entrance, 3.5 metres. This will require the removal of hedgerow but would retain a dense and mature hedgerow that defines the boundary with the neighbour, No 64. The existing driveway would be extended to link with the new access. No trees would have to be felled in order to do this, only hedgerow.

The agent has submitted a letter stating that the applicant has a frequent number of trips, including the use of "farming equipment and horse boxes/trailers. On site turning with articulated arrangements are often difficult and have on occasions, forced hazardous reversals onto the main road."

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL

No response

- HIGHWAY AUTHORITY

Objection:

"From the letter received from the applicant, it claims a need for articulated arrangements on site but as far as I understand the site is only permitted to be used for domestic use which therefore leads me to question whether there is any authorised uses on the site requiring the need for such vehicles. If this is the case, I would be grateful for further information.

The application is for a second access to a residential dwelling to which there is no highway benefit and it results in a multiplicity of accesses onto the main A350. Therefore as before (in application 05/01631/FUL) I recommend that this application be refused on highway grounds for the following reason(s):-

The proposed access would introduce an additional entrance on the main A350 Beanacre, and would be likely to create a hazard to road users, for which no highway need exists."

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter. No comments were received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design
C38 - Nuisance

RELEVANT PLANNING HISTORY

05/01631/FUL - Construction of Vehicular Access - REFUSED - 21.09.2005

KEY ISSUES

The key issues in this case is whether the application complies with development plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

The Highway Authority have objected on these grounds, the creation of a highway hazard and need.

The applicants are the judges of need at their property. So this reason cannot be supported. The objection of the creation of a highway hazard can be supported. This is a busy road and the earlier reason for refusal in application 05/01631/FUL has not been overcome. 05/01631/FUL was refused because it would create a hazard to road users.

As the additional entrance would be likely to create a hazard to road users it outweighs all the positive features of the application. These would include satisfying Policy C31a of the Local Plan that states proposals for new development will be required to respect or enhance existing patterns of movement, activity and permeability whilst minimising the visual impact of roads, vehicles and parking areas. The visual impact of the new entrance and driveway would have a minimal impact on the character of the area. This is because it would only result in the loss of a small part of the hedgerow which, is of no significant amenity value.

Secondly, Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. Consideration will be given to levels or types of traffic generation and the generation of unpleasant emissions such as odour, fumes, smoke and dust. This new entrance and driveway would not cause any nuisance to the No 64. This is because it would not remove any of the tall, dense and mature hedgerows that define the two boundaries. Although the vehicles would be closer to No 64's amenity there would not be an increase in the number of vehicular journeys so it would not result in nuisance to them.

The use of farming vehicles on a domestic dwelling would in itself require a separate planning permission. This is because it would constitute a material change of use on this land.

CONCLUSION

The proposal is likely to create a hazard for road users. There are no material considerations to outweigh this. The application is therefore recommended for refusal.