

**West Wiltshire District Council
Planning Committee 9th March 2006**

Agenda item no.

**PLANNING APPEALS UPDATE REPORT
2nd February 2006 – 23rd February 2006**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appea l type
04/02303/OUT	Land at Staverton Triangle,	Staverton	Residential development and associated works	COM	Permit	Call in INQ
04/02156/OUT	Land North of Victoria Road	W'minster	Application for outline planning permission for residential development and associated infrastructure	COM	Permit	Call in INQ

NB Please note that these applications have been called in by the Secretary of State who wishes them to be referred to him instead of being dealt with by the Council

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or comm	Officer recom.	Appeal type	Appeal Decisn
04/01781/FUL	8 Orchard Drive, Southwick	Southwick	Construction of new dwelling, incorporating existing garage where possible and construction of 2m high wall on main road side of new house	DEL	REF	WR	Allowed
05/00214/FUL	Brooklands, 49 Woolley Street	Bradford	emolition of existing dwelling and erection of six 3-bedroom terraced cottages and associated works	COM	REF	WR	Dismissed*
05/01112/FUL	Land South of, Leigh Rd West	Bradford	Conversion of barn to provide new residential unit	DEL	REF	WR	Dismissed*
05/00816/FUL	Land adj, Downside, Portway	Warminster	New dwelling and garage	DEL	REF	WR	Dismissed*
05/00880/FUL	Previously 1 Sarum Avenue	Melksham	Erection of three dwellings with parking (revised)	COM	REF	WR	Allowed*

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

❖ Points of interest arising from decisions

05/00214/FUL Brooklands, 49 Woolley Street, Bradford on Avon – The main issue was the effect on the character and appearance of the Conservation Area. The Inspector considered the site has an important function in forming the setting to the Conservation Area, both historically and visually, offering a green space between the protected townscape and the modern housing to the south and south west. He felt that the impression of space would be substantially lost if the scheme were to be implemented because the dwelling facing Woolley Street would be sited close to it and extend to within 14 metres of the North East boundary. By intruding into the green open space it would harm the setting of the Conservation Area to an unacceptable extent.

He also noted that the boundary wall has been reduced in height resulting in the loss of the characteristic quality of old walls which are a notable feature of the Conservation Area, there being typically up to 2 metres high forming street boundaries and overhung with vegetation. He considered that the wall in its original form and along its entire length represented an important element in the townscape and contributed greatly to the CA and its setting. He concluded that its present height is mean and inadequate and if reduced further would become merely a retaining wall for the bank behind, losing the essential characteristic of the boundary wall in the Conservation

Area. Therefore, in altering the form character and appearance of the historic boundary wall it would cause unacceptable harm to the character of the Conservation Area and its setting.

On the issue of Conservation Area Consent for the boundary wall he thought this was not in his remit which was confined to the planning merits of the proposal. He noted the fall back position but was aware that the council could require appropriate boundary treatment as a condition on a planning permission.

05/01112/FUL Land South of, Leigh Rd West , Bradford on Avon - One of the issues in this appeal was the proposal to stop vehicular traffic at the main car park to the equestrian centre and rely on access to the dwelling by foot along a track of some 250 metres long. The Inspector concluded on this point that it is unreasonable to expect future occupiers to habitually accept such a long walk except during daylight hours in fine weather. He felt that it would be inevitable that an application would be made to upgrade the track for regular vehicle use and for an access to be allowed to the dwelling which the Council would be unable to refuse once the dwelling was established on the site. The result would be a materially greater impact on the openness of the Green Belt. In any event the track would be improved for construction, emergency and delivery vehicles which, whatever materials are used, would be visible and have an obtrusive impact on the openness of the Green Belt.

05/00816/FUL Land adj, Downside, Portway, Warminster - This appeal proposed the erection of a dwelling in an elevated position. The Inspector was of the opinion that, despite the appellants efforts to limit the impact on the adjacent house it would not be sympathetic to the wider area nor the aims of the government and would clearly compromise the quality of the environment. On the issue of the beech tree, he concluded that there would be insufficient level land between any tree protection enclosure and the site boundary to facilitate an access. There being no other means of access for the construction, it would result in all activity and delivery of materials using the area beneath the canopy to the detriment of the tree. Although crown reduction for the tree was proposed he felt that it would be close to habitable room windows and referred to the government advice that layouts may require careful adjustment to prevent trees from causing unreasonable inconvenience, leading inevitably to a request for consent to fell.

05/00880/FUL Previously 1 Sarum Avenue, Melksham - The Inspector concluded that although the planting would be limited, the effect would be to divide the frontage of these houses into distinct areas and ensure that each parking space would be clearly linked to its associated dwelling. This would be visually acceptable and would be comparable to many of the examples of frontage parking in Sarum Avenue. He allowed the appeal with conditions which required the parking and planting areas to be provided within 6 months and the planting implemented in the first planting season afterwards; that the landscape area be retained as such and the parking areas be kept free of obstruction and used for the parking of vehicles in connection with the development.

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 Mar 2006 – May 2006

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
05/00608/OUT	Parcel Rear Of 20, High Street, Bulkington	Bulkington	Erection of 25 dwellings and sports pavilion	Hearing	CC	14 Mar
04/01063/OUT	Land East Of Southview Farm Drynham Road, Trowbridge	Trowbridge	Outline application for residential development, recycling mini bank, open space, equipped childrens play area, provision of landscaped flood protection area and associated infrastructure	Call in Inquiry	CC	23 May
04/00385/FUL	Land East Of Furnax Lane, Warminster	Warminster	Section 73 application for the carrying out of warehouse and storage with access road and parking without complying with Condition 03 imposed on planning permission reference 01/02033/FUL	Hearing	CR3	23 May