

**Planning Applications**

- (a) To receive and note the attached list of delegated decisions made since the last meeting (list herewith)
- (b) To determine planning applications received in accordance with the Committee's delegated powers (list herewith).

**NOTES:**

(i) LOCAL GOVERNMENT ACT 1972 – SECTION 100D

The background papers relating to the applications reported upon include not only relevant planning documents but also replies to consultations with other bodies and authorities, letters of representation from interested parties, previous planning decisions and source material otherwise referred to in the reports.

(ii) HUMAN RIGHTS ACT 1998

The human rights implications of the actions recommended in these reports have been considered and are acceptable and the checklist has been addressed.

---

# PLANNING COMMITTEE

4 JANUARY 2007

## Planning Applications for Determination

Item No	Application No	Location	Parish	Page No
01	05/01290/FUL	Section 73 application to continue to develop the site in accordance with outline planning permission W94/01431 without complying with the time limit for submission of reserved matters - Land South Of Link Road And East Of Quartermaster Road West Wilts Trading Estate Heywood Wiltshire	Heywood	1
02	06/03030/FUL	Dwelling and garage (amendment to 05/02625/FUL) - Land Adjacent To 27 St Marys Lane Dilton Marsh Wiltshire	Dilton Marsh	13
03	06/03158/FUL	Detached cottage - Land Adjacent 12 Lower Marsh Road Warminster Wiltshire	Warminster	17
04	06/01485/FUL	Retrospective change of use from storage of agricultural equipment and machinery to a B8 for use as storage primarily for cars - Leechpool Farm Norrington Lane Broughton Gifford Wiltshire SN12 8LS	Broughton Gifford	21
05	06/02659/FUL	Erect a timber porch and gate - 8 Bratton Road Westbury Wiltshire BA13 3EN	Westbury	27
06	06/03319/FUL	First floor extension - 2 Middle Lane Trowbridge Wiltshire BA14 7LG	Trowbridge	31
07	06/03015/FUL	New timber stables (2) tack room and hay/food store - Land Adjacent Hillside Cottage Hill Road Sutton Veny Wiltshire	Sutton Veny	35
08	06/03379/FUL	Remove existing wooden garage replace with timber framed building - Barn View 81 Hindon Road Monkton Deverill Wiltshire BA12 7EX	Kingston Deverill	41

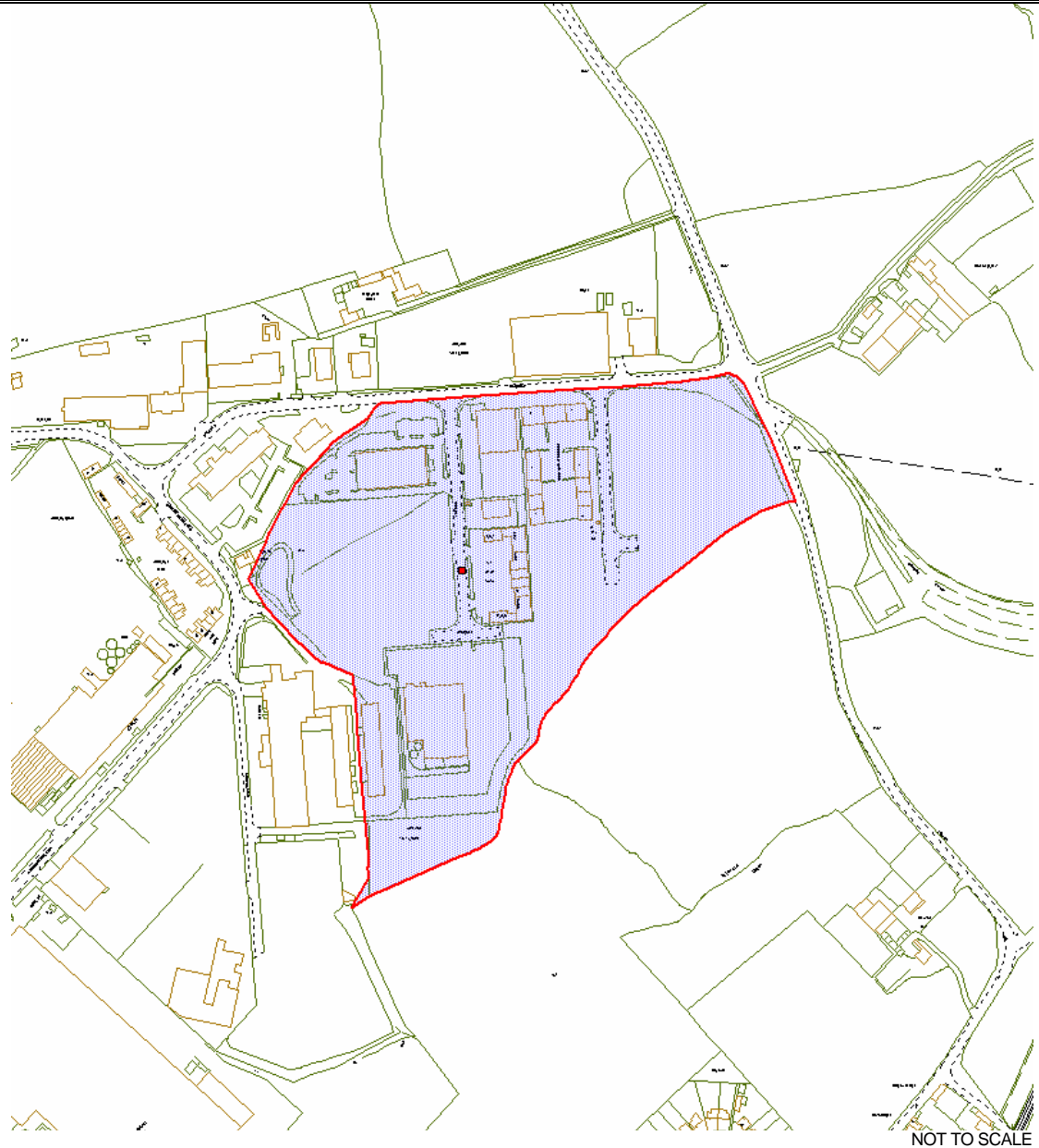
# PLANNING COMMITTEE

4 January 2007

ITEM NO: 01

APPLICATION NO: 05/01290/FUL

LOCATION: Land South Of Link Road And East Of Quartermaster Road West Wilts Trading Estate Heywood Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**01 Application: 05/01290/FUL**

**Site Address: Land South Of Link Road And East Of Quartermaster Road  
West Wilts Trading Estate Heywood Wiltshire**

Parish: Heywood Ward: Ethandune

Grid Reference 386119 153039

Application Type: Full Plan

Development: Section 73 application to continue to develop the site in accordance with outline planning permission W94/01431 without complying with the time limit for submission of reserved matters

Applicant Details: Legal And General Property Ltd  
C/o The JTS Partnership Number One The Drive Freat Warley Brentwood

Agent Details: The JTS Partnership  
Number One The Drive Freat Warley Brentwood Essex

Case Officer: Miss Julia Evans

Date Received: 28.06.2005 Expiry Date: 27.09.2005

**REASON(S) FOR PERMISSION:**

**The proposal conforms to the Development Plan and there have been no material changes in circumstances since the outline permission was granted in 1995.**

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site ("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.
- 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 The development hereby permitted shall be begun either before the expiration of five 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 to be approved, whichever is the later.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 4 To ensure a satisfactory landscaped setting for the development, the site shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the Local Planning Authority. The approved scheme shall be implemented in the first appropriate planting season using trees and shrubs of approved species and height and maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

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

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

- 5 Each phase of the development as now or subsequently agreed with the Local Planning Authority and hereby permitted shall be carried out and completed in its entirety, in accordance with the attached and certified approved plans and those the subject of subsequent approval, before the occupation of the last unit in that phase.

Reason: To enable the Local Planning Authority to ensure that each phase of the development when carried out is complete and incorporates every appropriate and necessary ancillary feature.

- 6 To ensure adequate parking and servicing provision is available at the time the use is commenced, the parking and servicing areas indicated on the approved plans together with the means of access thereto shall be constructed and made available for use before the premises are occupied.

REASON: In the interests of highway safety.

- 7 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

- 8 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

- 9 Before the commencement of any works on site, details of the measures taken to protect the pond shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: To protect the pond and its associated wildlife.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C6A.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application was considered by the last Committee and deferred pending further investigation of the Highway Authority's late comment in which they linked the traffic generation with the proposed Westbury By-pass.

It has been brought to Planning Committee because Heywood Parish Council have objected to the proposal contrary to officer's recommendation.

This is a Section 73 application for the extension of the time limit for the submission of reserved matters on three parcels of land to the south of the Link Road and east of Quartermaster Road, in the West Wilts Trading Estate. The three areas of land lie off Commerce Close, Cory Way and Broadway East, and are currently undeveloped areas within the Trading Estate. Together these areas measure approximately 4.41 hectares in size.

The applicant states: - "We are instructed by our clients, Legal & General Property Limited, to submit an application under Section 73 of The Town and Country Planning Act (1990), to continue to develop the above site, for Class B1, B2 or B8 development, in accordance with outline planning permission W94/1431 (dated 24 January 1995), but without complying with the time limit for the submission of reserved matters. The limit for the submission of reserved matters is incorporated into the permission by virtue of Section 92 (a) & (b (i) & (ii)) of the Act.

"Planning permission W94/1431 grants permission for the development of the site for Class B1, B2 or B8 development. The majority of the land has since been developed in accordance with this permission, but a number of plots, as shown on Plan No. JTS/3261/1 (edged in red, blue and yellow).

"The permission has clearly been implemented, and this remains extant, however, the time period for the further submission of reserved matters in respect of the, remaining, undeveloped plots has expired. This application, therefore, seeks to lift that time limit so that the remainder of the land can be developed, in accordance with the terms of this permission. In determining this application, we invite the Council to impose a new condition requiring the further submission of reserved matters within three years."

The 94/01431/OUT planning permission was for Class B1, B2 and B8 development on an area of approximately 9 hectares of land. It was subject to four conditions:

- 01 - Submission of reserved matters;
- 02 - A landscaping scheme;
- 03 - Phasing; and
- 04 - Parking and servicing.

Since this time, reserved matters and full applications have been submitted on parts of the site. The purpose of this Section 73 application is, therefore, to replace the currently expired time limit for the submission of reserved matters, and impose a new condition requiring the further submission of reserved matters within three years.

#### CONSULTATION REPLIES:

- HEYWOOD PARISH COUNCIL: Object. "While the development of these sites per se is acceptable, the business they will generate will result in a material increase in traffic movements. These movements would aggravate the existing difficulties caused by inappropriate use of Storridge Road and The Ham by traffic from the West Wilts' Trading Estate and Northacre Park. Accordingly, the Parish Council objects to this application; on highway grounds. This objection can be overcome if the Applicant makes an appropriate contribution towards highway works necessary to give priority to traffic from the West Wilts Trading Estate at the Link Road/Hawkeridge Road junction.

"The South side of the entrance to the Trading Estate is protected by a narrow band of hedge and trees which, without some form of additional, landscaping would not provide adequate cover to mask premises constructed close to Hawkeridge Road thereby causing harm to the countryside. The provision of contiguous screening to match the height and depth of that on the North side of the Link Road entrance to the Trading Estate should be a condition of permission."

#### Second Comment

They have written to the Government Office for the South West formally requesting that the application be called in for determination by the Secretary of State on the following grounds

1 The officer's recommendation is contrary to the representation of the parish Council and the Highway authority

2 If permitted this application will set a precedent leading to the possibility of widespread and severe adverse consequences for highway safety within the Parish.

3 Legal officers and planning officers comments on the proper approach to section 73 Applications do not appear to accord with the High Court decision in *Pye -v- Secretary of State for the Environment* approved by the Court of Appeal in *Powergen UK PLC v Leicestershire City Council*.

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "The Highway Authority requested improvements to the junction of Link Road with Hawkeridge Road as part of the original outline application, which were not included as a condition to the permission issued. These improvement works are still considered to be appropriate and necessary for the safe use of the junction.

"The current application seeks to extend the time limit for the submission of reserved matters, which would appear to be in direct conflict with current national policy, which seeks to prevent renewals and extensions to planning permissions.

"Having regard to the above, I would recommend that this application be refused and a fresh application sought, at which point I will be requesting an appropriate condition to secure the junction visibility improvements."

"The Hawkeridge Road 1 Link Road junction is substandard in terms of geometry and available visibility which has previously been identified. This has been recognised and accepted by your Members resulting in a highway reason for refusal on W04.1512 -

Further explanation and justification has been requested from the Highways Authority and they state: "The proposed development would result in a material increase in traffic movements through the sub-standard junction of Link Road and Hawkeridge Road to the detriment of the safety and convenience of users of the highway. The proposed development would be contrary to policy E2 of the West Wiltshire District Plan First Alteration 2004.

"At present, there is no certainty of a Westbury By-pass, when a longer-term solution to the shortcomings of this junction would be addressed, and the pattern of movements is likely to change with the provision of a Brook Lane link from Northacre Industrial Park and possible restrictions to lorry movements on The Ham.

"Given Circular 05/2005 where pooled contributions can be secured, and with the increase in use of the junction that will be generated by new developments it is considered that these should contribute to up-grading of the junction in the short to medium term until the by-pass is built. Traffic signals are considered to be the best option.

"Again your Members accepted this approach to mitigate the deficiencies in the junction, when resolving to grant permission on W05/0677 subject to a S106 Agreement to secure a £15,000 contribution to such an improvement, and so was considered to be necessary and relevant to the development.

"I can see no reason to depart from this approach on both the applications to which you refer W05/00677/FUL AND W05/01290/FUL. In the absence of contributions to mitigate the deficiencies in the junction the above quoted reason for refusal would be appropriate and would be defended at appeal if necessary."

Since this response the Highway Authority have been asked to provide specific guidance on the amount of contribution required. No response has been forthcoming.

### Additional comments

"I note the legal s73 and change in circumstances considerations set-out in your report to Planning Committee.[7 December committee report refers]

The nature of the junction hasn't changed since the highway authority requested improvements be required under the outline permission and hence it is reasonable to still raise this as an issue. It is for your Members to decide after due consideration as to whether or not a condition requiring junction improvements would pass the test of reasonableness as you set-out.

Whilst it is acceptable to pool contributions towards a scheme to mitigate the problems at the junction, I find it difficult to establish an amount appropriate to this site given that it is at outline rather than reserved matters stage where the end-user could be known and traffic generation calculated with some degree of comfort. We have indicated sums of £30,00 - £60,000 for previous detailed developments, but this was on a known-area / generation. The pooling could be over a number of years depending on take-up of sites until sufficient monies were available to fully-fund the junction improvements.

One matter that has become more clear is the funding of Westbury By-pass, which would include the improvement of the junction being discussed, but as a roundabout, and this would be coupled with Traffic Regulation Orders to establish routing for HGVs avoiding The Ham etc. The funding is likely to be available subject to statutory procedures being successfully completed. The planning application is to be considered in spring 2007, and if approved CPO and Side Roads Orders would be published leading to a Public Inquiry some six months thereafter. If these are confirmed the by-pass could be built in 2010.

Whilst I appreciate that this cannot be a defined time-scale it could be shorter than the pooled-contributions approach. In these circumstances, if your Members accept the deficiencies of the junction and a contribution towards improvements can reasonably still be sought under this outline, then a sum of £60,000 should be secured by a s106 Agreement, but with a payback clause if not spent five years after payment, or alternatively a 'Grampian', negative, condition that development of the site be not commenced until a contract for Westbury by-pass is let, or the junction is improved whichever is the sooner."

- ENVIRONMENT AGENCY: State: "The Agency has no objections to the proposal but wishes to make the following comments: -

"We will require further information regarding the pond, as shown on plan JTS/3261/B.

"We understand that the pond is existing. Is it to be retained and if so what is it to be used for?

"If it is intended to fill the pond in, this must not be carried out until a survey has been undertaken to assess the pond for its animal and plant life.

The proposed development is situated within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site."

- WESSEX WATER: State: - "The above proposal is not located within a Wessex Water sewered area.

"It is advised that your Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development.

"Turning to water supply, according to our records, there is a public water main crossing the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

"It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

"It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.



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

- LIBRARIES AND HERITAGE: State: - "Nothing of archaeological interest is likely to be affected by the above proposal and I therefore have no objections to make."

## INTERNAL WWDC CONSULTATIONS

- LEGAL SECTION: Conclude "On the facts of your scenario, I understand that reserved matters for certain parts of the site were not made in time, although development was commenced within the necessary time limits. However, following the decision in R v Secretary of State for the Environment Ex p Corby BC, it is clear that S73 does not exclude applications in respect of conditions on outline permissions requiring the submission of reserved matters for approval within a specified period (S92(2)(b)). The effect of failing to meet that deadline is that submission of reserved matters is deemed not to be in accordance with the condition rather than the whole permission being regarded as lapsed. It is therefore possible for an application to be made under S73 to impose a different condition, extending the time for submission of reserved matters for approval"

- SCIENTIFIC OFFICER: Has not responded.

- ENVIRONMENTAL HEALTH: Have not responded.

- ECONOMIC DEVELOPMENT: Have not responded.

## PUBLICITY RESPONSES

The site has been advertised with three Public Notice Site Notices, and neighbour notifications have been undertaken. No responses have been received.

## RELEVANT PLANNING POLICY

### Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP2	Infrastructure
DP3	Development strategy
DP5	Town centres, district centres and employment areas
T5	Cycling and walking
T6	Demand management
C1	Nature conservation
C5	The water environment

### West Wiltshire District Plan - 1st Alteration 2004

C6A	Landscape features
C31A	Design
C32	Landscaping
C35	Light pollution
C36	Noise
C37	Contaminated Land
C38	Nuisance
E2	Employment policy areas
T9	Bus services
T10	Car parking
T11	Cycleways
U1	Infrastructure
I1A	Foul water disposal
U2	Surface water disposal
U3	Flooding
U4	Groundwater Source Protection Areas

National Guidance  
PPS1 Delivering Sustainable Development  
PPG4 Industrial and commercial development in small firms  
PPG13 Transport

Circular 11/95 - The Use of Conditions in Planning Conditions  
Circular 05/2005 - Planning Obligations

## RELEVANT PLANNING HISTORY

89/01395/OUT - Industrial development (Class B2) - Permission 19.11.1991

89/01400/FUL - Roads and sewers to serve Phase 1 - Permission 02.12.1991

94/01067/OUT - Industrial development (Class B2) Renewal - Permission 20.10.1991

94/01431/OUT - Class B1, B2 or B8 development (outline) - Permission 24.01.1995

96/01193/REM - Road to facilitate industrial development - Approved 14.10.1996

98/00862/FUL - Development of a sub-station for the Avon Rubber Mixing Facility - Permission 27.07.1998

98/00984/FUL - Variation of condition 98/00170 to allow construction of attenuation pond/tank within two months of works commencing - Permission 14.10.1998

99/01809/REM - New service road - Approval 14.01.2000

02/00246/FUL - Erection of 2.4 metre high palisade security fencing and hardstanding around car storage area - Withdrawn 19.03.2002

04/01512/FUL - Industrial units for B1, B2 and B8 use - Refused 31.03.2005

04/02256/FUL - Courtyard of single and two-storey business units (Use Classes B1, B2 and B8) - Refused 22.02.2005

05/00677/FUL - Courtyard of single and two-storey business units (Use Classes B1, B2 and B8) - Legal Agreement required.

## KEY PLANNING ISSUES

The key planning issues in this application are: -

- Whether a Section 73 application is legally the appropriate means for extending the time period for the submission of reserved matters; and
- Whether there has been any material change in planning circumstances since the outline consent was granted in January 1995.

## PLANNING OFFICER COMMENTS

### Section 73 Applications

When applications for outline permission are granted they are subject to a condition which requires the approval of reserved matters to be submitted within 3 years of the date of the outline permission. However, for large sites developed on a plot by plot basis, this time scale is not always practical and the 3 years can expire before the whole site is approved in detail. In these circumstances the legislation (until August 2006) allowed for an application to be submitted under section 73 of the Town and Country Planning Act 1990 to allow development of the site to continue without complying with the condition. This, if granted, would have effectively extended the life of the outline permission.

The Planning & Compulsory Purchase Act 2004 has effectively removed the ability to extend the life of an outline planning permission by way of a Section 73 application but this only applies to outline permissions granted after the 24 August 2005. For those outline applications already in existence, the legislation allowed a 'period of grace' up to August 2006 for renewal. This application falls within that definition.

This is one such application to allow an extension of time for the reserved matters applications to be submitted for the remainder of the site under the extant outline consent (94/01431/OUT) even though the time period for their submission has expired. The applicant has requested a further three years for the submission of reserved matters.

#### Validity of S73 Applications

Section 92 of the Town & Country Planning Act 1990 states that applications for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. Any application for approval of reserved matters which is made after the date by which the conditions require it to be made, could be treated as not made in accordance with the terms of the permission.

The outline application 94/01431/OUT was granted consent on 24 January 1995. Although parts of the site have been developed, Reserved Matters applications have not been received across the whole of the outline site area within the prescribed period. Your officers raised the question as to whether an application to extend the outline permission was within the statutory time limits. However, legal advice obtained from the Council's Legal and Democratic Services Manager concluded that because, most of the site has been developed in accordance with the outline permission, the remainder is therefore extant. The current application merely seeks to vary the condition to allow extra time for the remainder of the reserved matters applications to be submitted. Therefore, in this case, an application can be made under Section 73 to impose a different condition which extends the time for submission of reserved matters for approval.

#### Material Change in Circumstances

The other issue in considering these type of S73 applications is what the planning authority can take into consideration including whether there has been any material change in planning circumstances since the proposal was permitted in 1995. If planning permission is granted, it would effectively renew the outline permission for another three years.

Over the years there has been some conflicting case law regarding which material considerations can be taken into account when considering applications to vary conditions in respect of the time limits. This was eventually clarified in 1998 in *Pye v Secretary of State & North Cornwall* and the conclusions endorsed in 2000 by *Powergen UK Plc v Leicester City Council & Safeway Stores*.

Section 73 of the Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. Such applications would normally only consider the conditions and not the principle of the development. However, the *Pye* and *Powergen* cases confirmed that an application to vary the time limit condition on an outline application was in effect an application to renew the permission. It was therefore reasonable for a local planning authority to take into consideration any changes in policy since the original permission was granted. The Local Planning Authority can therefore grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.

The *Pye* case went further in suggesting that the advice in Circular 11/95 provided an approach to dealing with such applications for renewal where Mr J Sullivan stated that he could:

"... see no reason why the local planning authority should not be entitled to apply, by way of analogy, the departments policy guidance as to the renewal of permission that is contained in paragraph 60 of C11/95.

If the practical effect of granting permission is the same, it makes good sense to apply the same policy approach in deciding whether to grant permission in either case."

The Circular advises that renewal of planning permissions before the expiry of time limits should only be refused where:

"a)there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway conditions, or the publication by the Government of new planning policy guidance, material to the renewal application).

b)Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or

c)The application is premature because the permission still has a reasonable time to run."

Points b and c do not apply in this case. Therefore, applications for renewing a permission should only be refused where there has been a material change in planning circumstances that would merit a different decision. The same principle should also apply in considering additional conditions.

#### Material Circumstances of the Application Site

In this case, the 1994 outline application was permitted for Class B1, B2 and B8 development subject to conditions. The site was identified for employment land in the then Draft District Plan. Since then, this allocation has been rolled forward twice and now appears as policy E2 in the adopted West Wiltshire District Plan - 1st Alteration, 2004. As the Development Plan is a material consideration in the processing of this application, the principle of this land for employment uses is established and the renewal of the outline is acceptable.

With regards to the highway issue, the Highway Authority have referred to their request on the original outline application for a condition requiring improvements to the junction at the Link Road and Hawkeridge Road. Policy E2 of the West Wiltshire District Plan - 1st Alteration permits employment uses on the allocated land subject to a number of caveats, including "iv they provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway and, where appropriate, rail facilities, without creating transport problems". This criteria is very similar to the requirements in the previous development plan policy for the area."

In the original outline application, the Highway Authority required improvements to the junction of the Link Road and Hawkeridge Road. However, when considering the application, the Committee at the time, took the view that the development would not generate significantly more volume of traffic and, given that the site was allocated for employment in the then draft District plan, came to the conclusion that permission should be granted. There was therefore no specific highway condition attached to the outline permission.

The Highway Authority is still of the opinion that these works are considered appropriate and necessary for the safe use of the junction. In view of the above history, the issue for consideration is whether there has been a material change in circumstances from those prevailing when the Local Planning Authority took the view not to impose such a condition. In principle, a condition can be attached requiring the junction improvements but case law would suggest that a condition which was more onerous than originally applied would be unreasonable.

The Highway Authority have now submitted that the nature of the junction hasn't changed since the highway authority requested improvements be required under the outline permission. They suggest a financial contribution of £60,000 could be put towards a fund for junction improvements. Such improvements could be secured as part of the Westbury Bypass proposal as a roundabout coupled with Traffic Regulation Orders to establish routing for HGVs avoiding The Ham etc. However, this is subject to statutory procedures being successfully completed, planning permission being granted, Compulsory Purchase Orders being approved, any public inquiry and construction anticipated in 2010 .

The Westbury Bypass was introduced in the West Wiltshire District Plan - 1st Alteration, 2004 and the route is safeguarded under policy T1a from north of the junction between Hawkeridge Road/Link Road, around the eastern side of Westbury to the A350 Warminster Road.

Whilst the introduction of the Westbury Bypass is a material consideration, the test must be what difference the renewal of this outline permission would have on the impact on the junction since it was originally granted. The application does not propose any additional land or uses other than those included in the original permission.

Since the last committee meeting, your officers have met with the Highway Authority Principal Engineer to discuss what, if any, other material changes in circumstances there have been since the original outline permission was granted. Such issues would include significant changes in traffic generation, changes in policy, Government advice and circumstances on the site itself. The Highway Authority has not, to date, been able to show any evidence of possible significant increase in traffic generation as a result of this renewal, nor are they aware of any material change in policy affecting the proposal. Because there has been only a limited amount of time between the last committee meeting and the next one, any additional information from the Highway Authority will be reported on the late list.

The Highway Authority has also suggested that if a contribution were to be secured by a s106 Agreement, the payback clause would need to be extended beyond the normal five years after payment. Alternatively a 'Grampian' condition be used to ensure that the development of the site is not commenced until a contract for Westbury by-pass is let, or the junction is improved whichever is the sooner. Such a clause could result in the renewed permission expiring before this time scale. The condition would therefore be invalid as it would be tantamount to a refusal by condition and unreasonable.

The applicant is aware that the original outline application is extant, but that the time limits for submitting reserved matters has expired. If this Section 73 application is allowed, reserved matters for the remaining three undeveloped sites can be submitted without any requirement for the junction.

In view of the Development Plan and earlier decision of this Council to permit the outline without a highway condition and the lack of evidence to show any material changes in highway circumstances linked to this site, it is the view of your officers that there are no significant material alterations to justify a refusal. Hence the time-extension for a further three years is acceptable.

In order to reflect the policy requirements under the current Adopted Development Plan, additional conditions have been attached to protect the pond and water environment.

With regard to the request by Heywood Parish Council to have the application 'called in', the Government Office of the South West has confirmed that they will not call this application in. The application therefore remains with this Council for determination.

## CONCLUSION

There have been no significant material changes in circumstances on which to refuse this request for an extension to the time limit for the submission of reserved matters.



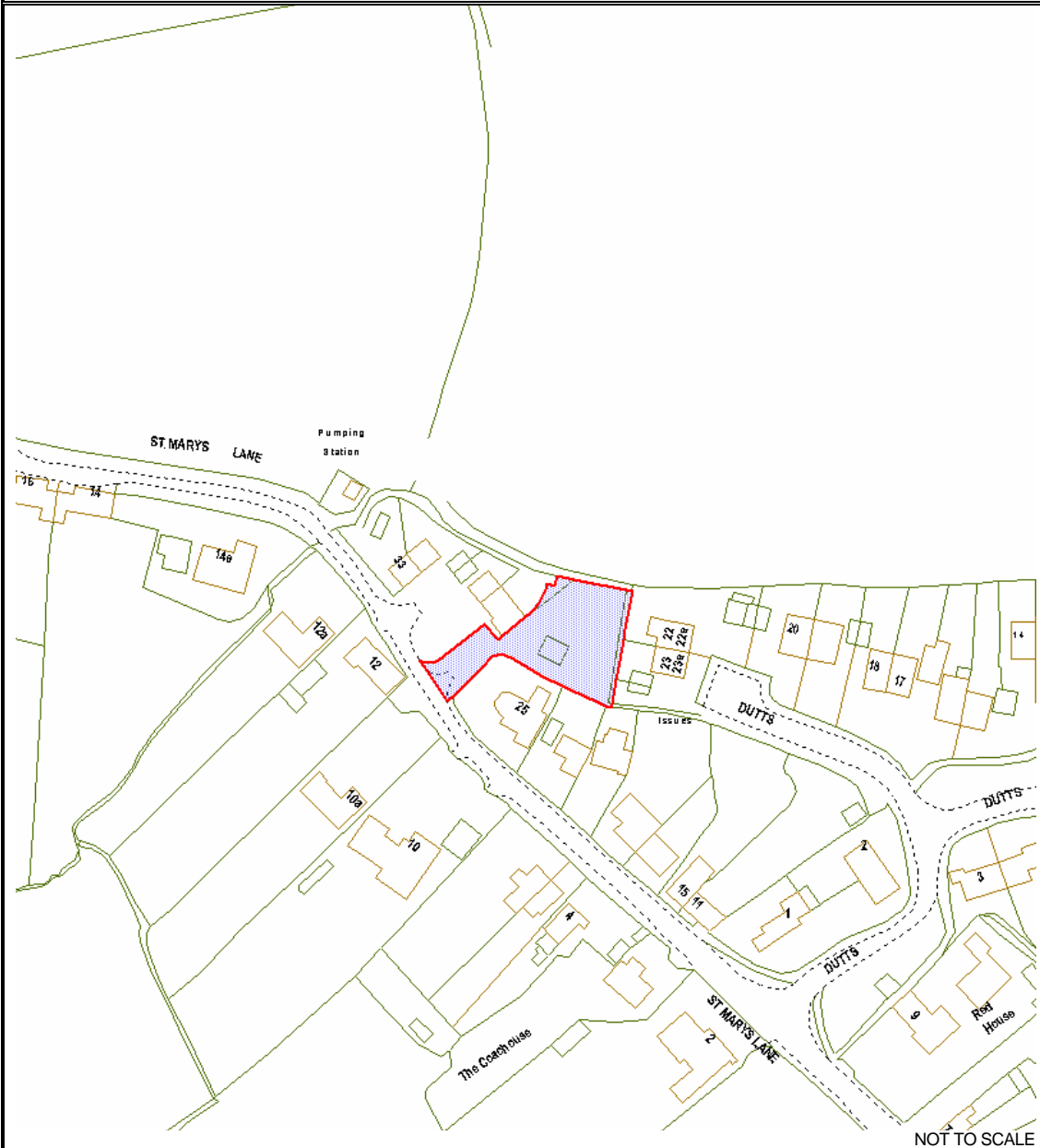
# PLANNING COMMITTEE

4 January 2007

ITEM NO: 02

APPLICATION NO: 06/03030/FUL

LOCATION: Land Adjacent To 27 St Marys Lane Dilton Marsh  
Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**02 Application: 06/03030/FUL**

**Site Address: Land Adjacent To 27 St Marys Lane Dilton Marsh Wiltshire**

Parish: Dilton Marsh Ward: Dilton Marsh

Grid Reference 384917 150079

Application Type: Full Plan

Development: Dwelling and garage (amendment to 05/02625/FUL)

Applicant Details: Mr K Nash  
27 St Marys Lane Dilton Marsh Wiltshire

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 05.10.2006 Expiry Date: 30.11.2006

**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 A recessed entrance having a minimum width of 4.5m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45° towards the carriageway edge. The entrance, driveway and turning area shall be properly consolidated (not loose stone or gravel) for which detail shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 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.

- 5 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

REASON: In the interests of highway safety.



- 6 Notwithstanding the provisions of the Town and Country Planning General Development Order 1998 (or any order revoking or re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

REASON: To safeguard the amenities and character of the area and in the interests of highway safety.

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is referred to Committee because the Dilton Marsh Parish Council recommends refusal and officers recommend permission.

The application is an amendment to an approved application for the erection of a 2 storey, 4 bedroom dwelling on the land adjacent to No. 27 St. Mary's Lane, Dilton Marsh. Proposed amendments include:

- the widening of a dormer over the garage to create a more regular room in the roofspace (window sizes would remain the same);
- the internal chimney in the previously would now be built on the exterior of the building;
- materials to be brick throughout (replacing part-render);
- garage apex over door to be timber clad;
- the garage permitted on the western side of the property would have a footprint 300mm deeper, bringing the front wall that distance closer to the dwelling (a gap of 2.1m between the buildings would remain); and
- minor alterations to the internal layout, which would not affect the external appearance of the building.

### CONSULTATION REPLIES

- DILTON MARSH PARISH COUNCIL: Object.

"The Council noted that this application had been preceded by previous applications (03/00711, 04/02029 and 05/2625) and these applications had raised objections from the Council.

The Council objects to this proposed development on the grounds that it represents 'back land' development and that it would adversely affect the privacy and amenity of adjoining buildings."

### STATUTORY CONSULTATIONS

None

### PUBLICITY RESPONSES

The application was advertised to neighbouring property owners. Two responses were received. Comments were as follows:

- The stream on the land has the potential for flooding. There is concern that the applicant may close the stream or not maintain it;
- There is a drain crossing the land, and the new building should not interfere with this;
- The development would infringe on neighbouring amenities, in particular the sewerage and drainage arrangements.

### RELEVANT PLANNING POLICY

West Wiltshire Structure Plan  
DP7 Housing in Towns and Villages  
DP14 Development in Villages  
T5 Parking

West Wiltshire District Plan 1st Alteration (2004)  
H17 Village Policy Limits  
C38 Effects of development on neighbouring properties  
C31a Design  
T10 Parking

## RELEVANT PLANNING HISTORY

00/01782/OUT - Erection of one dwelling - Refused 04.01.01 (Dismissed on appeal 05.09.01)  
03/00711/FUL - Erect 1 new 2 storey house with garage a detached treble garage - Permission  
04/02029/FUL - Proposed dwelling - Refused 05.07.05  
05/02625/FUL - New 2 storey, 4 bedroom dwelling and adjoining double garage, with detached triple garage and driveway shared between existing and proposed dwellings - Permission 09.01.06

## KEY PLANNING ISSUES

The principle of the erection of the dwelling on this site has been established by virtue of the granting of planning permission for application 05/02625/FUL. The only issue with this application is whether or not the revisions to the plan are acceptable in terms of development plan policy.

## PLANNING OFFICER COMMENTS

The complex history of this site, most particularly the Inspector's comments in the appeal for application 00/01782/OUT, had the eventual outcome of the granting of planning permission for application 05/02625/FUL. Whilst noting the Parish Council and neighbour comments, it would not be reasonable to refuse this proposal, which includes fairly minor revisions, unless these revisions introduce new material considerations that call into question the principle of residential development on the site..

The following brief overview of the site history is recorded in the interests of clarity. In considering the application 00/01782/OUT appeal, the Inspector considered that a dwelling on this site would comply with the aims of Local Plan Policy relating to Village Policy Limits. The Village Policy Limit for Dilton Marsh actually passes through the site, with the existing house and its vehicular access lying within the village boundary, but with the 'backland' development site lying outside. On the issue of the impact on adjoining properties, a detailed analysis of the proposal concluded that the dwelling would be harmful to the living conditions of the occupiers of No 27 and consequently was in conflict with that part of the previous District Plan Policy H5. The 2003 application (03/00711/FUL) was submitted in an attempt to overcome the Inspector's objections. The application was granted permission. The plan submitted for application 04/02029/FUL was for a larger 4-bedroom dwelling. This application was refused. However, application 05/02625/FUL addressed the reasons for refusal and was granted permission.

The principle of the dwelling on this site is thus established. The revised proposals would result in a limited extension (300mm to the garage) to the footprint of the development. The external chimney would not harm the appearance of the building and would be the same height as the originally proposed chimney. The shape of the garage roof would be altered by the extension of the dormer. This would not be visual to the street scene and, where the fenestration would remain unchanged, would not introduce any new overlooking or loss of privacy issues. The internal alterations are of a minor nature and would not affect the appearance of the building. The use of brick as the primary building material would be in keeping with a number of dwellings within the immediate vicinity, and the timber above the garage lintel is an accepted material. The affected garage elevation would furthermore not be visual in the street frontage.

## CONCLUSION

The comments of the Parish Council and neighbours are noted. However, the principle of the dwelling on this site has already been established. Where the proposed amendments to the approved plan are relatively minor in relation to the overall development, the application should be granted permission subject to the same conditions that were made applicable to application 05/02625/FUL.

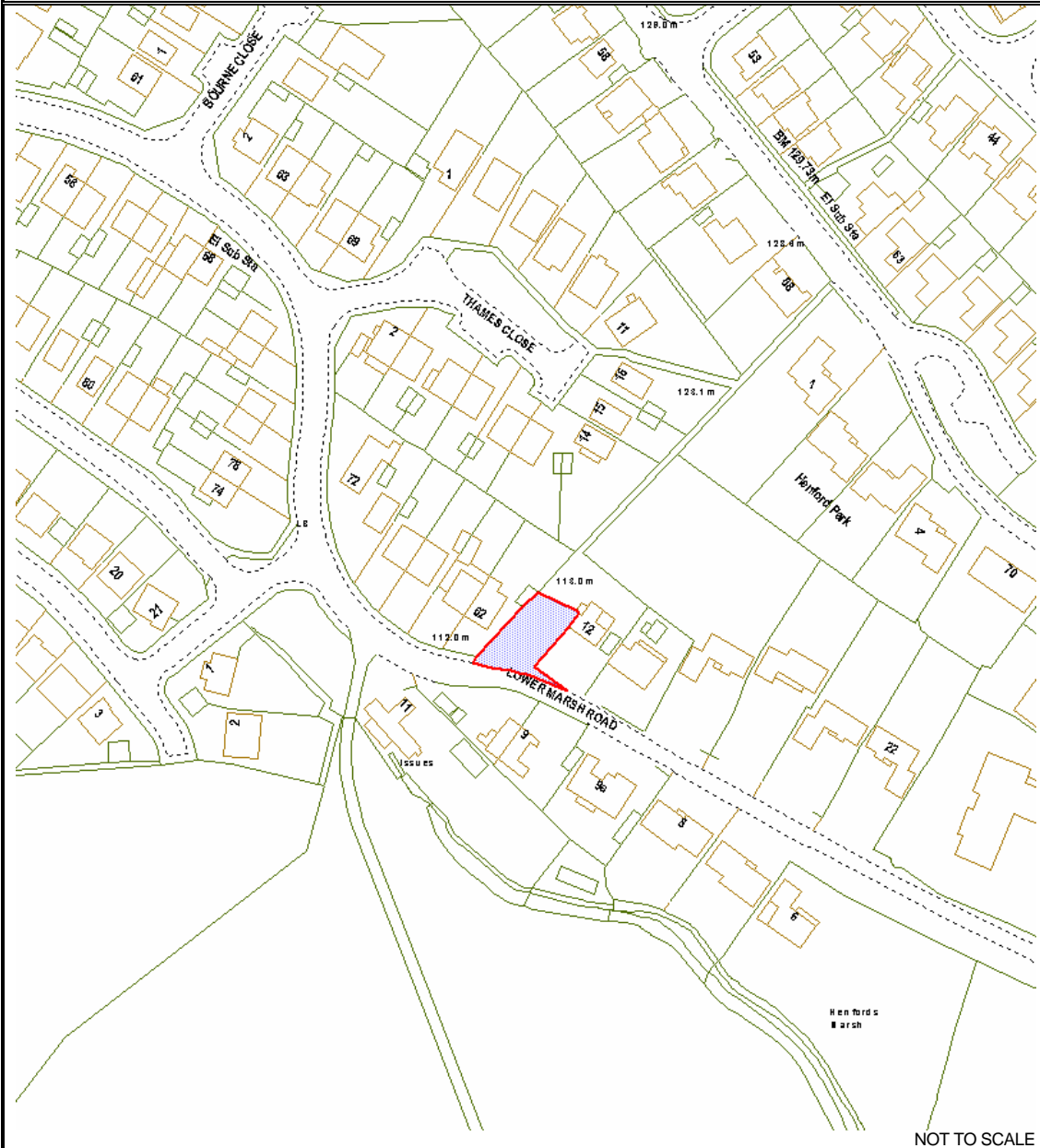
# PLANNING COMMITTEE

4 January 2007

ITEM NO: 03

APPLICATION NO: 06/03158/FUL

LOCATION: Land Adjacent 12 Lower Marsh Road Warminster  
Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**03 Application: 06/03158/FUL**

**Site Address: Land Adjacent 12 Lower Marsh Road Warminster Wiltshire**

Parish: Warminster Ward: Warminster East

Grid Reference 387342 144144

Application Type: Full Plan

Development: Detached cottage

Applicant Details: Mr & Mrs C Pearson  
12 Lower Marsh Road Warminster Wiltshire

Agent Details: Mr Peter Grist  
Furlong House 61 East Street Warminster Wiltshire BA12 9BZ

Case Officer: Mr Matthew Perks

Date Received: 17.10.2006 Expiry Date: 12.12.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposal, because of the size of the plot and location of the dwelling in close proximity to the existing dwelling on the site, would erode the open and spacious character and appearance of the surrounding neighbourhood and the Special Landscape Area contrary to Policies H1 and C3 of the West Wiltshire District Plan 1st Alteration (2004).
- 2 The proposal, because of the size of the plot, would be out of keeping with the character of surrounding development contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration (2004).
- 3 The proposal, by reason of the double storey gable end wall and rear extension close to the boundary with, and forward of, No. 12 Lower Marsh Road, would have an overbearing impact on the front garden area of that property. The proposal is therefore contrary to Policies H1 and C38 of the West Wiltshire District Plan 1st Alteration 2004.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is referred to Committee at the request of Cllr. Christopher March, since the Warminster Planning Advisory Committee did not have sight of objector correspondence when the application was considered.

This is an application for full planning permission for a detached dwelling on land adjacent to 12 Lower Marsh Road, Warminster. The dwelling would be a modest two-bedroom double-storey unit.

The site is inside Warminster Town Policy Limits. It is a roughly rectangular plot of approximately 230m<sup>2</sup> in extent. The plot is situated within the garden of No 12 Lower Marsh Road, in the south western corner of that property. An existing stone cottage occupies the remainder of the site. Two parking spaces are proposed immediately to the front of the proposed dwelling, and an amenity space of ±40m<sup>2</sup> is proposed to the rear of the dwelling.

The site is located within the Special Landscape Area.

## WARMINSTER TOWN COUNCIL

"This is a sympathetic proposal and great effort has been made to match the existing property. It will have a low impact on the neighbourhood and is on a road which is not excessively used. No objection is seen in this proposal. Voting unanimous in favour"

## HIGHWAY AUTHORITY

No objection subject to conditions in respect of access surfacing, visibility splays and surface water disposal.

## WESSEX WATER

No objections.

## PUBLICITY

Neighbours were notified of the proposal and a public notice was posted. Ten letters of objection were received. Reasons for objection include:

- Highway hazards on the narrow Lower Marsh Road, especially given the locality near the bend;
- Poor visibility and use of road by pedestrians including school children, as well as for recreational walking/cycling;
- Dangers associated with the public right of way in close proximity to the access;
- Lack of adequate manoeuvring space behind parking spaces;
- Inadequacy of existing sewerage system;
- Impact on neighbouring amenity;
- Loss of light and privacy;
- New dwelling would be forward of the established building line;
- Impact on the setting of the existing 19th Century cottage within the Special Landscape Area;
- Setting of a precedent;

## RELEVANT PLANNING HISTORY

82/00412 : Dwelling : Permission (This was not on the current application site, but on a portion of land of ±460m<sup>2</sup> in extent to the east of the existing dwelling) 25.05.82

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

H1 - Housing in towns

C3 - Special Landscape Areas

C38 - Nuisance

PPG3 Housing

PPS3 Housing (effective from 1 April 2007)

## KEY PLANNING ISSUES

The key issue in this application is whether the principle of a dwelling in this location is acceptable.

## PLANNING OFFICER'S COMMENTS

(PPS3, Par 68 states that: "When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans." At the time of writing, advice is that PPG3 has been superseded. In this report therefore, Development Plan Policy is given its full weight.)

Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for housing development within town policy limits will be permitted subject to the proposal satisfying a number of criteria. These criteria include the siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area, that the proposal would not create inappropriate backland or tandem development and would not create transport problems.

The area surrounding the site is characterised by a variety of plot sizes and residential development forms. To the east of the site detached dwellings occupy fairly large properties at a low density of  $\pm 11$  units per ha. To the west properties are characterised by single storey semi-detached and detached dwellings at a density of approximately 26 dwellings per ha. Plots are fairly generous in size, and a sense of spaciousness exists, especially to the east in Lower Marsh Road.

The proposed development at a density of 43 dwellings per ha. would be out of keeping with the density of development in the surrounding area. The plot is not equal in size to those of the surrounding properties, and the proposal would constitute inappropriate in-fill development out of keeping with development in the vicinity. Furthermore the dwelling would be within 2m of the front corner of the existing dwelling and would be sited forward of it and to the west. The gable end and rear flank of the new building would extend over 7.5m at double storey height within 1.3m of the boundary, and within the 45° angle of view of upstairs and downstairs windows to the existing dwelling. The result would be an overbearing form of development that would be harmful to the front amenity space of the existing dwelling.

A dwelling in the proposed locality would furthermore occupy an existing gap in the street scene adjacent to the public right of way, which contributes to the general sense of openness in this vicinity. The existing cottage on the site would lose the sense of openness surrounding it, which contributes the appearance of this part of the Special Landscape Area. Whilst it must be acknowledged that over recent decades there has been considerable residential development along Lower Marsh Road, this has been characteristically located on relatively generous properties. The loss of the open gap and the development of a double storey dwelling on this small site is considered to be contrary to Policies H1 and C3 of the West Wiltshire District Plan 1st Alteration 2004.

## CONCLUSION

The proposal does not accord with development plan policies H1 and C3 and C38 of the development plan, in that the plot would be of a size that would create in-fill development out of keeping with the surrounding area. The siting of the dwelling would be harmful to the amenity of the existing dwelling on the parent property. The application is therefore recommended for refusal.

## PLANNING COMMITTEE

4 January 2007

ITEM NO: 04

APPLICATION NO: 06/01485/FUL

LOCATION: Leechpool Farm Norrington Lane Broughton Gifford  
Wiltshire SN12 8LS



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**04 Application: 06/01485/FUL**

**Site Address: Leechpool Farm Norrington Lane Broughton Gifford Wiltshire SN12 8LS**

Parish: Broughton Gifford

Ward: Holt

Grid Reference 388544 164667

Application Type: Full Plan

Development: Retrospective change of use from storage of agricultural equipment and machinery to a B8 for use as storage primarily for cars

Applicant Details: M M Mortimer And Son  
Leechpool Farm Norrington Lane Broughton Gifford Wiltshire  
SN12 8LS

Agent Details:

Case Officer: Miss Julia Evans

Date Received: 15.05.2006

Expiry Date: 10.07.2006

**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 approved use shall take place strictly in accordance with the area shown on the approved plan.

REASON: In order to define the terms of this permission.

- 2 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy E6.

- 3 All surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Details of the surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision. These approved works shall then be implemented within two months of the date of this approval.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.



- |   |   |
|---|---|
| 4 | Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.<br><br>REASON: To minimise the risk of pollution of the water environment.<br><br>POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.  |
| 5 | The premises shall be used for car storage only and for no other purpose, including any other purpose in Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.<br><br>REASON: Because the use hereby permitted is acceptable whereas other uses within the same use class may not be. |

## COMMITTEE REPORT

### APPLICATION DETAILS

This application has been brought before the Planning Committee because the Parish Council object to the application.

This is a retrospective full application for the change of use of a barn at Leechpool Farm, Norrington Lane, Broughton Gifford, to car storage. The farm lies at the end of an agricultural access track which is also a public right of way. The barn is one of several similar agricultural structures on the farm. It is constructed of cement fibre-board to the roof, with corrugated tin to three of the sides. The covered yard was being used for car and caravan storage at the time of the site inspection, and if full, would accommodate approximately 20 cars. The farm lies within the open countryside, and the surrounding fields are primarily used for grassland. A large pond lies to the north of the farm buildings, which is used for fishing.

### CONSULTATION REPLIES:

- BROUGHTON GIFFORD PARISH COUNCIL: States: - "The Parish Council has considered this application and objects to it on the grounds that it is encouraging industrialisation in the middle of the countryside".

### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Raise "no highway objection".

### PUBLICITY RESPONSES

The site has been advertised with a Public Notice Site Notice. Two responses have been received making the following points: -

- The site is accessed off a very small lane, and generates additional traffic; and
- Other works are occurring at the site, including car repairs and sales.

### RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1 Priorities for sustainable development

DP9 Reuse of land and buildings

DP14 Housing, employment and related development in the open countryside

C5 The water environment

## West Wiltshire District Plan - 1st Alteration 2004

C1	Countryside Protection
C32	Landscaping
R11	Footpaths and rights of way
E6	Rural Employment
E7	Farm diversification
T12	Footpaths and bridleways
U2	Surface water disposal
U4	Groundwater Source Protection Areas

## National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas

## RELEVANT PLANNING HISTORY

94/00177/FUL - Touring caravan site - Withdrawn 12.04.1994

94/01165/FUL - Mobile home - Refused 08.11.1994

94/01466/FUL - Construction of an annexe - Permission 05.01.1995

01/00860/AGD - Agricultural building - Prior Approval of Details not Required 03.07.2001

04/01194/FUL - Change of use of land to form plant nursery and sales and erection of polytunnels (retrospective) - Refused 21.10.2006

04/01996/FUL - Change of use from storage of agricultural equipment and machinery to a B8 use as storage, primarily for cars - Refused 17.01.2006

05/00741/EUD - Retention of two existing polytunnels, use of land for the production of bedding plant, shrubs and perennials including ancillary sales (no more than 10% of the produce grown at the site) - The Development is Lawful - 19.10.2005

## KEY PLANNING ISSUES

This retrospective application raises the following planning matters: -

- Planning history;
- Impact of car storage on the countryside;
- Impact on the highways network; and
- Amenity impact.

## PLANNING OFFICER COMMENTS

This is a retrospective application for car storage within a covered agricultural yard at Leechpool Farm, Broughton Gifford. It is a resubmission of a previously refused retrospective application for two areas of car storage, one in the covered yard, and one in the open countryside. This application was refused because the open-air area of car storage was considered detrimental to the rural character of this agricultural landscape. The current application has been invited by the Enforcement Team to regularise the use of the barn. It no longer includes the area of open-air storage.

The applicant again states that the previous use of the barn was for the storage of agricultural machinery. No supporting justification was provided with the application, nor was any agricultural or farming information provided. Policies E6 - Rural Employment and E7 - Farm Diversification reflect Government Guidance in encouraging a prosperous and sustainable rural economy. Both District Plan policies are subject to caveats, which include protection of the countryside character, satisfactory highways and flood risk, and compatibility with neighbouring land uses.

The previous refused application established that the storage of cars in the barn was not considered detrimental to the rural character of the area, as it was completely contained within the barn, and not therefore visible within this countryside location. However, to ensure that the use is contained conditions have been suggested to control the storage to just the barn, and to specifically tie the use to car storage only so as to prevent other unauthorised uses taking place, particularly so in view of the access to the property. Notwithstanding the concerns of the neighbours about increased traffic use, the Highway Authority have not raised any objection to the proposal in terms of vehicular use of the highway or the public right of way. The proposal is some distance from neighbouring residential properties and is not, therefore, felt to raise any nuisance or amenity grounds. Conditions could also be attached to deal with water/ground water contamination issues.

## CONCLUSION

The use of the barn for car storage only is considered acceptable subject to the suggested conditions. The use is, therefore, considered acceptable in terms of Development Plan policy.



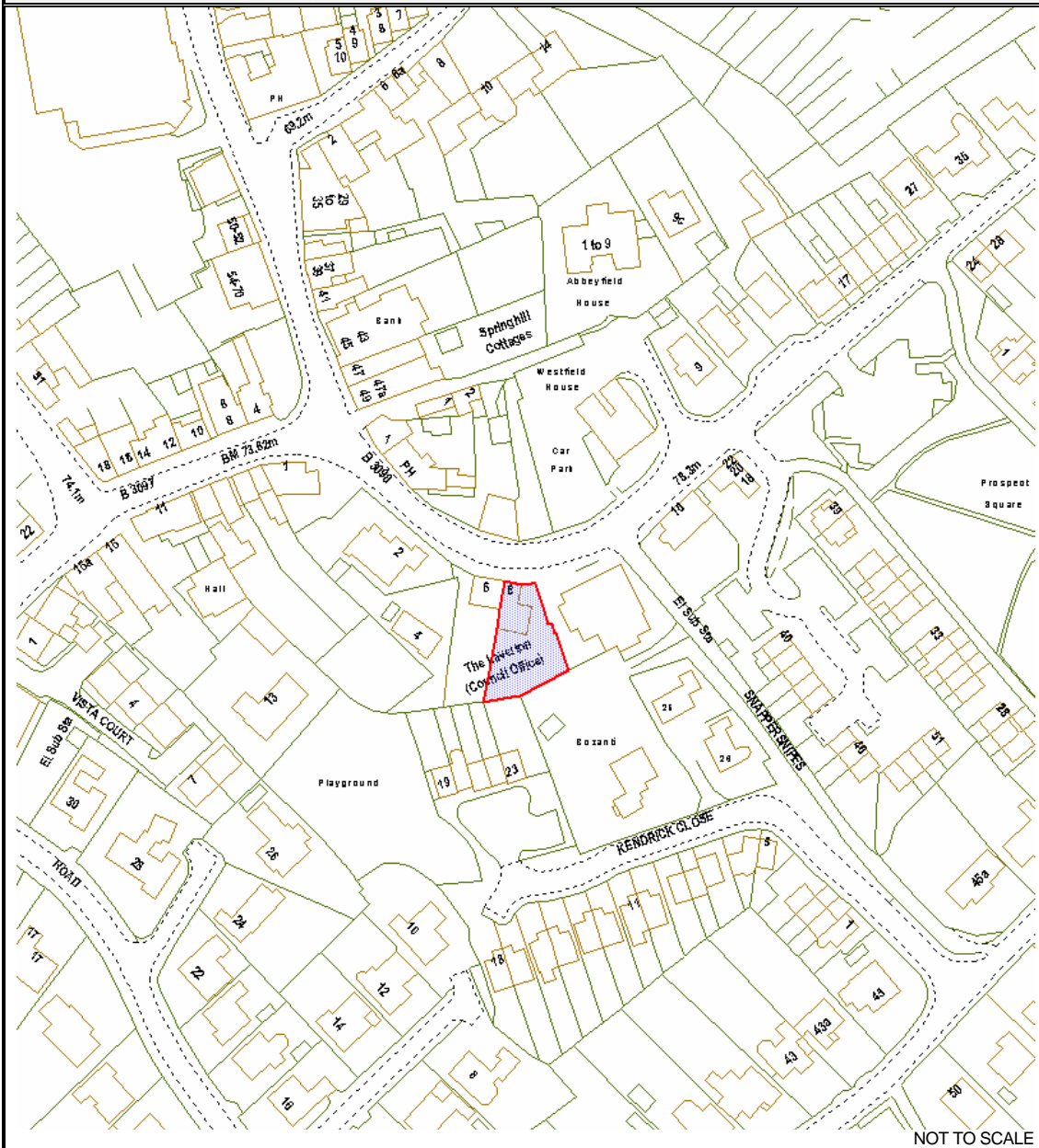
# PLANNING COMMITTEE

4 January 2007

ITEM NO: 05

APPLICATION NO: 06/02659/FUL

LOCATION: 8 Bratton Road Westbury Wiltshire BA13 3EN



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**05 Application: 06/02659/FUL**

**Site Address: 8 Bratton Road Westbury Wiltshire BA13 3EN**

Parish: Westbury Ward: Westbury Laverton

Grid Reference 387381 151084

Application Type: Full Plan

Development: Erect a timber porch and gate

Applicant Details: Chris Kirk  
8 Bratton Road Westbury Wiltshire BA13 3EN

Agent Details:

Case Officer: Mr Russell Brown

Date Received: 29.08.2006 Expiry Date: 24.10.2006

**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 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the porch and the gate 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 and does not harm the character or setting of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27, C28 and C31A.

- 3 Full details of the gatepost, hinges and fixings shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

# COMMITTEE REPORT

## APPLICATION DETAILS

This application is brought to Committee because the applicant is an officer of the Council.

This is a full planning application for a new porch and front gate to 8 Bratton Road, Westbury. No 8 is a Grade II listed building lying within the Westbury Town Conservation Area. The house is for the most part painted rubble stone, with a single storey brick extension to the rear, with clay pantiles to the roof. The house is an L-shape, with its front elevation fronting the pavement. To the east lies an area of off-street parking, leading into the rear garden.

To the east of the site lies The Laverton Institute, which is the town hall, itself a Grade II listed building. To the rear are a number of modern residential properties, whilst adjoining No 8 is No 6, which is also a Grade II listed building.

The proposed works include the creation of a porch over the new replacement French doors in the single storey extension and the replacement of the existing front timber gate with a new timber gate.

The proposed materials of the porch would be seasoned oak timbers with a clay tile roof to match the existing roof. The planning committee granted listed building consent for the porch on the 14th September 2006.

The existing gate is a timber 5-bar gate. The proposal is to replace this with a solid timber gate. The applicant has provided photographs of the proposed gate to augment the description as a hardwood timber single gate. The gate would be 1.8 metres high at the highest point - the design of the gate being slightly arched to give a rise in height at the centre.

A listed building consent for the porch has previously been granted.

## CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL state: "No objections"

## PUBLICITY RESPONSES

The application has been publicised by site notice and press advertisement. No responses have been received.

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

HE7 Conservation areas and listed buildings

West Wiltshire District Plan - 1st Alteration 2004

C17 Conservation Area

C27 Listed buildings

C28 Alterations and extensions to listed buildings

C38 Nuisance

National Guidance

PPS1 Delivering Sustainable Development

PPG15 Planning & The Historic Environment

## RELEVANT PLANNING HISTORY

90/00108/LBC - Replace tin roof with tiled roof - Consent 27.03.1990

02/00935/LBC - Installation of roof window at rear of property - Consent 29.07.2002

05/00584/LBC - Internal alterations and repairs, and replacement front door - Consent 02.06.2005

05/01717/LBC - Reinstate mullion window with handmade glass and move main gas feed in to property - Consent 06.10.2005

06/02242/LBC - Timber framed porch, and internal and external alterations, including new doors and fenestration - Consent 14.09.2006

## KEY PLANNING ISSUES

This planning application raises the matters of the impact of the proposed works on the listed building, the special character and appearance of the Conservation Area and the impact on the public amenities of the surrounding area.

## PLANNING OFFICER COMMENTS

The porch would extend the line of the single storey extension and subject to samples of materials, no objection is raised. The proposed porch would be built in large oak timbers and would be constructed in traditional construction techniques - mortice and tenon joints with timber pegs. The profile of the porch would follow the slope of the rear extension roof slope with a steeper pitch towards the front of the building. This asymmetrical appearance would be in keeping with the overall form of the building and would create visual interest to this currently simple elevation. As existing, the rear extension detracts from the simplicity of the elevation and the addition of the porch would remove the impact of the rear extension.

The replacement of the timber gate would not harm the setting of the listed building or the visual amenities of the area. The gate would be a solid timber construction and simple in design and form. Consequently, the gate would not be visually intrusive by reason of its design, scale and materials. The timber gate would respect the features of the property and of the surrounding properties.

The special character and appearance of the Conservation Area would not be harmed as neither the porch nor the gate would detract from the visual amenity of the area. Consequently, the public amenities of the area would similarly not be harmed.

## CONCLUSION

Subject to the suggested conditions, the proposal would not be detrimental to the special architectural and historic interest of the listed building, the special character and appearance of the Conservation Area or the amenities of the surrounding area.



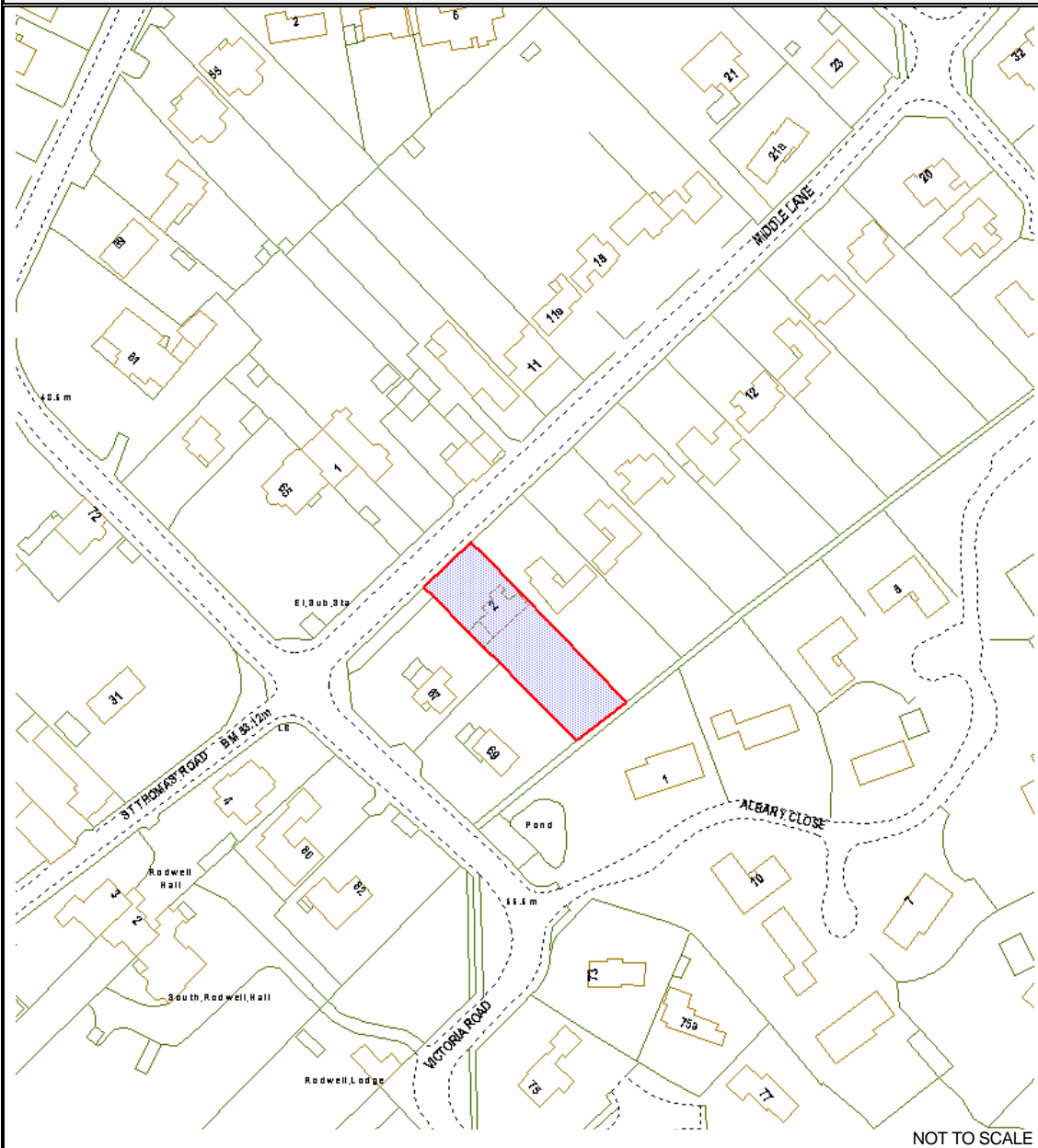
# PLANNING COMMITTEE

4 January 2007

ITEM NO: 06

APPLICATION NO: 06/03319/FUL

LOCATION: 2 Middle Lane Trowbridge Wiltshire BA14 7LG



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**06 Application: 06/03319/FUL**

**Site Address: 2 Middle Lane Trowbridge Wiltshire BA14 7LG**

Parish: Trowbridge Ward: Park

Grid Reference 386610 158765

Application Type: Full Plan

Development: First floor extension

Applicant Details: Mr And Mrs S Mitchard  
2 Middle Lane Trowbridge Wiltshire BA14 7LG

Agent Details: Mr J J Sample  
Parham Bungalow Parham Lane Market Lavington Devizes Wilts

Case Officer: Mr Donncha Murphy

Date Received: 31.10.2006 Expiry Date: 26.12.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposal by reason of its incongruous size, scale and design would have an adverse impact on the neighbouring amenity, contrary to Policy C38 of the West Wiltshire District plan - first alteration 2004.
- 2 The proposed extension would by virtue of its form, size and scale, be detrimental to the host building and visual amenity of the street scene, contrary to Policy C31a of the West Wiltshire District plan - First Alteration 2004 and the Supplementary Planning Design Guidance- Household Alterations and Extensions.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee at the request of Councillor Bryant in the interest of public debate.

This is an application for full planning permission for a first floor extension to the host dwelling. The extension would be 6.7 metres in width and approximately 7.3 metres in length. It would be approximately 6.5 metres in height from the ground level. The roofline of the proposed development would match that of the host dwelling.

The host dwelling is a large two- storey detached dwelling located on a large plot. There are neighbouring properties directly to the Southwest and Northeast. The proposed materials would match the existing. The area is characterised by large two-storey detached dwellings.

### **CONSULTATION REPLIES:**

TROWBRIDGE TOWN COUNCIL: No objection. The committee requested officers to consider carefully any representations with respect to the effect of this development on neighbour amenity.

## PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. Five letters of objection were received.

The main issues of concern were as follows:

- The loss of privacy to the gardens of neighbouring properties.
- Loss/damage to trees
- impact on the neighbouring property to the south west
- loss of light to neighbouring properties
- building would be out of character with the surrounding area

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design

C38- Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

## RELEVANT PLANNING HISTORY

06/01183/FUL - First floor extension - Refused 07.06.2006

## KEY PLANNING ISSUES

- Whether or not the proposal overcomes the initial reasons for refusal
- Impact on the host dwelling
- Neighbouring amenity
- Street scene

## PLANNING OFFICER COMMENTS

A previous application (06/01183/FUL) for a two-storey side extension was refused on the grounds that it would be to the detriment of the street scene and the neighbouring amenity contrary to policies C31a and C38 of the District Plan. This application proposal seeks to overcome these earlier reasons for refusal.

### Impact on the neighbours

The distance of the two-storey development to the neighbouring boundary to the southwest has not been altered from the initial application. An extension that is very long and constructed close to the boundary is likely to have an overbearing and dominant impact on the outlook and garden of the house next door. The proposed development is a first floor extension, which comes within one metre of the neighbouring property to the Southwest. The plans show it would be 7 metres in length and 6.5 metres in height. Therefore it would have an overbearing and dominant impact on the rear garden of the neighbouring property to the south west contrary to Policy C38 of the West Wiltshire District Plan First Alteration 2004.

The neighbour's letters of objection must be addressed. It is concluded that there would not be significant loss of privacy as a result of this development. The proposal would involve an alteration to the existing trees on the boundary with the neighbouring property to the south west, however as there are no new windows on the south west elevation of the proposal there would be no issues of overlooking or loss of privacy.

The development will however have an impact on the trees located in the garden of the property to the Southeast. These trees are of high amenity value to the residents of the area and add significantly to character and beauty of the neighbourhood. According to the SPG - Planning Design Guidance (House alterations and extensions), a new extension should not harm the appearance of the surrounding area. This proposal would have an adverse impact on the trees of the neighbouring property to the Southwest, which would be to the detriment of the character and amenity of the surrounding area.

#### Street scene

The design of a new extension or an alteration should be sympathetic to the existing development and surrounding area in character, style, proportion and materials. The materials used would match those used in the existing building. The design of the development would be sympathetic to the existing dwelling in that it would have a matching roofline.

The host dwelling is a large two-storey detached dwelling with an attached single storey element to the southwest. The proposal to extend over the existing ground floor section would increase the size of the host dwelling significantly. Although the design of the extension has been improved from the initial application, due to its size and scale, the proposed extension would be out of character with the area and would be to the detriment of the street scene contrary to Policy C31a of the District Plan.

#### CONCLUSION

The proposed development does not overcome the earlier reasons for refusal it remains a proposal which is out of scale and character with neighbouring properties and is therefore recommended for refusal.

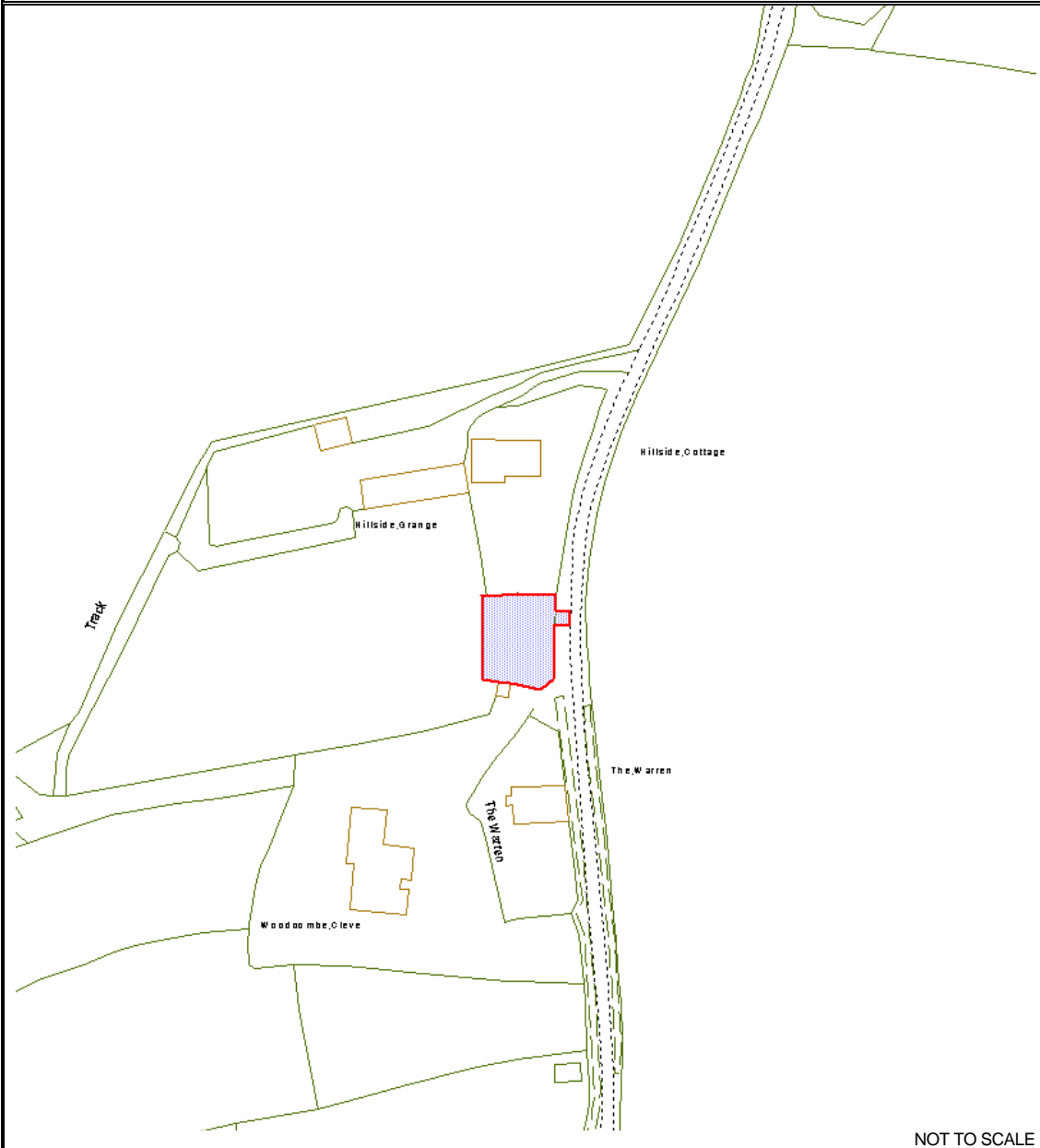
## PLANNING COMMITTEE

4 January 2007

ITEM NO: 07

APPLICATION NO: 06/03015/FUL

LOCATION: Land Adjacent Hillside Cottage Hill Road Sutton  
Veney Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**07 Application: 06/03015/FUL**

**Site Address: Land Adjacent Hillside Cottage Hill Road Sutton Veny  
Wiltshire**

Parish: Sutton Veny

Ward: Shearwater

Grid Reference 390002 141339

Application Type: Full Plan

Development: New timber stables (2) tack room and hay/food store

Applicant Details: Mrs J Griffin  
7 Downsview Warminster Wiltshire BA12 9DU

Agent Details: R K Architecture  
The Design Centre Crusader Park Warminster Wiltshire BA12 8BT

Case Officer: Mr Donncha Murphy

Date Received: 04.10.2006

Expiry Date: 29.11.2006

**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 No manure shall be burnt on site.

REASON: In order to avoid loss of amenity

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

- 4 The development hereby permitted shall not be used for commercial purposes, including the keeping of horses at livery or as a riding school.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy E10.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS:**

This application is brought to Committee because the Parish Council has objected to the proposal contrary to your officer's recommendation.

This is a full application for the erection of new timber stables, a tack room and a hay/food store. The proposed buildings would be of an L shape. The two stables would be approximately 9.8 metres in length and 5 metres in width. The attached hay/food store would be approximately 7 metres in length and 3.7 metres in width. The total height of the proposed building would be 3.3 metres.

The materials used in the proposed development would be stained timber to the walls and corrugated roof sheeting.

### **CONSULTATION REPLIES:**

- SUTTON VENY PARISH COUNCIL: Object to the proposed development for the following reasons:

- Visual impact in an Area of Outstanding Natural Beauty (policy C2)
- Open spaces and views near the village not protected (policy C3)
- Problems with drainage and flooding (policy U3)
- Environmental Health issues - manure storage, flies, rodents near to adjacent properties.

The Parish Council is particularly concerned that, having had planning permission refused recently for holiday accommodation on this property, this current application could eventually converted from use as stables/storage to holiday lets and seeks the planners reassurance that this be taken into consideration. There is also local concern that the area could be used for parking lorries and other vehicles involved in the applicants business.

- THE HIGHWAY AUTHORITY: No objections

- ENVIRONMENTAL HEALTH: No objections subject to the imposition of conditions.

- ASSISTANT ARCHAEOLOGIST: No objections

PUBLICITY RESPONSES: The proposal was advertised by site notice and letters to the neighbouring properties. Three letters of objection to the proposal were received and two letters of support for the application.

The letters of objection received raised the following issues;

- Impact on the Area of Outstanding Natural Beauty
- Scale of the development
- Neighbour amenity
- Loss of privacy
- Impact on the countryside/ green field site
- possible future applications
- Highway safety

## RELEVANT PLANNING POLICY:

West Wiltshire District Plan - 1st Alteration 2004  
C2- Area of Outstanding Natural Beauty  
C15- Areas of Higher Archaeological importance  
C31a - Design  
C32- Landscaping  
C38- Nuisance  
E10 - Horse Related Development

PPS 1 - Delivering Sustainable Development  
PPS 7 - Sustainable development in rural areas

RELEVANT PLANNING HISTORY: None

## KEY PLANNING ISSUES

The main issues to consider regarding this application is whether or not the proposed development would be to the detriment of the special character of the area of outstanding beauty. Furthermore the potential impact on the neighbouring amenity must be addressed.

## PLANNING OFFICER COMMENTS

The comments of Sutton Veny Parish Council have been considered in determining this application.

### Impact on the Area of Outstanding Natural Beauty (AONB)

In an AONB priority will be given to the landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted. Proposals for new development essential to the economic and social well-being of the rural community will be permitted, having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations.

The site is located off an unclassified road. The removal of earth from the site would result in the development being at a lower level. Any views from the north would be screened by the presence of a line of evergreen trees and from the south by the presence of various mature trees.

To the west of the proposed development are hills and open fields. To the east a two-metre plus high hedge screens any views of the property. Moreover there is sufficient distance between the proposed development and any main highways to ensure that it would not be visible from the village of Sutton Veny.

### The Countryside

Policy C1 of the West Wiltshire District Plan 1st Alteration 2004 states that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation. The proposed use would comply with this section of the policy in that it encourages rural recreation.

Policy E10 of the West Wiltshire District Plan 1st Alteration 2004 states that all horse related developments should have special regard to siting, design materials, and construction to ensure they blend in with their surroundings.



The location of the stables has been considered. The proposal is to be located within approximately 1m of a line of evergreen trees approximately 5 metres in height. Moreover there is various other natural vegetation to the south and east, which would screen any views of the development. Furthermore stables and buildings of a similar nature are common in the countryside, therefore the development would not be out of character with the area.

The stables would be constructed of stained timber to match the materials used in the garage of the neighbouring property. These materials, which can be controlled by conditions, are considered acceptable in this location and the design of the proposed stabling is considered acceptable. It is not therefore felt that this proposal would harm the countryside.

#### Impact on the neighbouring amenity

There are neighbouring properties in close proximity to the north, south and southwest. The proposed development maintains a gap of approximately 30 metres to the nearest dwelling to the north.

Moreover it would maintain a distance of approximately 35 metres to the nearest dwelling to the south. Therefore by virtue of the location of the proposed development there would be no loss of privacy to the neighbour properties.

The main concern for the neighbours was the location of the muck container and the associated smell and possible rodent infestation. Environmental Health were consulted with regard this matter and have no objections to the proposal subject to the condition that no materials shall be burnt on site.

#### Highway Safety

Concerns have been raised regarding the proposed stables and the potential for increased use of the existing access resulting in a threat to public safety. The Highway Authority has been consulted on this application and they have raised no objections to the proposal. The Highway Authority are the experts on matters of highway safety and in line with their comments the proposal is not considered to be prejudicial to highway safety.

#### Other considerations

The comments of the neighbours must also be considered.

Scale of the development- The building is single storey with a shallow roof. It would be screened from the north by the presence of a row of high evergreen trees on the northern boundary.

To the south of the property there are also various mature trees which would screen any views from the south. To the east is the unclassified road and a high hawthorn hedge, the other side of the hedge are open fields leading onto the main highway between Sutton Veny and Tytherington. Therefore due to size and design of the proposed development it would not be viewed from the main highway.

Privacy - The neighbour to the north is concerned about the potential loss of privacy to their property as a result of the development. However there would be no change to the existing situation in that the row of trees on the northern boundary of the site would screen any views onto the neighbouring property to the north.

Drainage - The site is not located in a flood plain therefore a flood impact assessment would not be required. Moreover the applicant has indicated that a new soak away would be implemented as part of this proposal ensuring that there would be no problems with drainage and flooding.

The Parish Council is particularly concerned that, having had planning permission refused recently for holiday accommodation on this property, this current application could eventually be converted from use as stables/storage to holiday lets and seeks the planners reassurance that this be taken into consideration. There is also local concern that the area could be used for parking lorries and other vehicles involved in the applicants business.

This application must be determined on its merits. The change of use from stables to holiday accommodation would require a further application. The possibility of future applications being made is not a relevant consideration in determining this application.

A condition can be attached to any permission to ensure that the development would not be used for commercial purposes.

## CONCLUSION

There would be no adverse impact on the Area of Outstanding Natural Beauty as a result of this proposal. In addition the proposal would not be to the detriment of the amenity of the neighbours and is therefore recommended for permission.

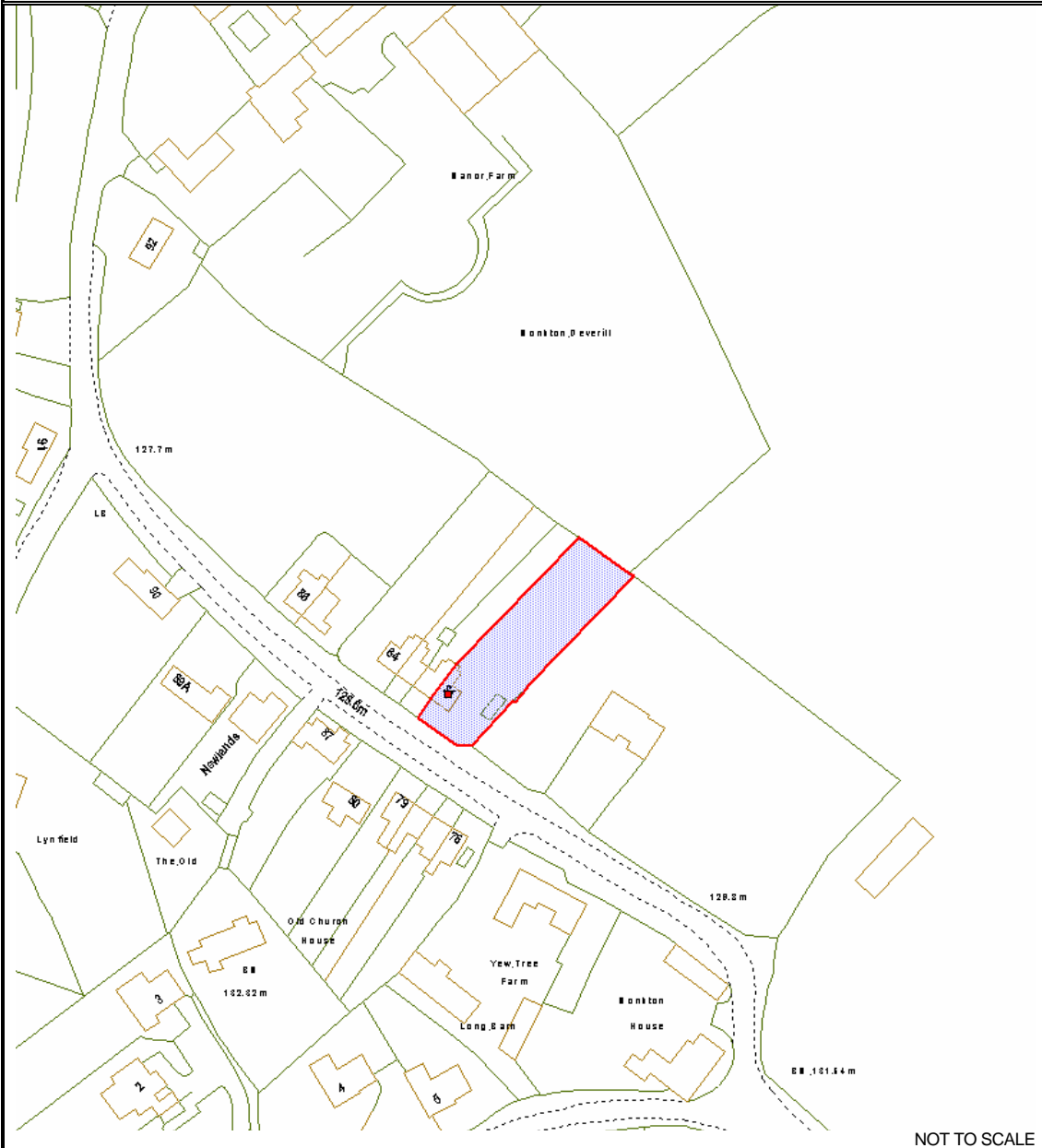
# PLANNING COMMITTEE

4 January 2007

ITEM NO: 08

APPLICATION NO: 06/03379/FUL

LOCATION: Barn View 81 Hindon Road Monkton Deverill  
Wiltshire BA12 7EX



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office

© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**08 Application: 06/03379/FUL**

**Site Address: Barn View 81 Hindon Road Monkton Deverill Wiltshire BA12 7EX**

Parish: Kingston Deverill

Ward: Shearwater

Grid Reference 385646 137420

Application Type: Full Plan

Development: Remove existing wooden garage replace with timber framed building

Applicant Details: SW And AJ Dufosse  
Barn View 81 Hindon Road Monkton Deverill Wiltshire BA12 7EX

Agent Details:

Case Officer: Mr David Cox

Date Received: 03.11.2006

Expiry Date: 29.12.2006

**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.

**COMMITTEE REPORT**

**APPLICATION DETAILS**

This application is brought to Planning Committee because Monkton Deverill Parish Council objects and your Officer recommends permission.

This is an application for the removal of an existing wooden garage and replacing it with a timber framed garage at Barn View, 81 Hindon Road, Monkton Deverill. The garage would have a gable end facing onto the street scene and would measure approximately 6.1 metres wide, 9.15 metres deep and 4 metres high sloping to 2.3 metres at eaves. The rear third section of the garage would be set down by 200mm to make it subservient to the main part of the garage. It would also be built with timber under a red pantile roof.

No 81 is an end of a terraced row of 4 two-storey building. It is built with natural stone and has a number of horizontal red brick courses, which is a special characteristic of the dwellings in this street. It also has a red pantile roof. The terrace row and the host buildings rear garden are set on an elevated level from the main road by approximately 1-1.5 metres. There is an open view of the site when looking from the southeast but when looking at the site at the other end of the road, the terraced row as well of the bend in the road, the proposed garage location would be screened from view.

There is currently a single storey detached wooden garage, lean to roof and a long deep profile. It is also in a poor state of repair. The property also has an outbuilding in its rear garden built in timber that was approved in application November 2005 (05/02397/FUL).

There are three examples of double garages in the immediate street scene but are built with reconstituted stone and Bradstone alongside the dwellings that are built with natural stone.

The site is not within a Conservation Area but it is within the Area of Outstanding Natural Beauty (AONB).

This application follows application 06/02472/FUL, which was for a differently designed and proportioned triple garage sited in the same location as this proposal. This was refused because of its size, scale, bulk and mass would result in a disproportionate and unsympathetic addition within the curtilage of the terraced row to its detriment. The use of a felt roof was also considered detrimental to the area.

#### CONSULTATION REPLIES:

- MONKTON DEVERILL PARISH COUNCIL: Objection.

- The proposed garage by reason of its size, scale, bulk and mass would be a disproportionate and unsympathetic addition to this terraced row. This contravenes policies C18, C31a and GB2.

- It would be detrimental to the character of the street scene. This contravenes policies C23 and H20.

- A substantial summerhouse has already been erected behind this terraced row and the addition of a further large construction will dominate neighbouring houses.

- Although tiles would replace the felt roofing previously objected to, it is considered that a large timber construction would be detrimental and unsympathetic to the area thus contravening policies C19 and C31a.

- It has been stated that the size of the garage has been "downsized". This is incorrect as the footprint remains the same and the height has been raised to 4 metres from 3.5 metres.

- Although the proposed garage has been turned 90 degrees from the original site position, it remains highly visible from the road and particularly from the south contravening Policies C23 and H20.

- The Parish Council is anxious that in an AONB this type of construction should be discouraged.

## STATUTORY CONSULTATIONS:

- HIGHWAY AUTHORITY: No objection.

## PUBLICITY RESPONSES

Neighbours were notified of the proposal. Two letters of objection were received.

- Welcome the use of roof tiles but still believe that the revised plans will have a detrimental effect to the local surroundings.

- The size of building remains three times the size of the current garage but now includes an increase in height and therefore cubic volume. There would be no downsizing.

- The fabric of the new construction, despite the use of roofing tiles would still not be in keeping with the local buildings.

- Access to the building is on an embankment overlooking a narrow lane. If built it would dominate the view from the road and detract from the natural beauty of the local surrounds.

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C2 - Areas of Outstanding Natural Beauty

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

## RELEVANT PLANNING HISTORY

05/02397/FUL - Erection of log cabin at end of garden - Permission - 29.11.2005

06/02472/FUL - Remove existing wooden garage, replacing with timber framed building - Refused  
- 03.10.06

## KEY PLANNING ISSUES

The key issues of this application is whether the proposal overcomes the reasons for refusal in 06/02472/FUL.

## PLANNING OFFICER COMMENTS

Firstly the Parish Council have referred to policies in the District Plan including Conservation Area and Green Belt policies C17, C18, C19 and GB2. As the application site is not within a Conservation Area or within the Western Wiltshire Green Belt these policies do not apply and should not be considered. The Parish Council have also referred to Policies H20 and C23 but H20 is for replacement dwellings for which this is not proposed and C23 is for street scene. However it only refers to street furniture, surfaces and lighting and are not the issues raised by the Parish Council.

Policy C2 sets out the criteria for proposals within Areas of Outstanding Natural Beauty. This means proposals likely to be detrimental to the special landscape character will not be permitted. The policies that do apply therefore are C2 and Design C31a of the District Plan.

The proposed garage would be appropriately sited in the most logical position next to but set back from the existing terraced row. SPG states that garages should be designed in sympathy with the house, whether it is detached or detached.

The garage has a simple design and form with a gable end facing the main road. It has also incorporated a tiled roof, which will respect those on the main dwelling. This will overcome the previous reason for refusal in that a felt roof is no longer proposed.

The garage has been decreased in size as its footprint will be 6 metres wide by 9 metres deep compared to the refused application which was 9x9 metres. Therefore the overall size of the garage has therefore been decreased.

This reduction in the size will mean that instead of having a 9 metre wide triple garage it now has a 6-metre wide double garage appearance on the street scene. Therefore the garage would be more proportionate and sympathetic within the curtilage of this terraced dwelling. Therefore the harm caused by the triple garage application has been overcome. The garage would also relate well with other detached double garages in the street, some of which are larger than the one in this proposal. Furthermore, its footprint has been rotated through 90° making it less prominent within the street scene.

The garage does have a storage area at the rear, which will make the garage 9 metres deep. This will mean that it would have a deep profile when viewed from the southeast. The site is in an elevated position, but given that the rear section will be set down by 200mm, this would reduce the scale, bulk and mass of the garage from the previous application to an acceptable level.

The roof height of the garage has been increased to 4 metres from 3.5 metres previously to allow for this tiled roof. This increase of height when balanced against the use of tiles is considered to be an acceptable trade-off and so the garage therefore complies with Policy C31a of the District Plan.

The use of timber is an appropriate material, which would maintain the semi-rural character of the surroundings, provided the garage is finished to an appropriate colour to enable it to sympathetically blend in with its surroundings. Additionally timber was also proposed in the 06/02472/FUL application but this material was not a reason for refusal. It is considered acceptable in this location.

The reduced size of the garage would cause no harm to the special landscape character of the AONB. The fact that the garage is within this area did not form part of the reason for refusal of the previous application and it would be unreasonable to introduce this as a reason now.

The proposal would improve the appearance of the existing situation by replacing what is a poorly designed single garage that is in a poor state of repair with an appropriate structure. Therefore the Parish Council's objections cannot be supported.

## CONCLUSION

For the above reasons the application should be granted planning permission.