

**West Wiltshire District Council
Planning Committee
31st May 2007
PLANNING APPEALS UPDATE REPORT
14th March 2007 – 14th May 2007**

Agenda item no. 9

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
06/02381/FUL	Woodlands 23 Iford Hill	Westwood	Replacement of garage/wooden shack with double garage	DEL	REF	WR
07/00236/FUL	Land Rear Of 42 And 44 Station Road	Westbury	Erection of 4 two bed flats, new access and parking	NON	NON	WR
06/01776/FUL	41 And 42 Hilperton Road	Trowbridge	Formation of vehicular access	COM	REF	WR
06/01775/LBC	41 And 42 Hilperton Road	Trowbridge	Formation of vehicular access including partial demolition of frontage boundary wall	COM	REF	WR
06/03137/OUT	Land Adjacent 32a Westlands Lane	Beanacre	New dwelling	DEL	REF	WR
06/02120/FUL	Northleigh Nurseries Leigh Road West	Bradford	Construction of a dwelling	DEL	REF	WR
06/03525/FUL	Land Rear Of 64 Deverill Road	Warminster	Proposed dwelling	DEL	REF	WR
06/03754/FUL	Land Rear Of 1 White Horse Way	Westbury	Erection of two semi-detached dwellings in part of the garden of 1 White Horse Way	DEL	REF	WR
06/03774/FUL	1 White Horse Way	Westbury	Demolition of 1 White Horse Way and the erection of 2 detached dwellings	DEL	REF	WR
07/00407/FUL	17 Drynham Park	Trowbridge	First floor bedroom extension over existing rear lounge extension	DEL	REF	WR
07/00032/FUL	Victoria's 31 Silver Street	Bradford	Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services)	COM	PER	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal Type	Appeal Decisn
04/02303/OUT	Staverton Triangle	Staverton	Residential development	Com	Perm	Call in	GRANT*
04/02156/OUT	Victoria Road	Warminster	Residential development	Com	Perm	Call in	GRANT*
05/00681/REM	147B Westbury Leigh	Westbury	Proposed development of 5 residential units with associated parking, landscaping and private drive	Com	Apprv	Inq	DISMISSED *
05/00859/OUT	147B Westbury Leigh	Westbury	Renewal of outline planning permission for residential development (00/01349/OUT)	Del	Ref	Inq	DISMISSED *
06/02483/FUL	147B Westbury Leigh	Westbury	Residential development comprising of 3 dwellings	Del	Ref	Inq	DISMISSED *
06/02482/FUL	147B Westbury Leigh	Westbury	Residential development comprising of 4 dwellings	Del	Ref	Inq	DISMISSED *
06/01927/LBC	Area R14 Westbury Leigh	Westbury	Part demolition of garden wall to southeast of Boyers House	Del	Ref	Inq	WTHDRWN
05/01807/FUL	Land East Of 6 Lower Marsh Road	Warminster	Three x 4 bedroom detached dwellings with garages	Com	Ref	Hrg	DISMISSED
06/00421/FUL	St Margaret's Hall St Margaret's Street	Bradford	Removal of existing ground floor windows on south elevation and block up openings with cut bath rubble stone in lime mortar	Com	Ref	WR	ALLOWED*
06/01692/FUL	Land Rear Of 87 Deverill Road	Warminster	Detached retirement bungalow	Del	Ref	WR	DISMISSED
06/00962/FUL	21 Farleigh Rise	Monkton Farleigh	Construction of garage/store	Del	Ref	WR	DISMISSED
06/02370/FUL	Long Cottage 230 Winsley Road	Bradford	Conversion of existing single dwelling to 2 no. dwelling houses	Del	Ref	WR	DISMISSED
06/01219/FUL	Woodcote House 112 Church Street	Hilperton	Variation/change of conditions to allow the coach house to be let separately	Del	Ref	WR	DISMISSED
06/00379/FUL	Whaddon Grove House Berryfield Lane	Melksham	Second storey extension	Del	Ref	WR	DISMISSED

06/01313/FUL	4 Lower Stoke	Limpley Stoke	Two storey side extension, conservatory and new vehicular access	Del	Ref	WR	DISMISSED
06/01434/FUL	71 School Lane	Shaw	House extension and annex	Del	Ref	WR	DISMISSED
06/01371/FUL	6A Frome Road	Southwick	Conversion of triple garage to annexe 'A'	Del	Ref	WR	DISMISSED
06/02804/FUL	6A Frome Road	Southwick	Conversion of triple garage to annexe 'B'	Del	Ref	WR	ALLOWED
06/01976/FUL	53 Leigh Park Road	Bradford	Boundary fence to north and east of the property	Del	Ref	WR	DISMISSED

* additional notes on decision below

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

❖ Points of interest arising from decisions

04/02303/OUT, Staverton Triangle, Staverton & 04/02156/OUT, Victoria Road, Warminster

Both these applications were recommended for permission by the Committee but were called - in by the Secretary of State, who held a public inquiry to discuss the issues. Both sites are allocated for residential development in the West Wiltshire District Plan. In both cases the Secretary of State considered the respective towns of Trowbridge and Warminster to act as local service centres where such development would be in scale in accordance with current policy. She did, however, seek an amendment to the s106 Agreements to ensure that all the affordable housing, including the low cost home ownership units, be secured and provided on site.

147b Westbury Leigh - This was an appeal against the refusal of 4 applications seeking the erection of 3, 4 or 5 units and renewal of a previous outline permission. All 4 appeals were dismissed. The Inspector considered each one and concluded that one (05/00681) would be a typical modern suburban housing scheme that made little concession to the rural nature of Mill Lane, out of keeping with the character of the area. It would also have an unacceptable effect on the outlook and privacy of the neighbouring gardens. In respect of the other appeals he concluded that the schemes would result in encroachment of the built up area into countryside, would disturb the existing balance between the urban and rural features in the vicinity and would have an unacceptable effect on the character and appearance of the area. Although the appellant submitted a claim for an award of costs this was dismissed by the Inspector as he did not consider the Council had acted unreasonably.

06/00421/FUL, St Margaret's Hall, Bradford on Avon – This appeal proposed to block the ground floor windows of this building facing the public car park. The Inspector concluded that the structure is not a listed building and windows have not been used for light or ventilation for more than 50 years. The elevations of most of the other buildings around the car park are relatively devoid of glazed

fenestration and he felt it important to recognised that, as uses change, the fabric of the building evolves to reflect altered requirements. The blocking of the windows would be a continuation of that evolution to reflect its current use whilst retaining the form and proportions of the original windows.

05/01807/FUL, Land East Of 6 Lower Marsh Road, Warminster – The Inspector described the character of this part of the road as one of transition between countryside and the built up area. It is a sensitive site but the revised scheme showed the height of the dwellings would be no higher than the adjoining dwelling and they are not sited in the flood plain. However he concluded that the depth of proposed dwellings would be uncharacteristically great, would extend the two storey development to a significantly greater depth than was the case for the outline permission. This would be a significantly more urban appearance on the edge of the built up area, which because of the transitional character, would be out of keeping with the surrounding area and unduly dominant in this sensitive location

Costs – an application for an award of cost by appellants was dismissed as the Inspector found that the decision was not contrary to nor based solely on the views of the Environment Agency and no evidence was produced to support the contention that the Council put undue weight on views of local residents. He did not consider that the Council's decision was unreasonable or that they have behaved unreasonably.

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

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
06/01711/OUT	Former Wincanton Site Bythesea Road	Trowbridge	Outline application for the mixed use redevelopment of the site for retail, B1(Office) residential development with associated servicing and landscaping	INQ	Council Chamber	5 th July 2007 – 12 th July 2007
05/01654/FUL	Area R14 Westbury Leigh	Westbury	Erection of 68 dwellings, associated public open space, road infrastructure and works to Black Horse Lane	INQ	Council Chamber	7 th August 2007 – 8 th August 2007
05/00855/LBC	The Coach House Lovel House 42 Lovel Road	Upton Lovell	Conversion of Coach House to provide annexe to Lovel House	HRG	Council Chamber	4 th September 2007
06/02374/LBC	The Coach House Lovel House	Upton Lovell	External and internal alterations	HRG	Council Chamber	4 th September 2007

