

## **Regulatory**

**27th January 2005**

### **Planning Services**

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RECOMMENDATION: Grant Full Planning Permission

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metre high slimline lattice supporting four antennas (overall height 21.3 metres), and  
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Langfield Copse, Crofton, GREAT BEDWYN

RECOMMENDATION: Grant Full Planning Permission

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Item 1:

APPLICATION: K/51314/F  
PARISH: MARLBOROUGH  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Erection of 12 flats with new access  
SITE: 18 Salisbury Road, Marlborough, SN8 4AD  
GRID REF: 19242 68870  
APPLICANT: Badminton Homes (Marlborough) Ltd  
AGENT: Narracott Oxford Mills Architects Ltd  
DATE REGISTERED: 25th November 2004  
CASE OFFICER: Mr P Horton

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### SITE & LOCATION

The site is located on the western side of Salisbury Road, around 120 metres south of its junction with George Lane. Until recently it was occupied by a semi-derelict bungalow set within a large sloping garden, surrounded by dense boundary tree and hedge planting. However the site has now been cleared. The dense conifer screen bordering Salisbury Road has been removed to enable a new vehicular access to be formed into the site.

### SITE HISTORY

K/44265/O: an outline application to demolish the existing bungalow and to erect 15 no. two bedroomed flats was withdrawn in November 2002.

K/45153/O: an outline application to demolish the existing bungalow and to erect 5 no. town houses was refused in June 2003, against officer recommendation, on the grounds of being out of keeping with the scale and character of development in the area. However a subsequent appeal was allowed in March 2004.

K/45988/O: an outline application to demolish the existing bungalow and to erect 12 no. flats was refused in September 2003. However a subsequent appeal was allowed in March 2004.

K/50707/RM: Committee approved the reserved matters application in October 2004.

### DESCRIPTION OF DEVELOPMENT

The proposal is for a three storey block of flats measuring some 25 metres long, up to 14.2 metres wide and around 10.4 metres tall. It would be built of brick with tile hanging to the gables and bays, with concrete pantiles and UPVC windows and doors.

The current application is a minor variation on the scheme recently approved by Committee. The building is essentially the same, and its gable ends are the same distance from neighbouring properties as before. The main difference is that parts of the building (the northern and southern ends) have been shifted 1m further back into the site (i.e. westwards) and that the rear

garden has been subdivided into individual gardens. The principal reason for the change is that the lounges have been re-located from the front to the rear of the property, and the ground floor flats will have French doors which open directly on to the gardens (in place of a casement window).

Access will be obtained directly off Salisbury Road rather than from the private drive serving Semperingham. To achieve this, the mature conifer screen to the front of the site has been removed and will be replaced with a new roadside hedge, with evergreen shrubs and heavy standard trees behind.

#### ADDITIONAL STATEMENT BY THE AGENT

The external footprint has not been increased by the proposed changes which centre on the creation of better internal floor plans, with lounges to the rear of the building, where at ground floor private gardens will be created.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application was initially registered and advertised as a revised reversed matters application. However because it is proposed to slightly alter the siting which had been allowed for the outline application at appeal, there was a need to re-register the application as a full one.

#### TOWN COUNCIL COMMENTS

Strongly object, as the application contradicts the comments made by the Planning Inspector concerning overlooking into neighbouring properties and noise disturbance. Also concerned that there may be a discrepancy with the legal boundary.

#### CONSULTATIONS

County Highways, Mr Wiltshire - No objection subject to conditions.

#### REPRESENTATIONS

Objections have been received from 3 local residents. Their concerns can be summarised as follows:

- Having lounges in the rear rather than bedrooms will result in greater overlooking of properties to the rear.
- The proposal to create private gardens rather than communal ones will result in greater noise and disturbance to surrounding properties.
- The plans show concrete bases for potential garden sheds in the gardens.
- All vegetation on the site has been removed, leaving surrounding properties very exposed,
- The building will be 1.35m closer to the property to the south than the Inspector had indicated.
- The northern boundary hedge does not belong to the applicants.
- Cutting the building into the site may result in subsidence along the southern boundary.

#### POLICY CONSIDERATIONS

The site lies within the Marlborough Limits of Development, but beyond Marlborough Conservation Area. The principal policies are HC21 and PD1.

#### **PLANNING OFFICERS COMMENTS**

The principle of development has already been established by both the appeal decision and the recent approval of reserved matters. The Inspector found that a three storey structure in this position would not be out of character with the area or detract from its appearance. He also found that new windows in the front and rear of such a structure would not give rise to a serious loss of privacy for nearby occupiers. In arriving at this decision, he stated that there would be a minimum distance of about 9 metres from the nearest part of the building to the western boundary of the site and that any overlooking of garden areas to the west would not be noticeably higher than could reasonably be expected in a built up residential area close to a town centre.

Although this scheme moves parts of the building closer to the western boundary, these parts would still be in excess of 9 metres from the boundary and given the Inspector's comments, it would not be appropriate to refuse planning permission on the grounds of the resulting loss of privacy. Similarly, the change of four ground floor windows from casement to patio-style deeper windows does not justify a refusal of permission.

In short, the proposed building is little different to that already approved in terms of size, design, siting and distribution of windows. The changes do not materially alter any of the planning considerations upon which the previous applications were determined. There would therefore be no planning grounds that could be substantiated to warrant refusing the application.

#### **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

#### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - No development shall take place until details, including samples where required, of the materials to be used for the external walls, rainwater goods and roofs have been submitted to and approved in writing by the local planning authority. These details shall also include details of the depth of the reveals for the windows. Development shall be carried out in accordance with the approved details.

#### **REASON:**

To secure harmonious architectural treatment.

3 - No development shall take place until exact details of the species, densities and planting sizes of the hedge plants and trees indicated on drawing 949 40 have been submitted to and approved in writing by the local

planning authority. These details shall also specify the provision of a tree(s) for the north western corner of the site to replace the one recently removed.

REASON:

To ensure a satisfactory landscaped setting for the development, given that such details have not been specified.

4 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the first flat or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

5 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, rooflights or other openings, other than the bathroom windows shown on the approved plans shall be inserted in the northern and southern (side) elevations of the building hereby permitted. These bathroom windows shall be obscurely glazed and fixed, and shall permanently remain so.

REASON:

In the interests of the privacy of the neighbouring properties.

6 - No dwelling shall be occupied until the parking and turning areas shown on the approved plans have been laid out within the site and those areas shall not thereafter be used for any purpose other than the parking or turning of vehicles.

REASON:

In the interests of highway safety.

7 - Before the development hereby permitted is first brought into use, the first 4.5 metres of the access shall have been surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

8 - No development shall take place until a) the new access onto Salisbury Road has been built in accordance with the approved plans, b) the existing vehicular access along the northern boundary has been permanently closed to vehicles, and c) the area between the nearside carriageway edge and a line drawn 2.4 metres parallel thereto over the entire site frontage has been

cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

**REASON:**

In the interests of highway safety.

9 - The existing highway advance direction sign shall be relocated well clear of the access.

**REASON:**

In the interests of highway safety.

10 - No building works shall be undertaken outside the buildings and no deliveries accepted onto the site before 0730 hours nor after 1800 hours on weekdays and before 0800 hours nor after 1300 hours on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

**REASON:**

In the interests of the amenities of neighbouring properties.

11 – No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the dwellings is first occupied or in accordance with a timetable to be agreed in writing with the local planning authority.

**REASON:**

In the interests of the amenities of the area and neighbouring properties.

**12 - INFORMATIVE TO APPLICANTS**

The applicants are requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

**13 - INFORMATIVE TO APPLICANTS:**

The existing highway advance direction sign shall be relocated at the applicant's expense.

**14 - INFORMATIVE TO APPLICANTS:**

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following

policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 and HC21.

Item2:

APPLICATION:	K/50972/F
PARISH:	SEEND
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two storey extensions and alterations including raising of land to form a patio
SITE:	76 Seend Cleeve
GRID REF:	93111 61002
APPLICANT:	Messrs Cowdry & Molloy
AGENT:	Mr E C Stockley
DATE REGISTERED:	5th October 2004
CASE OFFICER:	Mr N Britton

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### SITE & LOCATION

The property is a semi-detached house, probably dating from the late 19<sup>th</sup> century, and constructed in stone block under a clay tiled roof. A single storey lean-to rear extension has recently been removed. The attached house to the north-east has been greatly extended to the side and the rear, and now presents a long blank two-storey side elevation to the common boundary with the application site.

At the rear, the gardens of the two properties turn at an angle and the garden of the application site slopes steeply away towards the rear of the properties on the lower road.

A small amount of land raising has been carried out. To the south-west is a modern detached house sharing a boundary with the site. Both side boundaries of the application site are fenced with 1.8 metre high timber panels.

### DESCRIPTION OF DEVELOPMENT

It is proposed to construct a new two-storey extension in the angle between the rear of the house and the neighbour's extension. It will be built so that a narrow gap of about 150 mm (6 inches) will remain between the two properties. The extension will provide a living room on the ground floor and a bedroom with en-suite bathroom on the first floor.

It is also proposed to raise the land in the rear garden by depositing spoil and creating a raised patio and shrub bed. This part of the application is retrospective to the extent that the land has been partially filled and a blockwork retaining wall has been constructed, although work on this has now ceased pending the outcome of this application.

### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended and additional plans have been submitted to demonstrate the position of the retaining walls, the levels and drainage scheme of the patio, the proposed construction of the foundations, walls and guttering between the two houses, and corrected site boundaries.



#### ADDITIONAL STATEMENT BY THE APPLICANT

It is stated that the sewer connection will either be through the rear garden of 92 Seend Cleeve or via a 300 litre pumping chamber to the main sewer at the front of the property.

#### PARISH COUNCIL COMMENTS

Original plans - Seend Parish Council objects to the application on the grounds that the extension wall will be too close to the neighbouring wall, the patio will be large and raised, and there are concerns about sewage.

Amended Plans – comments awaited.

#### REPRESENTATIONS

The owners/occupiers of four neighbouring dwellings, including the houses to either side of the site, have written to object for the following reasons:

1. Extension is out of proportion with the property,
2. Size of property will increase by a third,
3. Additional on-street car parking and traffic congestion,
4. Loss of privacy from raising of the patio and consequent overlooking,
5. Possible pollution from patio fill,
6. Overlooking from new windows and patio doors,
7. Water run-off from patio,
8. Foundations too close to neighbouring property,
9. Possible damp penetration,
10. Chimney is too close to neighbour's roof light,
11. The narrow gap between houses could cause problems of maintenance, damp, frost, leaves or vermin,
12. Possible lighting nuisance,
13. Possible sewerage overload,
14. The development has commenced,
15. Incorrect boundaries on plans.

In response to amended and additional plans, the attached neighbours repeat their original objections. Two other neighbours continue to object to the raising and extent of the proposed patio.

#### POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local Plan 2011 requires a high standard of design in all developments, including scale, height, massing, layout, road safety, elevational treatment and external appearance, and the impact on residential amenity, including that caused by noise and disturbance.

#### PLANNING OFFICER'S COMMENTS

In terms of its design, including scale, height, mass and bulk, the proposed extension fits well with the existing property, and will improve the appearance of the area by concealing the unsightly side wall of the large extension at 74 Seend Cleeve. Overlooking from ground floor windows is limited by the

garden fences and at first floor level, the side window is obscured glazed and the first floor bedroom window looks down the garden in the same manner as the window on the two storey extension to the adjacent property.

Neighbours have raised several other points which are not considered material objections. There is no requirement for additional car parking as an extra dwelling is not being created. External lighting in a domestic garden situation is not a planning matter. Sewage will be disposed of as described above.

Concern was expressed about the proximity of the extension and its foundations, guttering and chimney to the attached property. These matters are adequately covered by the Party Wall etc Act 1996, which provides for developers to give notice to party wall owners about intended works. It is understood that the two adjoining owners have now agreed on a satisfactory approach.

The main issue has proved to be the proposed treatment of the rear garden. Steeply sloping land is characteristic of properties in Seend Cleeve, and many have levelled off areas of land for garden use. Whether or not planning permission is required depends on whether the scale of the earthworks has a material effect in planning terms. In this case it was considered that express permission is required. Neighbours have objected in particular on the grounds that the raised land would enable overlooking of fences and could cause water run-off or otherwise adversely affect the common boundaries.

The applicants have now supplied 1:50 scale details of the patio design, including levels and drainage. These are now considered acceptable and in conformity with Policy PD1 of the Local Plan. Details of these have been made available to neighbours and any further comments received will be reported verbally.

## **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

### **REASON:**

To secure harmonious architectural treatment.

3 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

4 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the extension or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

5 - Prior to the first occupation of the extension hereby permitted, the patio and all related earthworks and structures shall be completed in accordance with the plans received on 10 January 2005 and hereby approved. Upon completion of the approved scheme, there shall be no further land raising on the site, or any other material alteration to the scheme without the approval in writing of the local planning authority.

**REASON:**

In the interests of the amenities of neighbouring properties.

6 - The en-suite bathroom windows at first floor level shown on the approved plans on the west elevation of the extension shall be glazed with obscured glass prior to the first occupation of the extension, and shall be so maintained at all times thereafter.

**REASON:**

In the interests of the privacy of neighbouring properties

**7 - INFORMATIVE TO APPLICANT:**

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

#### 8 - INFORMATIVE TO APPLICANT

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Item 3:

APPLICATION:	K/51207/F
PARISH:	PEWSEY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Addition of new flue. Erection of boundary walls/railings and retaining walls (amendment to planning permission K/45833)
SITE:	Old Church Mission Room, Kings Corner, Pewsey, SN9 5BS
GRID REF:	16799 59841
APPLICANT:	Mr P Nash
AGENT:	Michael Fowler Architects
DATE REGISTERED:	8th November 2004
CASE OFFICER:	Miss G Salisbury

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#### SITE & LOCATION

The application site comprises the former Church Mission Room. This lies to the west of King's Corner, at the southern end of Ball Road, and is within Pewsey's designated Conservation Area. Access to the site is from Ball Road, via a narrow slip road that serves the football ground, several houses and the former infants' school.

#### SITE HISTORY

88/1179 – Planning permission was granted for a change of use from dining room to craft workshop.

K/012066 – Planning permission was granted to change the use of the former dining hall to storage/distribution use.

K/041883 – Planning permission was granted in October 2001 to change the use of the building from stores to offices.

K/045285 – An application to convert the building to a dwelling was withdrawn on the 30<sup>th</sup> May 2003.

K/045833 – Planning permission was granted in August 2003 to convert the building into a dwelling. In September 2004 the addition of two conservation rooflights, one to the north-west elevation and one to the south-east elevation, and the addition of a flue to the south-east elevation were accepted as minor amendments to the approved scheme.

#### DESCRIPTION OF DEVELOPMENT

The current scheme proposes further amendments to the recently approved scheme of conversion. The proposed changes include;

- Moving the position of the approved boundary wall to the south of the building out by 0.6 metres and extending it south to tie it into the existing retaining wall alongside the garage of the adjacent property.

- The retaining wall would then be extended alongside the western side of the garden;
- Erect a 3 metre length of low wall with railings above to the front of the site, extending from the approved side wall;
- Altering the position of the flue previously approved as a minor amendment.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following an objection from the local highway authority changes that were originally proposed, including a proposed parking space to the south-east of the building, an enclosed porch, adjoining dwarf wall and railings to the east have been removed. Following concerns raised by the Council's Conservation Officer, the flue has also been relocated to the north-west side of the roof.

#### PARISH COUNCIL COMMENTS

The Parish Council oppose the application. Still have concerns regarding exiting onto the lane. The porch does little to complement or enhance the building.

#### CONSULTATIONS

County Highways - Recommend that the application be refused for the following reason:

- The introduction of the proposed parking would be prejudicial to the safety and convenience of road users given the lack of visibility that would be created by the erection of the proposed porch. Additionally the land in question is public highway and permission for the works would not be forthcoming from the highway authority.

Whilst the proposed parking area has been omitted from the scheme, County Highways still object on the grounds that 'the amended plans do not overcome the previous objections'.

KDC Conservation Officer: No objection to the proposal subject to conditions. These are specified at the end of this report.

#### REPRESENTATIONS

Eight letters of objection have been received by nearby residents which raise the following key concerns;

- The proposed wall and railings would make access to Wilderness Row difficult for service, delivery and emergency vehicles and would create an obstruction to the highway and other traffic. Wilderness Row is already a narrow road and the plans do not acknowledge the right of access down the road.
- The wall, railings and bollard would be built on a public highway.
- There is some discrepancy in the accuracy of the plans

## **POLICY CONSIDERATIONS**

Kennet Local Plan 2011 – Policies PD1 and HH5 are relevant to the consideration of this application.

## **PLANNING OFFICERS COMMENTS**

It is important to realise that this application relates solely to alterations to a scheme that has already been approved. Objections to matters such as the porch are therefore not relevant as this has already been approved. The key issue in the determination of this application is considered to be the impact of the development on access to nearby properties.

The proposed wall on the eastern side would project only a further 60cm forward from the approved position and would tie into the most forward part of the retaining wall by the existing adjacent garage. It is not considered that this change will have any adverse impact on road safety or access to nearby properties and no objection on these grounds has been raised by the local highway authority. The objection from the local highway authority seems to concentrate on the issue of whether the land on which the wall would be built is public highway. This is a matter for them to resolve with the land owner and is not a matter to be taken into account by this committee.

The short stretch of wall and railings to the front of the building, the retaining wall within the curtilage of the property and the small flue are considered to be acceptable and will not detract from the appearance of the area.

Subject to the conditions set out below, permission is therefore recommended.

## **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates only to the scheme of development shown on the revised plans 021109-10C, 021109-11D and 021109-12A received on the 7th December 2004.

### **REASON:**

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

3 - The bricks to be used in the external surfaces of the development hereby permitted shall match in colour and texture those used in the existing building and shall be laid in a traditional bond to match the existing building.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the Conservation Area.

REASON:

In the interests of harmonious architectural treatment.

4 - The external flue on the north-west elevation hereby permitted shall be finished in black.

REASON:

To secure harmonious architectural treatment.

5 - Before development is commenced, details of the treatment of the verge between the eastern wall of the former mission hall and the public highway and between the new boundary wall and the public highway shall be submitted to and approved in writing by the local planning authority. The agreed works shall be completed before the building is brought into use as a dwelling and shall thereafter be retained.

REASON:

To protect the appearance of the area.

6 - INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control or that lies within the public highway. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

7 – INFORMATIVE TO APPLICANT:

This permission relates solely to the alterations proposed (flue, boundary walls/railings and retaining wall). Your attention is also drawn to the conditions imposed on the planning permission for the conversion of the building, K/045833 and dated the 14/08/03.

8 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 and HH5.



Item 4:

APPLICATION:	K/51176/F
PARISH:	BROMHAM
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Replacement dwelling
SITE:	55 New Road, Bromham, SN15 2JB
GRID REF:	96402 64637
APPLICANT:	Mr V Read
DATE REGISTERED:	3rd November 2004
CASE OFFICER:	Miss K Whittington

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### SITE & LOCATION

The site lies approximately 500 metres to the south of the village of Bromham, on the east side of New Road. Upon leaving Bromham along New Road, the site can be found opposite the last of 8 pairs of semi-detached houses. It comprises a detached house fronting the road, a range of dilapidated outbuildings and a newly-built garage.

### SITE HISTORY

K/47392 – planning permission was granted in May 2004 for the construction of a garage to the rear of the existing dwelling.

### DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing house and a range of outbuildings and construct a replacement dwelling on the site. This would be positioned further back into the site than the existing dwelling, with the front wall of the new dwelling being 3 metres beyond the rear wall of the existing house. The main part of the dwelling would have a ridge height of 8.5 metres and an eaves height of 5.5 metres. A subservient wing, with the appearance of an extension, would be attached to the side of the property. The dwelling would be constructed of a mix of new and reclaimed bricks, with natural slate to the main roof and clay tiles to the rear roofslope.

### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The following amendments have been incorporated:-

1. The footprint of the dwelling has been reduced by approximately 33 square metres.
2. The ridge height of the main part of the dwelling has been reduced from 9 metres to 8.5 metres.
3. The ridge height of the side 'extension' has been reduced from 8.1 to 7.9 metres.
4. The size of two of the first-floor sash windows has been amended so that they are all the same size as the middle window.
5. The proposed driveway has been pulled away from the boundary by an additional 2 metres, to provide adequate room for planting.

## PARISH COUNCIL COMMENTS

Bromham Parish Council – no objection.

## CONSULTATIONS

County highways (Leah Tilling) – no objection.

## REPRESENTATIONS

Three letters of objections have been received, which raise the following key concerns:

1. The proposal would not be in keeping with other properties in the area.
2. The existing dwelling is of some architectural merit and consequently, its demolition is not justified.
3. The size of the dwelling is excessive, particularly the height.
4. The proposal would overshadow and overlook the neighbouring properties.
5. The proposal appears to be the start of a commercial development of executive style and not a normal residence.
5. Work has already started on the footings before the granting of planning permission.
6. The garage that is under construction could easily be converted to a dwelling after completion.
7. The statutory site notices were removed from the site almost immediately after they were put up.
8. The applicant is in the building/developing business, which may mean that further development will take place on adjacent land in the future.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - The site lies outside of the Bromham Village Policy Area. Policies PD1 and HC25 in the adopted Kennet Local Plan are relevant to the consideration of the application.

## PLANNING OFFICERS COMMENTS

Policy HC25 in the adopted Kennet Local Plan permits the replacement of an existing dwelling which has not been abandoned where a) the siting is closely related to the footprint of the dwelling it replaces; and b) the scale of the replacement dwelling is not significantly larger than the original structure.

In respect of this proposal, the footprint of the replacement dwelling would be fairly well-related to the existing house, with the front wall of the new house set back approximately 3 metres behind the rear wall of the existing property. In terms of size, the replacement dwelling would certainly be taller and bigger than the existing dwelling, but is not considered to be excessively so. The footprint of the replacement dwelling is approximately 53% bigger than that of the existing house, which is not considered to be excessive. In addition, the height of the dwelling has been reduced to 8.5 metres, which would not be significantly taller than other properties in the area.

Concerns have been expressed about the design of the dwelling, which local residents consider to be out of keeping with surrounding properties. However,

there is no typical building style in the vicinity. It would therefore be difficult to argue that the proposed dwelling (built of brick under a mainly slate roof) would appear out of keeping with its surroundings.

It is not considered that the proposal would give rise to any adverse neighbour implications, such as overlooking or blocking of light, as the surrounding properties are a satisfactory distance away.

The concerns raised about future uses of the existing garage and the rest of the site are not valid considerations at this stage and would be assessed through separate planning applications.

## **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans Oatlands/RD01, 02, 03, 04, 05, 06, 07, 08, 09 and 10 received on the 15th December 2004.

### **REASON:**

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

3 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

### **REASON:**

To ensure a satisfactory landscaped setting for the development.

4 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

5 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples if requested) 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 secure harmonious architectural treatment.

6 - Within three weeks of the date when the new dwelling hereby approved is first occupied the existing dwelling on the site shall be demolished and the resulting materials removed from the site.

REASON:

The retention of both the new and the existing dwellings on the site would not be in the interests of the proper planning of the area.

7 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 and HC25.

Item 5:

APPLICATION:	K/51172/F
PARISH:	UPAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of low eaves style house and formation of new access
SITE:	Land adjacent to The Moorings, 1 Devizes Road, Upavon SN9 6ED
GRID REF:	13299 54896
APPLICANT:	Mr P Hounsom & Ms L Fernandez
AGENT:	Digby Rowsell Associates
DATE REGISTERED:	3rd November 2004
CASE OFFICER:	Mr N Britton

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### SITE & LOCATION

The application site comprises part of the garden of The Moorings, a large detached house of the mid 20<sup>th</sup> Century located on the south side of Devizes Road, west of the village centre of Upavon. The roadside boundary is defined by a low wall in imitation stone, while the rear boundary adjoining open countryside is defined by a tall beech hedge. The garden area is mainly lawned with several ornamental trees, including a line of overgrown conifers running east-west which are very prominent in the surrounding landscape. On the north side of Devizes Road, a line of modern development stretches up the valley side to the Rushall road.

### SITE HISTORY

K/21381 Two storey extension approved 13.04.94

K/36458 New dwelling refused 23.11.98.

K/39505 Conservatory approved 19.07.00

### DESCRIPTION OF DEVELOPMENT

It is proposed to erect a single detached house centrally within the application site, with a new access and turning area from the road adjacent to the access to The Moorings.

The two-storey house will be in a low-eaves style with dormers to front and rear, and an integral garage. External materials will be a mixture of brick and render under a plain tiled roof, with a small amount of vertical tile hanging.

### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The proposed siting has been amended to bring the new house slightly nearer to the road. This is to allow more space at the rear for tree planting on the site boundary. This has brought about changes to the turning area and the location of the garage doors.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The application is accompanied by a Planning Report which includes a planning history and a design statement.

#### PARISH COUNCIL COMMENTS

No objection.

#### CONSULTATIONS

County highways – no objection subject to conditions to secure visibility splays, access surfacing, gates and turning space.

Wessex Water - no objection.

#### REPRESENTATIONS

A letter of objection to the original application was received, accompanied by a petition with 12 signatories. The grounds of objection were:

- loss of view
- detriment to the landscape
- additional access causing a traffic hazard
- Devizes Road is becoming more hazardous
- precedent for further ribbon development.

The objections are confirmed in respect of the amended plans.

#### POLICY CONSIDERATIONS

The site is within the Limits of Development for Upavon, where residential development is permitted by Policy HC22 of the Kennet Local Plan 2011, subject to the scale and character being in harmony with the village. It also lies within Salisbury Plain Special Landscape Area, where under Policy NR9 the Council will safeguard the special quality of the landscape. The Moorings itself adjoins the Upavon conservation area, but the application site does not. The setting of conservation areas is protected by Policy HH5 of the Local Plan. Policy PD1 requires a high standard of design in new development.

#### PLANNING OFFICER'S COMMENTS

At the time when planning application K/36458 was refused, the site was outside the development limits of Upavon, and together with the Special Landscape Area policy this formed the sole reason for refusal. The Kennet Local Plan 2011 now includes the site within the limits of development; therefore there is no objection of principle in terms of settlement or landscape policy.

The proposed dwelling is in an attractive mid-20<sup>th</sup> Century style of architecture with sweeping roofs, a chimney and small-light windows. It is in keeping with The Moorings and other properties in Devizes Road. The siting was amended to make room for more substantial tree planting on the south side facing open countryside. The existing overgrown conifers are an incongruous feature in the landscape and there is no objection to their removal.

From the west, south and east, the new dwelling would be seen against the built up area of the village, and overall the development would not adversely affect the approach to the conservation area or the appearance of the Salisbury Plain Special Landscape Area. However because of its sensitive location, it is recommended that permitted development rights for curtilage buildings be removed, to avoid clutter. The development is not considered to have an adverse impact on the appearance of the area and no objection on road safety grounds has been raised by the local highway authority.

## **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no building, enclosure or structure shall be erected within the curtilage of the dwelling without the express planning permission of the local planning authority.

### **REASON:**

To preserve the setting of the village within the Salisbury Plain Special Landscape Area.

3 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples) 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 secure harmonious architectural treatment.

4 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping and boundary treatment, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

### **REASON:**

To ensure a satisfactory landscaped setting for the development.

5 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the

occupation of the building or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

6 - Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and the access shall be surfaced in a bound consolidated material (not loose stone or gravel) for the first 4.5 metres from the carriageway edge. The access and parking area shall thereafter be maintained for these purposes at all times.

**REASON:**

In the interests of highway safety.

7 - Before the development hereby permitted is brought into use, the highway visibility splays as shown on the approved site plan 0413/06 A shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway. Subsequently the splays shall be kept free from such obstructions at all times.

**REASON:**

In the interests of highway safety.

8 - Any gates shall be set back at least 4.5 metres from the edge of the carriageway, such gates to open inwards only.

**REASON:**

In the interests of highway safety.

**9 - INFORMATIVE TO APPLICANT:**

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies HC22, HH5, NR9 and PD1.



Item 6:

APPLICATION:	K/51363/F
PARISH:	GREAT BEDWYN
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Telecommunications installation consisting of 19.6 metre high slimline lattice supporting four antennas (overall height 21.3 metres), and two dishes and equipment cabinets within a fenced compound
SITE:	Langfield Copse, Crofton, Great Bedwyn
GRID REF:	25216 62798
APPLICANT:	Vodafone Ltd
AGENT:	AWA Ltd
DATE REGISTERED:	6th December 2004
CASE OFFICER:	Mr A Guest

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#### SITE & LOCATION

The application site lies in an isolated location at the edge of an area of woodland (which forms part of the Tottenham Park Historic Park and Garden), within the countryside and Area of Outstanding Natural Beauty.

Access to the site is via a private track through farmland from Wolfhall. The nearest public highway to the site is a footpath running alongside the canal, some 500m to the south; the nearest isolated residential properties are some 1,000m away.

#### SITE HISTORY

There is no relevant planning history.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a 20.0m high 'Slimline' lattice tower (supporting four antennas (overall height, 21.3m) and two dishes) and two small equipment cabins, all within a fenced compound measuring 6.0m by 5.5m.

The specific siting would be within a small clearing towards the edge of an area of woodland (Langfield Copse), this requiring no tree removal.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments to the application.

#### ADDITIONAL STATEMENT BY THE APPLICANT

In support the applicant's agent states the following:

"Following on from the pre-application consultation stage, the salient concerns relate to the visual impact of any such development within this part of the AONB, and possible visual impact on the skyline. Thus the height of the lattice tower and the height of the antennas will be below the height of the

trees immediately to the north of the site. There are also smaller trees to the south of the site.

In this location surrounded by trees, the slimline lattice tower has been selected as it is considered that this type of design is the least obtrusive type of telecommunications mast, particularly where, as in this case, there is no bulky headframe, in that it allows some permeability of the background through the structure, reducing its overall impact. Furthermore, the open lattice work of the mast is considered the best design when located close to trees as, due to the open nature of the latticework, it readily blends in with the numerous branches and twigs of the adjacent trees, thus minimising its impact in the landscape whereas a more solid structure such as a monopole, would stand out. Thus such a structure would be particularly unobtrusive in the context of its particular setting.

There will also be 2 small cabinets and a smaller electric meter cabinet at the base enclosed by a post and rail fence. These trees will screen the compound from view. ....

Furthermore, the slimline lattice design is capable of being shared”.

#### PARISH COUNCIL COMMENTS

Great Bedwyn Parish Council – object to the extra height of the proposed mast from 15 to 20m plus antennas. While accepting that efforts have been made to minimise the effect of a 21m mast, we feel that the extra 6m is not acceptable as a probable sharing of the mast and additional dishes will make it more visible in the AONB.

#### CONSULTATIONS

Wiltshire County Council – Archaeology: The proposed development area is of archaeological interest. To the east a Neolithic causewayed enclosure has been partially excavated. A number of other features have been noted from aerial photographs including several ring ditches indicative of Bronze Age funerary activity. Furthermore immediately south of the site a Saxon coin was unearthed. Therefore, recommend standard condition requiring the completion of a programme of archaeological work before development takes place.

English Heritage: no objection.

The Wiltshire Gardens Trust:: the site, on the edge of Langfield Copse, is within Tottenham Park, included in English Heritage’s Register of Historic Parks and Gardens (Grade II\*). It is important that the mast should not be visible from within the park ... it does not appear that the mast would show above the trees of the copse, which effectively screen it from the rest of the park. If permission is granted, recommend condition prohibiting upward extension of the mast or attachment of other equipment that would make it more visible.

Wiltshire and Swindon Biological Records Centre (Wiltshire Wildlife Trust):  
Site is located in or near to a Site of Nature Conservation Importance (SNCI).

#### REPRESENTATIONS

No third party representations have been received.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1, HC44, NR4, NR8 & HH4 are relevant.

#### PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are the adequacies of the application in terms of Policy HC44 of the Local Plan, the impact of the proposal on residential and visual amenity (with particular regard to the landscape quality of the AONB), and other material considerations including health and safety.

Policy HC44 states that telecommunications development will be permitted where there is an operational requirement for the proposal; the siting, design, materials and external appearance of the proposal minimises the visual impact; and an assessment of alternative sites has been carried out. In the AONB the policy requires special consideration of alternative sites. Policy NR8 relates specifically to the AONB, and states that priority will be given to the conservation of the character and scenic quality of the landscape, generally restricting development to that essential to the rural economy or social well-being of the rural area or desirable for the enjoyment of its amenities. Policy HH4 relates to historic landscapes, and resists development which would have an adverse impact on the character and appearance of a historic park or garden.

In accordance with Policy HC44, the application is supported by predictive coverage plots which show the 'gap' in the existing operator's network in this area, and the coverage which would be provided by the proposed installation. This technical evidence is considered to adequately demonstrate both the need for an installation in this area and the specific proposal's potential to fulfil this need. With regard to Policy NR8, the principal purpose of the installation is to provide coverage to the railway line as part of the operator's national network. Indirectly, the improvement to communications in general would also benefit the rural economy and social well-being of the rural area as required by the policy.

Also in accordance with Policy HC44, the applicant has considered other sites for the proposed installation including Wolfhall Farm, Brail Cottage, Freewarren Farm, Crofton Pumping Station and adjacent land, and a site share with Orange at Durley. Each of these sites has been properly assessed but discounted on amenity and/or technical grounds, or as a consequence of unwilling landowners. A planning application was made for land adjacent to the Crofton Pumping Station but refused permission as harmful to the openness of the AONB and setting of the pumping station and canal.

The chosen site the subject of this application benefits from providing the necessary network coverage with a willing landowner. Of equal importance, however, is that the site is also well-screened (comprising a clearing in an area of woodland), and this would prevent the installation from standing-out in the landscape. The trees to the north side of the site also rise in height above the proposed maximum height of the installation, and this would prevent 'on the horizon' views (the trees acting as a backdrop against which the installation would not be readily seen). As a consequence of this, a 21.3m overall height is considered acceptable as no measurable harm would be caused to visual amenity. Actual views of the site from public vantage points are only possible from considerable distances, and this adds weight to the acceptability of the proposal in amenity terms.

Regarding Tottenham Park, the site lies within the park although at its edge and within woodland (the deer park). The site is distant from Tottenham House itself, and is not visible from the house or the open landscaped parts of the park. In view of this it is not considered that any harm would be caused to the amenities of the park.

Regarding residential amenity, the site is some 1,000m from the nearest residential property and, as such, the installation would not be overbearing or unneighbourly in any other respects.

The application is supported by an 'ICNIRP Declaration' which states that the proposed installation is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission for Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 "on the limitation of exposure of general public to electromagnetic fields (0 Hz to 300GHz)". Central Government guidance in PPG8 states the following:

"Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.

However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

In sum, it is considered that there is an operational requirement for the development and that this design on this site is in accordance with the

planning policies for the area and will not result in any significant adverse impact on the appearance of the landscape.

## **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by a chestnut paling fence. The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

### **REASON:**

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

3 - Prior to the commencement of the development hereby approved details of the route of all cabling for the development shall be agreed in writing with the local planning authority (to comply with BS 5837 and NJUG 10 (Guidelines for Trenching Close to Trees)). Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-

enacting or amending that Order) no cabling or other services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

**REASON:**

To ensure the retention of trees on and around the site in the interests of visual amenity.

4 - No development shall take place within the area indicated of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**REASON:**

To safeguard the site of archaeological interest.

**5 - INFORMATIVE TO APPLICANT:**

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies PD1, HC44, HH4 & NR8.

