

Regulatory

21st July 2005

Planning Services

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RECOMMENDATION: Grant full planning permission

Item 1:

APPLICATION:	K/52102/F
PARISH:	CHUTE FOREST
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use from agricultural to equestrian use as a livery business and erection of a horsewalker
SITE:	Redhouse Farm, Tangle Estate, Chute Forest
GRID REF:	32434 50866
APPLICANT:	Mr HJ & The Hon Mrs DL Marriott
DATE REGISTERED:	22nd April 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

This application relates to a complex of modern farm buildings at Redhouse Farm, approximately 2 kilometres to the north of the village of Clanville. To reach the site, start from the Hatchett Inn at Lower Chute and take the turning for Clanville. Follow the road until it reaches a T-junction, then turn right. The site is on the left hand side, approximately a kilometre further on and directly opposite Redhouse Farmhouse.

SITE HISTORY

The site has no relevant site history.

DESCRIPTION OF DEVELOPMENT

The proposal is for a change of use from agricultural to equestrian use as a livery business and the erection of a horse walker.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The original application was for the erection of a horse walker. The application has since been amended to add the associated change of use for commercial equestrian purposes.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has advised that the buildings at Redhouse Farm are currently redundant. He has no use for them and they have limited use agriculturally. He is therefore proposing to use them for equestrian use which will involve erecting a horse walker. The horses will be a mixture of his own, those belonging to friends and liveries. Currently nobody is employed at the site. Equestrian use will employ one person, plus a part time person possibly in the future. The estimate of 10 vehicle movements a day assumes the movements of the groom and various riders. The applicant feels that vehicle movements are bound to be considerably less than if the buildings were used agriculturally, e.g. for cattle yards.

PARISH COUNCIL COMMENTS

Objected to the original plans on the grounds that:

1. The plans indicate that the horse walker will not be a facility for the exclusive use of the family horses and ponies, but will ultimately be a commercial enterprise. The estate has extensive grounds for exercising horses and there are agricultural buildings on the estate that appear to be underdeveloped.
2. An increase in vehicular movements by 10 per day, not including staff and employees, is unacceptable given that the location of the facility is in a very rural area serviced by narrow, single track lanes. The road access is not suited to frequent daily use by large horse transporters. The increase in vehicular movements, again indicating that this will be a commercial enterprise and not a facility for family use alone.

In response to the amended plans, which formally added the change of use to equestrian to the application, the parish council maintains its objections.

CONSULTATIONS

County Highways (Mr Wiltshire) – The access to Roundaway Lane is satisfactory. The access opposite Redhouse Farmhouse is unsuitable for a commercial livery operation and needs to have the gate re-erected at least 6.0 metres in from the carriageway edge, radii of about 4.5 metres to be constructed to either side of the access and the first 6.0 metres to be surfaced in a well-bound consolidated material (not loose stone or gravel). Planning conditions should be applied to cover these three points.

KDC Environmental Health – No objections subject to conditions preventing the burning of waste material on the site and controlling noise from the horse walker.

REPRESENTATIONS

Six letters have been received raising the following objections:

- a) Vehicle movements generated by a commercial equestrian use in this location will be detrimental to the amenities of the area and to highway safety.
- b) Both accesses to the site are unsuitable to accommodate the type and volume of vehicular traffic likely to be generated by this commercial equestrian enterprise.
- c) No indication has been given regarding parking. Other local livery stables are littered with horse trailers and vehicles which damage verges and interfere with sight lines.
- d) The site is located in a remote rural location which makes the proposal unsustainable, necessitating the use of the private car.
- e) The lack of supervision and security will attract theft of horses and tack, endangering surrounding dwellings. The installation of security lighting and noisy alarms would be detrimental to the amenities of local residents and

to nocturnal wildlife. The proposals may also lead to a person having to live on site.

- f) Vermin attracted by horsefeed and straw bedding together with odour and flies emanating from dung heaps would be detrimental to the amenities of local residents.
- g) The submitted plans do not indicate proposed floor levels for the horse walker. The structure could be visually obtrusive if constructed at too high a level.
- h) Re-use of the existing buildings does not actually improve their unsightly appearance and the proposed horse walker does nothing to help.
- i) The noise of the horse walker is likely to be intrusive.
- j) These proposals may lead to proposals for a manege and then floodlighting. Both of these are likely to be unacceptable.
- k) Existing buildings should be used to accommodate the horse walker.
- l) There is no need for a livery stable, particularly given that there is already what appears to be another livery stable within a quarter of a mile of the site.
- m) Drainage on both Roundaway Lane and the Clanville Road is very poor; there are no drains or ditches on either side of these roads. Any increase in concrete on the site may exacerbate the situation.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies in open countryside and is within the area of outstanding natural beauty. Policies PD1, ED14, NR6 & NR7 of the local plan are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Officers consider that the proposals are acceptable in planning terms. The Council's planning policies, in line with Government guidance contained in PPS7, encourage the re-use of redundant farm buildings in the countryside. Equestrian uses are a perfect example of the type of use which would be suitable for a site such as this.

Many of the objections relate to highway issues. However, the local highway authority has raised no fundamental objections to the application and it must be recognised that agricultural use (the site's lawful use) would generate a certain level of vehicle activity, perhaps similar to the equestrian use currently being proposed. It is considered that there is sufficient space within the site for the parking of vehicles connected with a commercial equestrian use.

Turning to other forms of nuisance, the Council's Environmental Health Service raises no objections to the proposals but recommends conditions to (i) prevent burning of waste material on the site and (ii) control noise from the horse walker. Whilst the former can be controlled by condition, it is not considered necessary to impose a noise condition on a horse walker, which by its very nature is partly open to the elements. Other forms of nuisance (e.g. from odour, flies or vermin) can be addressed under environmental health legislation. A planning condition is recommended to control external lighting on the site.

The horse walker is not considered to be detrimental to the visual amenities of the area, being closely related to existing buildings on the site and nestled against a bank. Development has been commenced prior to the committee's consideration of this application and therefore the structure was partially complete at the time this report was prepared.

As regards other issues raised by objectors, officers would comment as follows:

- a) The current proposal needs to be considered on its own merits. Any future application for a manege, floodlighting or dwelling would have to be considered at the time.
- b) Sustainability is a material planning consideration. However, equestrian uses are rarely found in sustainable locations and they are not generally well served by public transport. It is not considered that the current proposal could be refused on sustainability grounds.
- c) Security is a matter for the applicant. It is not considered that the proposal would open nearby residential properties to any greater risk of burglary or theft.
- d) The need for another livery stable in this area is not a material planning consideration.
- e) The proposal is for a change of use and a relatively small building. It is not considered that this would materially exacerbate any pre-existing drainage problems in the area.

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 set out in the application forms and accompanying plans, as amended by the applicant's letter dated the 27th May 2005.

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 - Prior to the vehicular access opposite Redhouse Farmhouse being brought into use for equestrian purposes, the gate shall be re-erected at least 6.0 metres in from the carriageway edge, radii of 4.5 metres shall be constructed to either side of the access and the first 6.0 metres of the access shall be surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety. The access to Roundway Lane is satisfactory but the access opposite Redhouse Farmhouse is unsuitable for a commercial livery operation without modification.

4 - There shall be no burning of any waste material whatsoever on the site.

REASON:

To safeguard the character and amenities of the area.

5 - Details of any external lighting shall be submitted to and approved in writing by the local planning authority before it is installed or erected within the site. 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 with or without modification), no other external lighting shall be erected on the site.

REASON:

In the interests of the visual amenity of this area.

6 - 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, ED14, NR6 & NR7.

Item 2.

APPLICATION:	K/52139/F
PARISH:	ALL CANNINGS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Temporary stationing of portable building on land rear of village hall for use as community shop
SITE:	Village Hall, The Street, All Cannings
GRID REF:	07140 61898
APPLICANT:	All Cannings Community Store Association
DATE REGISTERED:	4th May 2005
CASE OFFICER:	Mr P Smith

SITE & LOCATION

The site is located behind the village hall in the centre of All Cannings. To reach the site turn left to reach the main north-south village road, known as The Street. The village hall is situated on the western side of the road. The proposed position of the shop is at the back of the car park to the rear of the village hall on the grassed area immediately in front of the conifer hedge.

The site comprises the outside space associated with the hall which is located at the front of the site. Along the western side of the site is a gravelled parking area bounded by a brick wall and panel fence defining the boundary between the site and the neighbouring rear garden of Croft House. Along the rear (northwest) boundary is a mature leylandii conifer hedge beyond which is former agricultural building. To the north east is the rear garden of the adjoining property. This is separated from the application site by low wire fence, a mixture of trees and shrubs and long concrete outbuilding situated adjacent to the boundary along the upper section of the garden near to the house itself.

SITE HISTORY

The site has no recent planning history.

DESCRIPTION OF DEVELOPMENT

Permission is sought for temporary planning permission for three years to locate a portable building on the land at the rear of the village hall. It is proposed to operate a community village shop from the building.

The building would stand on a low blockwork wall giving it an overall height of three metres. It will be painted dark green and will have two small ventilation windows facing southwest (towards Croft House).

It is also proposed resurface the parking area with compressed gravel and a speed hump and bollard will be sited according to the highway surveyors requirements at the entrance.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Two amendments have been made to the originally submitted details. The location has been corrected as this previously included (in error) the neighbouring residential property No. 39 The Street.

In addition, the site plan has been amended in response to concerns raised regarding the initial siting of the building on visual grounds and due to the harm that would have resulted to the overhanging trees from the adjoining property. The proposed shop has therefore been re-sited from the southwest edge of the site to the northwest edge of the site adjacent to the leylandii hedge.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has written a statement explaining the background leading up to the current application. This is summarised below:

Discussions previously took place with the Kings Arms pub to site a temporary structure. However, the design requirements laid down by that location led to the production of a more ambitious building. Eventually, it was going to cost over £150,000 to construct. We were advised that there was little chance of raising this much money from grant sources and the business cannot support the cost of repaying capital loans. In the end the brewery would not grant a lease of more than three years and so the project was not viable. The planning application was therefore withdrawn.

We have now developed a proposal with the Village Hall Committee to do two things. Longer term we have an ambition to build a new Hall to the rear of the existing Hall. This will release the existing small hall to be converted into a shop. This is quite a complicated project, and will take time to progress. In the mean time the village would be without a shop for some years. Our short term strategy is to seek a temporary permission in for a portable building which can be commissioned relatively quickly. The surpluses earned from the shop will be put towards the target of building a new Village Hall.

We have looked for vacant buildings in the village. We have tried to negotiate with the owners of the former shop, we asked the brewery for use of the shooting gallery and the small barn to the rear of the Pub. We investigated renting one of the holiday homes at Rendells Farm. None of these lines proved fruitful. Any property within the village commands a high market value. Private owners are not willing to grant us a lease at a nominal rent. The turnover of the shop will not support high running costs, so our only real option is to lease land from the Village Hall Trust.

The proposed building it is not out of keeping with many buildings found behind the road front comprising concrete garages, a metal barn, pig sheds, stables, storage buildings etc. However, a portacabin style building is very plain and we intend to use soft landscaping to improve its appearance and to partially screen it from view. Naturally as a shop we do not want to completely screen it. We are aware of at least two similar shops located

centrally within villages at Broad Blunsdon near Swindon and Maiden Bradley near Cricklade. These are both villages with architectural merit and are likely to be conservation areas.

PARISH COUNCIL COMMENTS

No objections.

CONSULTATIONS

County highways – no objections subject to provision of a bollard and speed bump at the site entrance.

REPRESENTATIONS

Six letters have been received commenting and objecting and objecting to the application on the following grounds:

1. Support the application in principle but wish to express concerns regarding the position of the shop behind the village which is utilised by pre-school children and play group. The siting of the shop would leave less play for the children to play and run and be truly active.
2. Grave concerns regarding the proximity of the shop to the children's play area which is only separated by a low picket fence. The easy accessibility to the children raises all sorts of concerns regarding children's safety. Any existing threat would be exacerbated by the presence of the shop giving people a reason to frequent this area.
3. Security measure should be in place to separate visitors to the shop from the children.
4. The building will be directly visible from neighbouring properties and likely to destroy residential privacy. Suggest its is repositioned to face end on rather than its full length.
5. We live in a listed building and must adhere to strict regulations, it is therefore ironic we should have to look out at a portacabin.
6. The revised siting of the shop heightens its impact on privacy on our rear garden. The impact will be both frequent and significant with customers coming and going at all times during opening hours.
7. There remains no proposal for planting on the relevant boundary to soften the visual impact and enhance privacy.
8. One of the principle reasons for repositioning the shop seems to be because the building was detrimental to the conservation area. It was therefore reasonable to suppose that no such detriment would be incurred to our outlook either.
9. Comings and goings to the and from the shop and light pollution will cause significant disturbance to neighbouring residents, especially at weekends.
10. Parking is very limited already for parents and staff of the playgroup. This already causes inconvenience with inconsiderate drivers blocking driveways and paths.
11. Traffic flows appear to substantially under estimate the number of vehicle movements to the shop.
12. The access is unsafe with restricted visibility. Additional traffic will increase the likelihood of accidents and is a hazard to pedestrians especially school children.

13. Concerns over the viability of the shop as a business. Should the business fail it could be used for other purposes in the future creating inappropriate backland development.

POLICY CONSIDERATIONS

The Kennet Local Plan (2011) contains the following policies relevant to this application:

Policy PD1 – Development and design;

Policy HH5 – Development in conservation areas;

Policy ED28 – Additional shopping facilities in rural areas;

PLANNING OFFICERS COMMENTS

The key issues associated with the siting of the village shop in this location are the impact of the development on the amenity of the nearby neighbouring residents, highway and public safety and the impact on the character and appearance of the conservation area.

Amenity

The shop is likely to generate some additional visitors to the village hall car park and will therefore create some additional noise and disturbance within the immediate area. However, the area is already a location which attracts visitors being a functioning community hall. Despite the potential increase in visitors, including outside normal 'office hours', it is not considered likely that the additional visitors generated by a shop of this scale and nature will be such that it would unreasonably create any significant additional noise and disturbance to neighbouring residents.

Privacy concerns have been raised regarding the privacy of the adjoining garden areas. The building has only two windows and these are primarily for ventilation. They would be glazed with obscure glass and would not result in any significant loss of amenity as a result of overlooking.

The shop would attract some more visitors into the car park area which could result in some additional casual overlooking towards neighbouring rear gardens. However, these are generally reasonably well screened by boundary walls, fences, and some vegetation. On balance it is not considered that any substantial additional loss of privacy would result in addition to that which already results from the current usage of the village hall. A condition requiring details of additional landscaping is recommended and this would assist in the maintenance of neighbour privacy.

Highway and public safety

Whilst concerns expressed by residents regarding highway safety are understood the local highway authority have raised no objections on highways grounds subject to certain conditions. As such the proposed access arrangements are considered to be acceptable.

With regard to public safety, in particular that of children in the play group and using the rear play area of the hall, the concerns expressed relate to the shop

bringing people in close proximity to children when they would otherwise not have a reason to be there. This concern is recognised however, it is not considered that the presence of the shop would be likely to significantly increase the possibility of harm coming to the children. Pre-school children would presumably be supervised when outside and it is not considered that this issue of sufficient weight to justify withholding planning permission for the shop.

Impact on the Conservation Area

The proposals have been amended to re-site the building to a less publicly visible position. In addition the applicants are proposing additional landscaping to help soften views both public and private of the building. The portacabin is a somewhat functional and utilitarian building however, it is considered that the proposals will have a broadly neutral impact on the on the character or appearance of the conservation area.

Some concerns have been expressed that the building would constitute a backland development and if it fails other uses might occupy the building. However, no changes are permitted away from A1 retail uses so it could only be used for such purposes. Any other use would require a planning application which would be determined on its merits. In addition, the application seeks temporary permission for three, after which the situation will be reviewed.

Overall, the benefits of the community shop are considered to be significant and it is not considered that the impacts resulting from this proposal would be such that planning permission should be refused in this case.

RECOMMENDATION

Approve with Conditions -

1 - The building hereby permitted shall be removed and the land restored to its former condition on or before 1st August 2008 in accordance with a scheme of work submitted to and approved by the local planning authority.

REASON:

This permission is granted solely to meet the needs of the present applicants and in order to enable the local planning authority to review the situation at the end of specified period.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans Site Location Plan received on the 24/05/2005 and Site Plan (rev. A) and Amended Drawing Notes received 14/06/2005.

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 use hereby permitted shall only take place between the hours of 0730 and 1900 from Mondays to Fridays (inclusive) and between 0800 and 1800 on Saturdays and between 0800 and 1300 on Sundays and on Bank Holidays.

REASON:

To protect the amenities of this primarily residential area.

4 - Notwithstanding the submitted details 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. Details of all new planting shall include species, planting sizes, densities and locations.

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. 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.

6 - The shop windows shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

7 - The speed bump and bollard identified on the amended site plan received 14/06/2005 shall be provided in accordance with details to be first submitted to and approved in writing by the local planning authority. Thereafter these shall be implemented and maintained in accordance with these details unless variations are otherwise first agreed in writing by the local planning authority.

REASON:

In the interests of highway safety.

8 - The lowered entrance kerbs shall be widened to 4.5 metres as detailed on the submitted details prior to the first use of the shop.

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 PD1, ED28 and HH5.

Item 3:

APPLICATION:	K/52129/F
PARISH:	WOOTTON RIVERS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Replacement of existing garage with new double garage and store, extending size of existing conservatory and felling of golden conifer to allow driveway realignment
SITE:	Dashwood, Wootton Rivers
GRID REF:	19740 63156
APPLICANT:	Mr and Mrs R Mitchenall
AGENT:	Mr M Nokes
DATE REGISTERED:	29th April 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Dashwood is located towards the centre of Wootton Rivers on the eastern side of the main road when heading towards Marlborough. It is a modern detached house set back from the main street in a generous sized plot. The site lies within the Wootton Rivers Conservation Area.

SITE HISTORY

K/19587 – Full planning permission was granted in December 1992 for the erection of an extension and alterations to dormers.

DESCRIPTION OF DEVELOPMENT

The proposal is to replace the existing single garage with a double garage, workshop and store. The proposed building measures 8.91m in length by 6.06m wide and 3.97m high, and is to be built in character brick and natural grey slate. A 'velux' type rooflight is shown on the east elevation. It is also proposed to extend the existing conservatory 1.7m to the south. Materials are brick to match the house and white uPVC as per the existing conservatory. Finally, it is proposed to fell the golden conifer in the front garden of the dwelling to allow for the realignment of the driveway.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following negotiations with the applicant the garage has been reduced in size to the dimensions specified above. The garage has also been moved a further 1.1 metres from the boundary with Vale Cottage to give a 2 metre gap between the south elevation of the building and the boundary fence.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicants feel that when combined together these changes will significantly alter the impact of the garage on the patio area and garden of the neighbouring property. However, it is felt that any further reduction in the size of the building would seriously affect its use.

PARISH COUNCIL COMMENTS

Wootton Rivers Parish Council has no objection to the proposed development. However, it would like to see the building screened by planting on the west side, facing the street and on the boundary with Vale Cottage.

CONSULTATIONS

County Highways (Paul Galpin) – No objection.

REPRESENTATIONS

Six letters of objection have been received to the original scheme from the owners and tenants of Vale Cottage and regular visitors to the property. A letter has also been received from Mr J Taylor of Digby Rowsell Associates acting on behalf of the owner of Vale Cottage. They raise the following concerns;

1. The new garage would be extremely prominent, overbearing and imposing on Vale Cottage and would dominate the patio area.
2. It will have a damaging effect on the Conservation Area and quality of life for people living in Vale Cottage
3. At present the nearest part of Dashwood is more than 20 metres away from the back of Vale Cottage and 3 metres from the boundary. The new garage, however, would be just 10 metres away and 1 metre from the boundary (increased to 2m by amended drawings).
4. The size and position of the garage will have a detrimental impact on the character and charm of Vale Cottage which is Grade II listed and in a Conservation Area.
5. The proposed garage is too big and needs to be sited further away from Vale Cottage to lessen the impact. It is a modern and very large structure not much smaller than the original size of Dashwood before it was extended.
6. The proposed materials are out of character. Neither Dashwood nor Vale Cottage have slate roofs and the new brickwork would not work well with that of Vale Cottage.
7. The development would have a detrimental effect on the village setting and feel and the current sense of space between the two properties would be lost.
8. The potential loss of three trees on the boundary line.
9. The garage could be sited further back into the plot where it would be less intrusive to Vale Cottage and less visible from the road.
10. The proposed garage, workshop and store is a substantial structure in both area and height. The floor area is approximately 62m² which is two-thirds the floor area of Vale Cottage.
11. There are currently no existing or proposed levels shown and the actual impact of the building is impossible to ascertain. The proposed structure will sit on land which is approximately 700mm higher than the ground level of Vale Cottage.
12. The proposal does not adequately address the factors detailed in policy PD1 due to its scale, height, its relationship to the historic context and the buildings materials, colour and detailing. The proposal in its current form would also adversely affect the setting of the Conservation Area

and the historic and architectural qualities of the listed building, its curtilage and setting contrary to policies HH5 and HH8.

5 letters of objection have been received to the amended proposal which raise the following concerns;

1. The reduction in size of the building is welcomed, as is the small move away from the boundary and the retention of the trees but the garage is still considered to be too big and close to Vale Cottage and out of keeping with the Village and its historic thatched buildings.
2. Given the levels of the two properties, the building will be 5m high from Vale's viewpoint with 3 metres protruding above the boundary fence. Would like to see mature planting at the rear of the garage to reduce its impact and the rear wall constructed of old-stock brick.
3. It is a large and unsympathetic building that will still have a significant and detrimental impact.
4. The size and location of the garage block still has a detrimental effect to the listed building and Conservation Area. The changes made to the scheme are minimal and revised scheme does not adequately address the following main issues; scale, height and location of the proposed development, materials choice, demonstration of how historic features will be protected and topographical information in the form of current and proposed levels. The proposal requires a softer and more traditional approach to be in keeping with the setting of the Conservation Area and listed building.

POLICY CONSIDERATIONS

Relevant policies in the Kennet Local Plan are PD1 (Development and Design) and HH5 (Development in Conservation Areas).

PLANNING OFFICERS COMMENTS

The principal issues to be considered in this case are the impact of the proposals on the character of the area and the amenities of adjoining properties.

The extension to the conservatory is considered to be well designed and in keeping with the original house. While it would come closer to the boundary with Vale Cottage than the existing conservatory, the distance between the two properties and the intervening screen planting is considered sufficient to ensure no adverse impact on amenity. No objection is seen to the removal of the tree in the front garden of the property which is not of high amenity value and not worthy of a tree preservation order.

The owners and occupiers of Vale Cottage and regular visitors have objected to the proposed garage building on the principal grounds that it is too large, the materials are not in keeping and that it would have an adverse impact on the character and appearance of the Conservation Area. With regard to its size, the garage is considered to be well designed and in scale with the existing dwelling and its extensive grounds. Slate tiles can be seen throughout the village (and enable a low pitched roof design), and the facing

brick can be reserved by condition should permission be granted. The garage would also be set back well into the site and would be largely screened in views from the road by new and existing vegetation. As a consequence of these characteristics of the site and its surroundings it is considered that the development would not have an adverse impact on the character and appearance of the Conservation Area.

Concern has also been raised that the development would cause harm to the adjacent listed building, Vale Cottage. However, the building would be 10.5 metres from the rear of Vale Cottage and 2 metres off the boundary. As such it is not considered to be detrimental to the setting of the listed building.

The final issue to be considered is the impact of the proposed development on residential amenity. Although Dashwood is situated on ground approximately 750mm above Vale Cottage, the two buildings would be separated by 10.5 metres with an intervening brick outbuilding. As such the development would not result in any loss of light to Vale Cottage. From the garden of Vale Cottage the building would be visible. However, as a consequence of its design (incorporating a relatively low overall height and hipped-roof), and the intervening space (which allows retention of some trees close to the boundary), no measurable harm would be caused to amenity. The applicant has reduced the scale of the proposal to address the concerns of the objectors.

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 SEK-MIT-05-02, 07 and 08 Rev A received on the 6th June 2005.

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 details of the materials to be used for the external walls (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.

4 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of 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.

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(s) 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 - 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, doors or other openings, other than those shown on the approved plans shall be inserted in the south or west elevations of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

7 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority.

REASON:

In the interests of visual amenity.

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/52270/F
PARISH:	RAMSBURY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	New garden wall, greenhouse, retaining walls. Re-position gates to main entrance
SITE:	Riverside House Axford Ramsbury
GRID REF:	23858 70061
APPLICANT:	Mr H Watson
DATE REGISTERED:	13th June 2005
CASE OFFICER:	Mr P Smith

SITE & LOCATION

To reach the site travelling from the Marlborough direction take the turn from The Green in Marlborough into St Martins and follow this road passing through Mildenhall to Axford. After the Red Lion pub in Axford, the entrance to the property is located approximately 60m past the second house after the pub on the right hand side of the road.

The site comprises the grounds surrounding Riverside House in Axford, which is a grade II* listed building. The house is set within a large garden area which slopes down from the road towards the river. Mature trees are situated within the gardens adjacent to the road and the driveway entrance leads on to a long drive leading to the house.

A boundary wall has been built along the northern boundary of the property separating the dwellings to the north, which are slightly elevated above Riverside House.

SITE HISTORY

The site has been the subject of a number of planning and listed building consent (LBC) applications in recent years. These are summarised below:

- | | |
|-----------------------|--|
| K/46225/L
23/11/03 | Removal of lightweight partition at ground floor level. Approved. |
| K/46429/L | Demolish garage, lean-to conservatory and store. Construction of new garage, conservatory and studio workshop. Withdrawn.
5/12/03 |
| K/46430 | Demolish garage, lean-to conservatory and store. Construction of new garage, conservatory and studio workshop. Withdrawn.
5/12/03 |
| K/46969 | Demolish garage, lean-to conservatory and store. Construction of new garage, conservatory and studio workshop. Repair to |

kitchen window and insert roof light to staircase. Approved.
21/05/04.

K/46970/L Demolish garage, lean-to conservatory and store. Construction of new garage, conservatory and studio workshop. Repair to kitchen window and insert roof light to staircase. Approved.
7/06/04.

K/50080/LBC Works of alteration and refurbishment. Currently undecided.

K/50111/F Erection of a swimming pool house. Approved. 9/07/04.

DESCRIPTION OF DEVELOPMENT

The current application seeks retrospective planning permission for a number of works undertaken and completed without the benefit of planning permission. These consist of the following:

Construction of a garden wall along the northern boundary of the property

This has been constructed on new foundations immediately inside the existing retaining wall and fence which marks the party boundary between Riverside House and its neighbours. The wall has a length of approximately 58 metres. Due to the change in levels along this boundary, the wall appears taller on the applicant's side of the boundary. The wall has been constructed from reclaimed bricks facing into the applicants property. The north side of the wall has been constructed from concrete blockwork where it adjoins the party fence below the top of the fence line. Where the wall is higher than the existing fence and is therefore visible to the neighbouring residents the wall has been constructed in reclaimed bricks. It is generally 2m high when viewed from the gardens of the neighbouring houses although this varies slightly along its length. Where the wall adjoins the rear of the Red Lion pub it increases in height for a short length to screen a flat roof building located at the rear of the pub.

Greenhouse and cold frame

A white painted green house and cold frame structure has been erected against the new boundary wall at the point where the height of the wall increases adjacent to the Red Lion pub to screen the adjacent flat roof building at the rear of the pub. This is a lean-to style garden building.

Retaining walls around workshop and garage

Several lengths of retaining walls have been built around the recently completed garage and workshop on the north side of Riverside House. The planning permission for these structures indicated that the land around these outbuildings would be banked and graded to cope with the changes in levels in this part of the grounds. However, retaining walls have been constructed as an alternative to that originally proposed and permission is now sought for these to be retained.

Repositioning and erection of gates and railings at the main entrance

New metal entrance gates and railings have been erected at the main entrance to the property. These are painted black and set back into the site away from the edge of the road.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments made to the submitted application.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a letter to accompany the application in support of the retention of the various structures. A copy of the letter is available for inspection on the file.

In addition the applicant has written a further letter of support in response to the objections received against the application. These points are summarised below:

- The objections received may be based on a misconception that the wall where it runs along the back of Pear Tree Cottage will remain exposed blockwork. It will not. There is a covenant for the benefit of Riverside House that the owners of Pear Tree Cottage will erect and forever maintain a fence along this boundary;
- The owners of Pear Tree Cottage during recent building works have destroyed the existing and somewhat dilapidated fence;
- We understood that they wanted to replace the fence with brickwork tied into our blockwork. If they do not do this we will have to enforce our covenant for a new fence boundary against our blockwork. All that would then show is the brickwork above the fence;
- I do not believe that after the boundary fence is re-erected that there will be any adverse effect on private amenity or public interest. The substantial new extension at Pear Tree Cottage practically hides the wall when viewed from the road;
- It is only that the wall is within the curtilage of a listed building which triggers the requirement for planning permission. It is built directly behind the 1m high retaining wall and is therefore only 2m high or less as measured from the highest directly adjoining land, with the exception of where it forms the back of the greenhouse at which point the wall screens the very unsightly garage at the pub. The publican has absolutely no objection to the wall or the greenhouse;
- The issue is whether the wall adversely affects the amenity of the listed building. The reason of why we have erected a wall of 2m (when measured from the adjoining garden level) is to give privacy from one garden to another;
- Where the wall will remain exposed it is in very attractive reclaimed stock bricks, which greatly enhances the amenity of the listed building rather than the mishmash of the previously erected retaining wall and fencing.

PARISH COUNCIL COMMENTS

Ramsbury Parish Council have objected in principle due to the retrospective nature of the application. They consider that the roadside (north) face of the wall should be completed in a material that complements the listed and surrounding buildings and not be in breeze block as at present.

CONSULTATIONS

County highways (Mark Wiltshire) –no highway objection raised.

REPRESENTATIONS

Four letters of objection have been received objecting on the following grounds:

1. Retrospective nature of the application. The works have been undertaken without planning permission which should have been sought first.
2. The construction of the north side of the wall in breeze block is considered to be unacceptable both in the use of materials and its final height. Although the breeze block is partially hidden in places by a dilapidated fence it is not considered to be in keeping with the area.
3. Where visible the blockwork is an obtrusive eyesore.
4. At no time was the wall agreed to by the neighbours. It was believed after discussions with the applicant that the wall was to be lower and topped with trellis to allow plants to be grown and to soften its impact. The applicants were aware of our concerns but these have been disregarded which is very disappointing.
5. The height of the wall is such that it restricts views from the neighbouring properties of the river valley.
6. The wall is visible from properties on the north side of the road and obvious from rights of way around the village.
7. The height of the wall is unacceptable at one point adjacent to the boundary between Pear Tree Cottage and the Red Lion the wall extends to a height 3.75m above ground level with the majority being at 2.75m.
8. The development is in the very centre of the village and completely changes the aspect from angles.
9. The wall dominates views of the listed building and the surrounding area.
10. The drawings are inaccurate and do not truly represent the true scale of the development.
11. Whilst the desire for privacy is understood this should not be to the detriment of the neighbouring properties or the surrounding area.
12. Object to the location of the greenhouse which is supported by the boundary wall. Should it be relocated with the appropriate permission I would have no objections
13. The purpose of the legislation is to protect important buildings from inappropriate and unsightly development.

Any additional comments received will be reported verbally to the Regulatory Committee.

POLICY CONSIDERATIONS

The Kennet Local Plan (2011) contains the following policies relevant to this application:

Policy PD1 – Development and design;

Policy HH8 – Development affecting a listed building;

Policy NR7 – Protection of the landscape;

Policy NR8 – AONB.

PLANNING OFFICERS COMMENTS

The material planning considerations associated with this application are considered to be the impact of these developments on the amenity of the neighbouring residents, the impact on the character and appearance of the surrounding area and the impact on the setting of the listed building.

Residential amenity

The greenhouse, new entrance gates, railings and retaining walls around the garage and workshop are not considered to result in any substantive adverse impacts on the amenities of nearby residents. A number of objections have been received principally concerning the wall along the northern boundary. These concerns relate to both the height of the wall and the materials used in its construction, especially when seen from the grounds of the neighbouring properties to the north.

The new wall is built immediately adjacent to the existing low retaining wall on top of which is a panel fence. The section of wall below the height of the fence has been constructed in concrete breeze blocks. The section of wall visible above the top of the fence has been constructed in reclaimed brick to match that facing the applicant's garden. When viewed from the garden of Riverside Cottage the wall is largely screened by the existing party fence and established shrubs.

The party fence has been removed along its length within the neighbouring Pear Tree Cottage thus leaving the breeze blocks exposed and visible from this property. It is considered that the wall does appear unsightly with the concrete blocks exposed and is not a sympathetic material in which to construct the wall facing the neighbouring gardens. However, the wall is essentially within the applicants garden and is located adjacent to the party boundary which comprises the low retaining wall and fence. Upon the reinstatement of the party boundary fence the breeze blocks would be screened from view and the visually offensive areas would be covered.

Whilst the breeze block is not a particularly sensitive material in which to construct the wall it is largely hidden, or will be hidden, from view by boundary vegetation and the party fence. Consequently, whilst the objectors concerns are recognised and understood, it is not considered that the retention of the wall in its present form would cause such harm to neighbour amenity to justify refusing planning permission in this case.

The increase in the height of the wall above that of the party fence means that the views to the south from the neighbouring property are partially reduced.

Whilst this reduces the ability of the neighbouring occupiers to enjoy these views the loss of a view is not a material planning consideration and is not considered to be valid reason for withholding permission. The wall by reason of its limited height on the neighbour's side is not overbearing in itself and does not impinge on residential amenity in any other way.

Where the wall increases in height as it reaches the rear of the Red Lion PH, a short length rises behind a shed within the rear garden of Pear Tree Cottage. However, this is essentially screened from view by the shed. It is not considered that these increases in the height of the wall above the top of the party fence causes any substantive increase in overshadowing or are dominant or overbearing. As such it is not considered that the wall materially adversely impacts upon the amenities of the neighbouring residents.

Impact on the appearance of the surrounding area

The entrance gates and railings are the most publicly visible element of the proposals. The retaining wall around the garage and workshop cannot be seen from the outside the site. No objections have been received in respect of these elements and they are not considered to be visually harmful to the wider area.

The green house is situated to the rear of the Red Lion pub and is hidden from view from the north. Whilst long distance views are possible from the fields on the south side of the valley the greenhouse is largely screened from view by existing garden vegetation and would not in any event be considered to be visually intrusive, rather it would be seen within the context of a domestic garden.

The garden wall is approximately two metres in height where it adjoins the neighbouring gardens. It is not readily visible from outside of the site. The main view of the wall from the road is through a gap between Pear Tree Cottage and the adjoining garden at Riverside Cottage. However, a side extension is currently under construction at Pear Tree Cottage which will effectively screen this section of wall from clear public views. The reclaimed bricks are considered to be a suitable material and any longer views of the wall would again be seen within the context of its location within the domestic garden. Despite the concerns highlighted above regarding the use of breeze blocks the new wall is not considered to be an overly intrusive or harmful feature in the wider landscape or visually harmful to the character or appearance of the AONB to justify withholding planning permission.

Impact on the setting of the listed building

The retention of the developments in this application is not considered to cause any significant issues regarding the setting of the listed building. The wall is the largest feature visible from the house and whilst relatively high has been constructed using sympathetic materials facing into the garden and is not considered to be unduly dominant or intrusive in either scale or situation. As such the proposals are not considered to be harmful to the setting of the listed building.

Retrospective nature of the application

A number of objections have been received concerning the retrospective nature of the application and the fact that planning permission should have been sought prior to commencing these works. However, whilst it is unfortunate that the applicant undertook to proceed without the benefit of planning permission this in itself is not a material reason for withholding the grant of retrospective planning permission.

RECOMMENDATION

Approve with conditions

1 - 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, NR7, NR8 and HH8.

2 - 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/were required it will be necessary for the applicant to obtain the landowners consent before commencing.

If you intend/intended 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 5:

APPLICATION:	K/52271/F
PARISH:	RAMSBURY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use of former cowshed and timber shed to ancillary domestic accommodation
SITE:	Riverside House Axford Ramsbury
GRID REF:	23835 70020
APPLICANT:	Mr H M Watson
DATE REGISTERED:	13th June 2005
CASE OFFICER:	Mr P Smith

SITE & LOCATION

The application site is the same as for the above application under reference K/52270/F. The site description, planning history and planning policies are the same as those previously set out.

The building described as the 'old cowshed' is located to the south west of Riverside House between the existing domestic garden and the adjacent paddock area to the west. The building has a slate roof and brick walls, with painted timber cladding to the gables and on the upper two thirds of the front elevation. The building is on the lower slopes of the site and is partially set into the ground in front of a low retaining wall.

SITE HISTORY

As described above.

DESCRIPTION OF DEVELOPMENT

The current application seeks retrospective planning permission for the change of use of the land around the cowshed to domestic curtilage and for the change of use of the converted outbuilding to ancillary domestic accommodation. In addition a timber building with a felt roof is situated immediately north of the old cowshed and is also proposed to be used for this purpose but has not undergone any physical alterations.

The building has been altered in appearance through the addition of a new roof, external painted timber cladding and the insertion of enlarged window and door openings. Internally the building contains three decorated rooms. It is currently being used to store domestic items, furniture etc.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments made to the submitted application.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a letter to accompany the application in support of the retention of the various structures. A copy of the letter is available for inspection on the file. In addition the applicant has written a further letter of

support in response to the objections received against the application. These points are summarised below:

- It is understood that the objections arise from concerns that the building will be used as a separate dwelling. It will not. The proposal is for ancillary use to the main house and we would be happy to have whatever conditions attached to a consent to enforce this.
- I cannot see that renovation of the cowshed, replacing the asbestos roof with slate etc. and having ancillary use for domestic purposes has an adverse affect on amenity.

PARISH COUNCIL COMMENTS

Ramsbury Parish Council have objected in principle to the retrospective nature of the application. They consider that there must be no possibility of creating a new dwelling.

CONSULTATIONS

County highways - (Mark Wiltshire) – The County Highway Surveyor has recommended that the application should be refused due to restricted visibility from the access in a westerly direction, to safely cater for the additional traffic movements which would arise from the proposed use of the cowshed. He has advised that his objection could be overcome by the improvement of visibility at the front of the site to allow a 2m x 90m visibility splay in a westerly direction. However, this would result in the loss of existing roadside vegetation.

REPRESENTATIONS

Four letters of objection have been received objecting on the following grounds:

- Retrospective nature of the application. The works have been undertaken without planning permission which should have been sought first. If granted the applicant will get away with it. The building should be restored to its intended use.
- The previous owners used the building as a stable for a donkey and a horse and the building could easily be converted into an independent house with access from the road by the Red Lion pub.
- In the AONB it is understood that no more dwellings will be allowed south of the road.
- In the adjoining meadow the applicant has added hundreds of tons of soil to change the levels and there is a concrete ramp and reinforced track for vehicular access through a tree lined avenue under the guise of a flower meadow. This is contrary to the submission and gives the impression that it is a serious future consideration.
- There is no access for emergency vehicles.

Any additional comments received subsequently will be reported verbally to the Regulatory Committee.

POLICY CONSIDERATIONS

As described above in the report on application K/52270.

PLANNING OFFICERS COMMENTS

The material planning considerations associated with this application are considered to be the principle of the proposed use for the building, the impact of the change of use of the land and the building on the character and appearance of the surrounding area and the issue of highway safety. There would be no adverse impact on the setting of the listed building resulting from this change of use.

Principle of the proposed uses

The proposed uses of the land as enlarged domestic garden and the buildings as ancillary domestic accommodation are considered to be acceptable on the basis that they are ancillary to the main house.

The site lies in the open countryside where new residential development is strictly controlled and limited to that necessary for the purposes of agriculture in particular, where this can be justified. However, the conversion of existing buildings to ancillary domestic purposes is not considered to be unacceptable where the use is closely associated with the principal host building and not occupied as an independent unit of accommodation.

The application description clearly identifies the buildings to be used for ancillary purposes. Should the applicant wish to occupy the buildings independently from the main house, essentially creating a new unit of accommodation, then this would require a further planning application which would need to be determined on the individual merits of that case.

Visual impact of the change of use

The land around the old cow shed is immediately adjacent to the garden of Riverside House which bounds the site along its northern and eastern sides. The area of land in question is rectangular in shape and relatively modest in size. It is not considered that the proposed change of use of the land to domestic garden would appear significantly intrusive or detrimental to the wider landscape or harmful to the character, appearance or quality of the AONB.

The former cowshed/stable building itself has a domestic appearance with enlarged windows, French doors and painted boards. However, the use of natural slate and timber cladding is considered to be sympathetic to the rural vernacular of the building and its setting and do not result in any significant intrusion. It is not considered that the changes to the building are visually harmful to the surrounding AONB or the amenity of the area, and refusal on these grounds would, therefore, be difficult to sustain.

Highway safety

The County Surveyor has raised an objection to the plans on the basis that the proposed use would create additional traffic movements to and from the property via an access which has restricted visibility in a westerly direction.

However, given that the use of the buildings would be for ancillary purposes to the main house, it is considered unlikely that it would generate significant additional traffic movements over and above the existing normal domestic arrangements so as to justify refusal for this reason. The County Surveyor has advised that the provision of a visibility splay could overcome his objection. However, it would require the removal of roadside vegetation which would be likely to have an adverse visual impact. As such, and on balance, it is recommended that the application is not resisted for this reason.

Retrospective nature of the application

A number of objections have been received concerning the retrospective nature of the application and the fact that planning permission should have been sought prior to commencing these works. However, whilst it is unfortunate that the applicant undertook to proceed without the benefit of planning permission this in itself is not a material reason for withholding the grant of retrospective planning permission.

RECOMMENDATION

Approve with conditions

1 - The additional ancillary residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Riverside House, Axford.

REASON:

The additional accommodation is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

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 buildings, or structure, or wall, fence, or other means of enclosure shall be erected or placed on that part of the site shown outlined in pink on the plan hereby approved.

REASON:

In the interests of the character and appearance of the site and the surrounding Area of Outstanding Natural Beauty.

3 - 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, NR7, NR8 and HH8.

Item 6:

APPLICATION:	K/52201/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey rear extension
SITE:	2 Kelham Gardens Marlborough SN8 1PW
GRID REF:	19258 69141
APPLICANT:	Mr and Mrs A Beale
AGENT:	Premier Design (Wiltshire) Ltd
DATE REGISTERED:	19th May 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Kelham Gardens is a modern housing development situated to the rear of London Road. When driving away from Marlborough High Street on London Road turn left opposite Bridge Garage into Kelham Gardens. No. 2 is the first detached dwelling on the right after Churchill Court.

SITE HISTORY

K/35487 – Full planning permission granted in June 1998 for the erection of 7 dwellings, associated roads and sewers.

K/35769 – Full planning permission granted July 1998 for the erection of 15 dwellings and associated works.

K/36693 – Full planning permission granted in September 1999 for the erection of 7 dwellings (variation of K/35487).

K/34918 – Full planning permission granted in August 2000 for the erection of 19 dwellings, associated roads and sewers.

DESCRIPTION OF DEVELOPMENT

This application proposes a single storey flat roofed extension to the rear of the dwelling. Materials are brick to match the existing house with felt and chippings to the roof. The extension measures 2 – 3.7 metres deep by 7.9 metres wide and is 4 metres in height.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended to remove one window from the south-west elevation, reduce the size of the windows on the south-west and north-east elevations and include two lantern lights in the roof. The existing Sycamore tree in the rear garden is also to be removed and replaced with a Hawthorn (*Crataegus Paul's Scarlet*).

TOWN COUNCIL COMMENTS

Marlborough Town Council object to this application on the grounds that it would set a precedent for flat roofs in the area.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Marlborough Town Council objects to this application on the grounds that it may set a precedent for flat roofs on the estate. However, each application should be treated on its own particular merits, and in this case the proposal is considered to be well designed and visually acceptable. In any event, only limited views would be possible from the surrounding area (the site being largely screened by the host house and established boundary treatments). As such, the extension would not have a detrimental impact on the character and appearance of the area. It is considered that the application could not be refused on the basis of precedent as the proposal is in with accordance Policy PD1. There are no residential amenity concerns with the proposal.

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 plan AB/M/02/05 received on the 31st May 2005 and amended plan PL11A and additional plan AB/M/01/05A received on the 7th June 2005.

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 - 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.

Item 7:

APPLICATION:	K/52227/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolish bungalow and replace with a terrace of 4 houses with garage details and access arrangement
SITE:	Little Orchard London Road Devizes SN10 2DS
GRID REF:	01430 62069
APPLICANT:	Goodridge Homes
AGENT:	Mr C Manning
DATE REGISTERED:	27th May 2005
CASE OFFICER:	Miss K Whittington

SITE & LOCATION

Little Orchard is a detached bungalow on the south-eastern side of London Road in Devizes. It lies just beyond the former Agriculture House (now a nursery) and the three-storey development known as 'The Mews'.

SITE HISTORY

K/50111/O – outline planning permission for 4 dwellings on the site was granted in August 2004.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of a terrace of 4 houses on the site of the existing bungalow. These would be three-storey in height and positioned on the same building line as the neighbouring development known as 'The Mews'. A garage block would be constructed at right angles to the road. The existing access to the site would be closed-up and a new one formed further east. Twelve parking spaces would be provided in connection with the development.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended during the course of its consideration. The design of the dwellings has been simplified, with the overly fussy gable projections omitted. The wall to the side of the balcony to unit 4 has been increased in height to prevent overlooking in this direction. The new landscaping to the front of parking spaces 9 – 12 has been replaced with a low wall (1.2 metres in height), linking in with that on the neighbouring development. In addition, the width of the driveway has been widened to 4.5 metres.

TOWN COUNCIL COMMENTS

Devizes Town Council objects to the application on the grounds that there would be vehicular access on and off London Road for possibly 12 vehicles.

CONSULTATIONS

County highways (Mark Wiltshire) – the width of the driveway should be increased to 4.5 metres. Planning conditions should be imposed requiring the surfacing of the first 4.5 metres of the access in a consolidated material; a restriction of the gradient of the drive to 1 in 15; the installation of a channel cut-off drain 3.5 metres back from the road edge; and the permanent closure of the existing access.

REPRESENTATIONS

No letters of representation had been received at the time this report was written. Any that are subsequently received shall be reported verbally at the committee meeting.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development for Devizes. Policies PD1, HC6 and HC21 are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

Outline planning permission for 4 dwellings on the site was granted in August 2004 and consequently, the principle of constructing this number of houses on the site has already been established.

Devizes Town Council has objected to the application on the grounds that the new vehicular access to the site could potentially be used by 12 vehicles. Whilst it is recognised that more vehicles would enter and leave the site than at present, it is considered that the new access would afford adequate visibility in both directions and consequently, the proposal would not present a threat to road safety. The highway authority has raised no objections to the proposal, subject to an increase in the width of the access by 1 metre (to 4.5 metres) and a number of standard conditions. The plans have been amended in accordance with the highway authority's recommendations. For these reasons, it is not considered that a refusal on highway safety grounds would be justified.

The proposal is considered to be acceptable in all other respects, including the design, which has been amended in accordance with officer advice.

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 568/CAM/20051A and 568/CAM/2005/2A received on 8 July 2005.

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 - Prior to the first occupation of the dwellings hereby permitted, the access, vehicle parking and turning areas shall be provided and shall thereafter be maintained and kept available for the access, parking and turning of vehicles.

REASON:

In the interests of highway safety.

4 - Prior to the first occupation of the dwellings hereby permitted, the first 4.5 metres of the access shall be surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

5 - The gradient of the access over the first 4.5 metres shall not exceed 1 in 15.

REASON:

In the interests of highway safety.

6 - Prior to the first occupation of the dwellings hereby permitted, a channel cut-off drain shall be installed 3.5 metres back from the road edge.

REASON:

To prevent surface water from the parking/turning area flowing out onto the public highway.

7 - Prior to the first use of the new access, the existing access shall be properly and permanently closed, with the existing lowered kerbs replaced by full-height kerbs over a length of 6.3 metres and the footway re-surfaced to suit the revised levels.

REASON:

In the interests of highway safety.

8 - 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.

9 - All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced 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.

10 - The windows above ground-floor level shown on the approved plans on the side elevations shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of the occupants of neighbouring properties.

11 - 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 HC21.

