

Regulatory Committee

1st September 2005

Planning Services

List of Applications for Consideration

1 K/52302/F (page 15)

Full Planning Permission for : Retention of replacement dwelling in revised location
(amendment to K/51516/F)

Lantern Cottage Forest Lane Upper Chute CHUTE

RECOMMENDATION: Grant full planning permission

2 K/52484/VAR (page 21)

Variation of Condition for : Lifting of an agricultural occupancy condition
Highview Bungalow Salisbury Road NETHERAVON

RECOMMENDATION: Remove agricultural occupancy condition

3 K/52407/F (page 24)

Full Planning Permission for : Erection of detached double garage and store.
Insertion of two conservation rooflights in south-east elevation of house.
Field Cottage Alton Priors ALTON

RECOMMENDATION: Grant full planning permission

4 K/52437/F (page 28)

Full Planning Permission for : Retention of shed to store and charge electric
wheelchairs
2 Chitham House GREAT CHEVERELL

RECOMMENDATION: Grant personal planning permission

5 K/52379/F (page 30)

Full Planning Permission for : Erection of single storey link and new boundary wall
2 West Street ALDBOURNE

RECOMMENDATION: Grant full planning permission

6 K/52378/LBC (page 33)

Listed Building Consent for : Erection of extension to link house with the existing
garage and new front boundary wall
2 West Street ALDBOURNE

RECOMMENDATION: Grant listed building consent

7 K/52606/LBC (page 35)

Listed Building Consent for : Non-illuminated and externally illuminated signs
Castle & Ball Hotel, High Street, MARLBOROUGH

RECOMMENDATION: Grant listed building consent

Item 1:

APPLICATION:	K/52302/F
PARISH:	CHUTE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retention of replacement dwelling in revised location (amendment to K/51516/F)
SITE:	Lantern Cottage Forest Lane Upper Chute
GRID REF:	29727 53846
APPLICANT:	Mr K Kirkland
AGENT:	Hallmex Designs
DATE REGISTERED:	20th June 2005
CASE OFFICER:	Mr MS Wilmott

SITE & LOCATION

The site occupies a corner plot situated to the south east of the Butts Hill/Forest Lane crossroads. The green is to the north west of the crossroads. The property is externally almost complete.

SITE HISTORY

K/38432 – Permission for extension to then existing house and garage - permitted.

K/40354 – Permission for two storey extension to then existing house - permitted.

K/41474 – Double garage and enlarged access - permitted.

K/43026 – In 2002 planning permission was granted for a replacement dwelling.

K/51516 – This application was an amendment to K/43026 incorporating a wider external chimney stack than originally approved – permitted.

DESCRIPTION OF DEVELOPMENT

The current application is for the retention of the existing dwelling, which has been substantially completed, as it exists on site. The main difference to that approved under K/43026 and K/51516 is that it is built closer to the boundary with Yew Tree cottage to the south. The approved plans of both K/43026 and K/51516 showed the dwelling 7 metres from the (red line) boundary at the front corner of the dwelling and 6 metres away at the rear corner. On site the boundary is difficult to identify, due to the presence of a hedgerow and an absence of any fence or marker posts, however when measured from the middle of the hedgerow there is a distance of 2.8 metres to the front corner of the dwelling. Your officers therefore consider that the dwelling has been built approximately 4.2 metres closer to the boundary than approved. The overall width of the dwelling is as per the original approval and the dwellings distance of 6.5 metres from yew tree to the north, as shown on the originally approved plans is also correct.

The applicant has advised that the submitted layout drawing for the previous applications were based on measurements taken of an old O.S. map of the dwelling. A survey of the site was carried out by a landscape consultant but this was not used

to form the layout drawing. The reliance on an O.S. map to provide the dimensions of the site has therefore led to a situation where the plot is smaller on the ground than shown on the original application drawings, meaning that although the distance from the Yew tree is shown correctly and the house is of the footprint shown on the plans, the distance left to the southern boundary is not as much as shown on the originally approved plans.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

None.

ADDITIONAL STATEMENT BY THE APPLICANT

The agent has submitted a statement which explains the circumstances leading to the application, pointing out that the house size has not altered and that the distance from the Yew tree is as shown on the plan. There appears to be a discrepancy between the actual boundaries measured on site and the OS land registry plan that was the basis used for drawing up the original block plan. He stresses that the owner has not altered or enlarged the house from the agreed size and that he has not had any intention to deceive or act dishonourably. The only difference lies in the distance to the southern boundary, where the exact position is difficult to determine but which is less than shown on the original plans. He believes that the neighbours may have moved the boundaries since the original 1972 OS plan was drawn that was used as the base for the original planning application block plan.

He has also submitted a design statement outlining the design principles followed in designing a building for this site. A copy is available on the file.

PARISH COUNCIL COMMENTS

Chute Parish Council – Has made lengthy comments concerning this matter and these have been reproduced in full below;

1. This has been a difficult application to consider and the Council has considerable sympathy for both the applicant and the occupants of the property on the southern boundary, Yew Tree Cottage, who are understood to be the principle objectors. The approvals process has extended over some years so these comments begin by defining the 2002 application 'K/043026 (Original submission)', in which approval was first sought to replace the original property, as the baseline.
2. This 'Initial' application took an overall form much as now built, except that it had a 'knead' roof facing the south boundary and, whilst the need for the roof design/height was questioned, the Council was supportive. Our subsequent position has remained unchanged. We hold no record of the outcome of the query on roof height but it is understood that it was accepted as a factor of the overall design and footprint limitation. Certainly the application was approved by KDC.
3. The key issue to be addressed is therefore that of the distance of the southern wall of the house from the boundary with Yew Tree Cottage. The variation, between what was planned and the actual outcome, is understood to be the principle complaint by the occupants of Yew Tree Cottage. Although it has to be noted that it is a little late in the process to raise the issue, it has to be recognised that there was significant imprecision/ambiguity on this in the plans submitted and approved. Our retrospective assessment is that the implied distance was some 7 metres at the closest point: the actual distance is some 2 to 3 metres depending on interpretation.

4. The applicant's agent implies that this degree of proximity would not, in (planning) law, invalidate the original planning approval, this must be resolved by the Planning Authority. Assuming that this is accepted, our Members can only address the rather intangible issue of the impact sustained, by the occupants of Yew Tree Cottage, of having the new Lantern Cottage built closer than originally anticipated. Essentially a subjective judgement.
5. The Council has always recognised that the Lantern Cottage build would have an impact on the occupants of Yew Tree Cottage. For example, Yew Tree Cottage is smaller, is set at a lower level and, despite being set further back, would tend to be dominated by the new Lantern Cottage. The Council can only therefore have considerable sympathy for any claim that building it some (say) 4 metres closer to the boundary than was anticipated has aggravated the situation.
6. We understand that the decision on this application will ultimately rest on an assessment of the 'material harm' caused by the present build location. Recognising that the Council does not have access to the appropriate technical/legal advice, an on site visit nevertheless produced the unanimous opinion of Members that some degree of material harm has occurred.
7. In the event that this application is unsuccessful, the Council feels that a compromise solution must be sought. This might lie in the retention of the present position but modification to the design/build on the lines of that submitted earlier as 'K/043026 (Original Submission)', which had a 'kneed' roof line to the south, and 'K/043026 (First Amendment)' which set the chimney in the middle of the property rather than on the gable end to the south. This last point is not simply cosmetic but relates to worries expressed recently over the proximity of the new Lantern Cottage chimney to the thatched roof of the neighbouring property.

REPRESENTATIONS

Objections have been received from the owner of the adjacent Yew Tree Cottage to the south and an agent acting for him, together with letters from two other local residents. The letters, particularly those from the occupier of Yew Tree Cottage, are lengthy and detailed. The contents have been summarised below but they are available for inspection on the planning file;

1. The submission of the application is tantamount to an admission that the owner and architect have wilfully transgressed against the approval.
2. The size and position of the building bears no relationship to the small two bedroom cottage and single storey thatched barn that it replaced. It has a materially adverse effect on the conservation area and degrades the environment of our grade II listed cottage. The building towers over our front garden while only a few feet of the roof of the old buildings could be seen.
3. When the structure came above the hedgerow it became evident it was closer, on inspection of the plans we noted the chimney had moved to the gable and was contrary to the plans we saw in July 2002. We were not notified of the changes.
4. We are uneasy about the proximity of the thatched roof to our thatched roof when considering the spread of fire. Written confirmation is needed that the

building complies with the 'Dorset Model' and thus is acceptable to building regulations.

5. The original approval was for long straw whilst combed wheat reed has been used, this is contrary to a specific condition of K/51516.
6. Contrary to the comments made I have the O.S. maps back to 1926 and they have never changed.
7. It is incumbent on the applicant to ensure the plans submitted accurately depict the site and the precise position of the building.
8. The approved drawings show a simple plank design front door but a glass panel door has been installed out of character with local custom for a thatched cottage.
9. We are somewhat surprised the transgression was not picked up during inspections of the building. It is unfortunate this transgression was not picked up at a much earlier stage.
10. I have not objected to any proposals for Lantern Cottage and although substantially larger than expected it is a pretty house. However, as a matter of principle planning approval should be strictly adhered to, especially in a conservation area. In this case the house position is wrong by not a few centimetres but by several metres, this is most unfair to neighbouring properties.
11. At the time of the proposed replacement to Lantern Cottage the plans were welcomed with the use of thatch and flint, it also was not to have an adverse impact on the amenity of adjacent residents. Now the building dominates the neighbouring dwelling in a most intrusive way.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - relevant policies are PD1, HH5 and HH8.

The site is located within the Upper Chute Conservation Area and within the AONB.

Yew Tree Cottage is a listed building (grade II).

PLANNING OFFICERS COMMENTS

The previous planning permissions relating to this site mean that the principle of a replacement dwelling of this size and design within this plot has been accepted.

This application is for the retention of the dwelling as it has been built and the main issue for consideration is whether the dwelling is acceptable in its current position closer to the boundary with Yew Tree Cottage. The impact the repositioned dwelling has on the amenities of the occupiers of that neighbouring property, the setting of the neighbouring listed building and the impact on the wider conservation area are all matters that form part of that consideration. Any refusal or approval of this application should be based solely on the judgement of whether material harm is caused by the dwelling as built in the position it now occupies.

Impact on the amenities of the neighbouring property

Due to the difference in ground levels between this site and Yew Tree Cottage, any new two storey dwelling on this site was always going to sit higher than the adjacent Yew Tree Cottage. The dwelling built, which has a ridge height of 8.4 metres, is considered to be relatively modest for a 'new build' thatch property. The original

approval showed the dwelling set back between 6 and 7 metres from the boundary which is a considerable distance even for dwellings on spacious plots. The revised 'as built' distance is a significant reduction on this, but still leaves a clear and evident gap between the two properties. As there are no windows above ground floor level in the gable end, there is no loss of privacy through direct overlooking. The main change is that the gable wall is closer to the boundary than would have been the case if the greater distance shown on the original plans had been left. The issue is whether this closer proximity of the gable wall has such a material impact on the amenities of the adjacent property as to justify refusal. Having given this matter careful consideration, the view of the officers is that it does not. Whilst it clearly changes the outlook from the neighbouring property, it does not, in your officers' view impinge so closely as to significantly reduce light or cause other harm. The relationship between the two properties in terms of separation distance between them is not untypical. In sum, it is not considered that there are adequate grounds to refuse the application on this point.

Setting of the adjacent listed building

With regard to the impact on the setting of the adjacent listed building, which is a small proportioned thatched cottage, your officers consider that the closer proximity of the new building compared to the original siting does not have any significant effect. Yew Tree Cottage is set back some 25 metres from Forest Lane and is not widely visible from public rights of way. The new dwelling sits at a higher level and presents a gable end to the common boundary. Both are 'read' as separate buildings of their time and the built form of the new house does not form a jarring feature detracting from the setting of the listed building.

Impact on the appearance of the conservation area

As it is located on the corner of Forest Lane and another road running to the east, the new building does have an impact on the appearance of the area. However, because it is well designed and built of traditional materials, the impact is positive. The fact that it is closer to Yew Tree Cottage than the originally approved plans does not have any significant impact on the appearance of this part of the conservation area

Other issues

Turning to some of the other issues raised by representations received, whilst the agent had previously stated that long straw would be used for the thatch, combed wheat reed has been used. Indeed on application K/51516 the use of long straw was conditioned to ensure that water reed thatch was not used, as was initially proposed on one of the plans, which is not a material traditionally used in this location. Whilst the use of long straw would be preferred, its use could not be insisted on when dealing with a new dwelling where combed wheat reed has been used (and not water reed). Indeed this is the roofing material that was noted as being on the original building that this dwelling replaced.

In terms of the building regulation issues your officers can confirm that Building Control officers have confirmed that the dwelling as built complies with the 'Dorset Model' with fire resistance material beneath the thatch. The applicant has therefore complied with their requirements.

A point has also been raised in relation to the use of a part wood/part glass door in place of the solid wood door shown on the plans. It is considered that the door installed, with the upper parts glazed, is acceptable.

With regard to the point made that the transgression from the approved plans for the siting was not picked up at an earlier stage, it is regrettable that this did not occur. It

is the landowner's responsibility to ensure that development is being carried out in accordance with the approved plans, particularly as building control inspectors are not always supplied by builders with plans showing the siting of the property as their job is to check the structural calculations/insulation etc. The neighbour drew attention to the discrepancy earlier this year, but by that time the gable end had already been erected, together with the roof structure. .

A final matter raised by the neighbour concerns his claims that he was not properly consulted at the time of application K/43026. However, officers have checked their records and noted that a letter was sent out to that dwelling at the time of the original submission and a further two occasions when amended plans were received, including the occasion when the chimney was moved to the gable wall.

In conclusion your officers have carefully considered the current application to retain the dwelling in its current position and have concluded that as it does not cause material harm to interests of acknowledged importance in this as built position, permission should be granted.

RECOMMENDATION

Approve with Conditions -

1 - 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 additions to, or extensions or enlargements of, the building(s) hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity of the area.

2 - 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 elevation of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring property.

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 erection of the building in this position and of this design would not have any significant adverse impact on the amenity of residents of the neighbouring property, would not adversely affect the setting of the adjacent listed building and would preserve or enhance the character and appearance of the conservation area. The Council has had regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1; HH5.

Item 2:

APPLICATION:	K/52484/VAR
PARISH:	NETHERAVON
APPLICATION TYPE:	Variation of Condition
PROPOSAL:	Lifting of an agricultural occupancy condition
SITE:	Highview Bungalow Salisbury Road Netheravon
GRID REF:	14288 49626
APPLICANT:	Mrs M Bailey
AGENT:	Mr K H Cole
DATE REGISTERED:	8th July 2005
CASE OFFICER:	Miss K Whittington

SITE & LOCATION

The application site lies on the east side of the A345, approximately 250 metres north of the village of Netheravon. The property, Highview, is a detached bungalow which is subject to an agricultural occupancy condition. The freehold ownership extends to approximately 0.81 hectares (0.2 acres) and comprises the plot on which the bungalow stands. There are no agricultural buildings on the freehold land.

SITE HISTORY

K/85/0480 – planning permission granted for the bungalow, subject to an agricultural occupancy condition.

K/46195 – an application to lift the agricultural tie condition on the property was refused in September 2003 on the ground that insufficient evidence had been submitted to demonstrate that the property had been adequately as an agricultural dwelling or to demonstrate that the property was no longer required to meet the needs of agricultural workers in the locality.

K/44257 – an application to lift the agricultural tie on the property was refused in November 2002 for the same reason as given for K/46195.

The agricultural buildings to the north of the site, which were formerly part of the holding, have been sold off to a third party.

DESCRIPTION OF DEVELOPMENT

The application is to lift the agricultural occupancy condition on the property.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted information in support of the proposal, including:

- the sales particulars for the property.
- four cuttings from Farmers Weekly, in which the property was advertised.
- two cuttings from The Salisbury Journal, in which the property was advertised.

The applicant's agent has submitted a covering letter with the application which states that the applicant has followed all of the advice contained in the pre-application letter from the planning authority, by advertising the property over a 6 month period in Farmers Weekly at a price guide of approximately 30% below the unencumbered value; advertising the property through Palmer & Snell Estate Agents; and targeting the property at the local agricultural community. The letter further states that 6 enquiries resulted from the advertisement in Farmers Weekly, four of which

required land as well as a dwelling and the remaining 2 lost interest when the agricultural occupancy condition was explained to them.

PARISH COUNCIL COMMENTS

Netheravon Parish Council has objected to the application on the ground that the original planning permission for the dwelling had been granted for security of the agricultural buildings alongside and it therefore considers that as long as these buildings remain, the bungalow should be subject to an agricultural occupancy condition.

CONSULTATIONS

KDC Agricultural Consultant – the Council commissioned the undertaking of an agricultural appraisal by a qualified agricultural consultant. His report concludes that:

- there is presently no requirement for a dwelling in association with the agricultural unit and it is highly unlikely that such a need will arise in the future.
- greater effort appears to have been made to target the marketing of the property to the local agricultural community and no offers have been made as a result.
- the shortcomings of the earlier campaign appear to have been addressed.
- the results of the marketing campaign indicate that, in a limited fashion, there is a lack of demand for the property within the agricultural community.

A copy of the agricultural consultant's report is attached to the rear of the agenda.

REPRESENTATIONS

No letters of representation have been received. Any that are subsequently received shall be reported verbally at the committee meeting.

POLICY CONSIDERATIONS

Policy PD1 in the Kennet Local Plan and the advice contained in PPS 7 and RICS's publication 'Agricultural Occupancy Conditions' (1996) are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

Planning permission was previously refused under references K/46125 and K/44257 for the lifting of the agricultural occupancy condition on the property on the ground that insufficient evidence had been provided to demonstrate that the property had been adequately marketed as an agricultural dwelling or that the property was no longer required to meet the needs of agricultural workers in the locality.

PPS 7 sets out guidance on dealing with applications for the removal of agricultural occupancy conditions, stating that local planning authorities should set out in their Local Development Documents, their policy approach to the retention and, where appropriate, removal of occupancy conditions. The Council has yet to introduce a policy regarding dwellings subject to agricultural occupancy conditions. In the absence of such policy guidance, the most useful point of reference is the RICS document 'Agricultural Occupancy Conditions' (1996), which suggests that the following matters are relevant in considering applications for the removal of agricultural tie conditions:

- Whether there is a need for the dwelling on the holding.
- Whether there is a need for the dwelling in the area.

- What steps have been taken to market the property, particularly the duration of any marketing campaign, the price asked and to whom the marketing has been targeted.

With regard to the first point, the agricultural consultant's report confirms that there is no current or anticipated agricultural need for a dwelling on the holding.

In respect of the second and third points, the applicant has undertaken a more thorough marketing campaign in an attempt to overcome the refusal reasons given for K/46125 and K/44257. This campaign has been undertaken by Palmer Snell's Salisbury office, with the property advertised for sale on four separate occasions in the Salisbury Journal. The property was advertised with a guide price of £225,000. The property remains on the estate agent's books, although no active marketing is currently taking place. In addition to the marketing campaign conducted by the agent, the property has also been advertised for sale in Farmers Weekly. Additionally, three local farmers have been contacted directly to make them aware of the availability of the property. The agricultural consultant's report concludes that greater effort appears to have been made to target the marketing of the property to the local agricultural community and that no offers have been made as a result. This suggests, albeit not conclusively, a lack of demand for the property within the agricultural community.

Netheravon Parish Council considers that the agricultural occupancy condition ought not to be lifted as long as the agricultural buildings alongside the bungalow remain. The agricultural consultant's report states that the unit was previously run as an intensive bull beef enterprise, utilising adjoining land and buildings but that following the collapse in the beef market in the wake of BSE, the farming practice was ceased and the business has subsequently gone into liquidation. The report further states that at present, there is no farming practice on the site and the freehold land is therefore restricted to the plot on which the bungalow stands ie.0.82 hectares. The freehold land does not include any agricultural buildings. As there are no longer any agricultural buildings associated with the holding, it is not considered reasonable to refuse planning permission on this ground.

In conclusion, it is considered that the shortcomings of previous marketing campaigns have been largely overcome and that on balance, sufficient evidence has been provided to demonstrate that the property is no longer needed to meet the needs of agricultural workers in the locality. Consequently, the lifting of the agricultural tie condition is considered to be justified.

RECOMMENDATION

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 there is no longer a requirement to retain the dwelling for agricultural occupancy and the removal of the condition would therefore 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 3:

APPLICATION:	K/52407/F
PARISH:	ALTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of detached double garage and store. Insertion of two conservation rooflights in south-east elevation of house.
SITE:	Field Cottage Alton Priors
GRID REF:	10971 62235
APPLICANT:	Mrs Y Belton
DATE REGISTERED:	1st July 2005
CASE OFFICER:	Mr P Smith

SITE & LOCATION

The site is located on the western edge of Alton Priors facing open pasture land which separates the villages Alton Barnes and Alton Priors. The property is reached by a relatively narrow lane off the main road. From Devizes travel to Alton Barnes, at the staggered crossroads cross over and continue on in the direction of Wilcot. Four hundred metres from the junction turn right into the lane at the grass triangle. Follow the lane to the end and turn right just before the footpath gate which leads to the church. Field Cottage (formerly known as Dindy's Cottage) is situated at the end of the track.

SITE HISTORY

The property has been the subject of a number of planning applications including two applications for erection of a garage and store. The history is summarised below:

Planning permission was granted in September 2002 (K/43287) for the change of use of an area of agricultural land to domestic garden and the construction of two single storey extensions and a two storey rear extension. This permission was the subject of a condition restricting the provision on new openings in the development.

A subsequent application to erect a double garage and store (K/44788) was refused on the basis that it would adversely impact upon a nearby tree which is visually prominent within the conservation area. The size and scale of the garage was also a concern and it was considered that this result in an adverse visual impact.

An application sought retrospective planning permission (K/47064) to approve alterations to the previously approved scheme to extend the house (K/43287). This was approved in July 2004. This permission was the subject of a condition restricting the provision on new openings in the development.

An application for the erection of a garage and store was submitted in the first part of 2005 (K/51799). This application also sought planning permission for the insertion of two rooflights in the southeast roofslope of the extension over the kitchen. This application was refused for similar reasons to the previous garage application (K/44788) relating to its impact on a nearby mature tree and its visual impact from the surrounding conservation area. The refusal reasons did not relate to the proposed rooflights which in themselves were considered to be acceptable.

DESCRIPTION OF DEVELOPMENT

The current proposal seeks planning permission for the erection of a detached double garage and store and for the insertion of two rooflights in the south-east roofslope of the kitchen extension. The proposed rooflights have dimensions of 56cm by 98cm.

This application differs from the previously refused garage proposals in terms of the design, siting and appearance of the garage which is now shown further from the Lime tree and the boundary which would have been adversely affected by the previous schemes.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments have been made to the current application.

ADDITIONAL STATEMENT BY THE APPLICANT

No statement has been submitted in support of the application.

PARISH COUNCIL COMMENTS

No objection, but comments that:

- The applicant has reduced the size of the garage and moved it away from the boundary by a metre;
- The Parish Council has no objection to the garage, however, in the interests of planning consistency we would draw your attention to previous correspondence in this matter.
- In our meeting we did not object to the rooflights.

CONSULTATIONS

County highways - no objection, but recommend limiting the use of the garage to domestic uses only.

REPRESENTATIONS

Three letters of objection have been received in connection with this application. The objections are summarised as follows:

1. The boundary line between Field Cottage and Down Bottom is the fence behind the trees and not the actual tree line as indicated in the application as "hedge boundary".
2. The garage is very high which is cause for concern particularly if it were to be converted at a later date as it would overlook our property.
3. I do not see the reason for such a high garage unless conversion at a later date is the intention.
4. The area is an AONB.
5. A condition of the previous planning permission for the extensions restricted new openings. If the rooflights are now allowed it would make this condition pointless.
6. This condition should hold true whether the rooflights proposed are small or large.
7. At 4.95m the size of the garage and store would be high and the overall impact would be significant in views towards the development.

8. The height is only 18 inches lower than the previously refused garage. It is also longer and only slightly less deep representing only a negligible reduction in scale and mass. A significant reduction is required to accommodate such a building on the conservation area.
9. The position of the building might not affect the Lime tree but size of the building would impact upon visual amenity. A single garage and shed might be a suitable compromise.
10. If it was the Council's view that the addition of rooflights would adversely impact upon the amenity of the surrounding area we would need to know what has changed to warrant the condition being waived. If no good planning grounds can be brought forward to justify a change of opinion the application for two rooflights should be refused.

POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1, HH5, NR7 and NR8 are relevant

PLANNING OFFICERS COMMENTS

The key issues associated with the current proposal are the suitability of allowing the insertion of two rooflights when a condition has been imposed to control such openings and the visual impact resulting from allowing these openings and the impact of the proposed garage and store on the character and appearance of the conservation area.

The condition imposed on the previous permission for the extensions to the cottage (K/47064) sought to limit new openings that could otherwise be created without the need for planning permission so as to protect the appearance of the development and the visual amenity of the surrounding area. This condition therefore brought the formation of new openings under the control of the Council. It is not intended to permanently prevent any further windows or doors being formed, rather it allows for such openings to be considered by the planning department to ensure that new openings which are proposed are sympathetic to the appearance of the development and its context in the conservation area.

The proposed new rooflights are in the conservation style and would measure 56cm by 98cm. Officers consider that this is too large and that two windows of this size would detract from the appearance of the building and the appearance of the area. More traditional conservation style rooflights are of a smaller size (46cm x 61 cm) and would occupy little over half the area of those proposed. It is not considered that traditional rooflights of this size would be incongruous or unduly intrusive or harmful to the character or appearance of the conservation area. Accordingly, the recommendation includes a condition that the rooflights shall not be larger than 46cm x 61 cm. The Council can legitimately impose a condition of this nature

The proposed garage has been amended since the previous application was refused. Its siting, design, appearance and scale have all been modified so that it would not adversely impact upon a nearby mature Lime tree in the neighbours garden. In addition, the existing oil tank would be incorporated into the store on the side of the garage thus reducing the 'clutter' in the grounds of the cottage.

It is considered that the design and appearance of the building are sympathetic to the rural setting of this location and that the garage would appear as an ancillary outbuilding to the cottage rather than an intrusive development in the conservation

area. As such it is not considered the proposal would preserve the character and appearance of the conservation and would not result in an adverse visual impact.

Concerns in relation to the possible future conversion of the garage are not a reason for refusing the current proposal. Any such proposals in the future would need to be considered on their merits at that time. Although the local highway authority has recommended a condition requiring that the garage be used for domestic purposes only and not for business use, it is not considered necessary in this case as such use would require permission and the garage is largely open fronted.

RECOMMENDATION

Approve with Conditions –

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning & Compulsory Purchase Act 2004.

2 - This permission for the double garage and store relates to the scheme of development as submitted except insofar as amended by the revised siting plan at 1:200 scale received on 14th June 2005.

REASON:

For the avoidance of doubt as to the development authorised to make it clear where the siting of the garage will be.

3 - Notwithstanding the submitted details 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 unless variations are otherwise first agreed with the local planning authority.

REASON:

To secure harmonious architectural treatment.

4 - Notwithstanding the submitted details, the proposed rooflights shall not exceed 46 x 61 cm and shall be top hung ACE 3573 (GVA) conservation rooflights, or if these are not available, models of the same size, style and design, details of which shall be submitted to and approved in writing by the local planning authority prior to work commencing. Development shall be carried out in accordance with the approved details.

REASON:

To protect the character and appearance of the area.

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, HH5, NR7 and NR8.

Item 4:

APPLICATION:	K/52437/F
PARISH:	GREAT CHEVERELL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retention of shed to store and charge electric wheelchairs
SITE:	2 Chitham House Great Cheverell
GRID REF:	98020 53915
APPLICANT:	Miss S Gabbitas
DATE REGISTERED:	5th July 2005
CASE OFFICER:	Mr R C Cosker

SITE & LOCATION

The application property is in a block of four flats in a small cul-de-sac at the southern end of the village. Access to the site can be achieved by turning left at the bottom of the High Street and then first right into Chittam Close as if accessing Holy Trinity primary school. However, Members are advised that the current unauthorised fence that has been erected around the perimeter of the garden effectively blocks views of the shed, which can therefore only be seen if access to the enclosed area is possible.

SITE HISTORY

K/52438/F - This application was for the retention of a 1.8 metre high fence and change of use of amenity land to garden. This application was refused under delegated powers on 5th August 2005 for the following reason;

"The existing 1.8 metre high close boarded fence, and the resulting change of use of the open amenity land to private garden and enclosure of the attractive tree, has an adverse impact on the visual amenity of the area and sets a precedent for other similar proposals in the area. The application is therefore contrary to policy PD1 of the Kennet Local Plan 2011".

DESCRIPTION OF DEVELOPMENT

This application proposes the retention of a 2.13 metre by 1.82 metre garden shed at the rear of the property which is used to store and charge the occupier's electric wheelchairs.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a letter from her occupational therapist to Sarsen which advises of the need for a hardstanding and an electric supply for a shed to recharge her electric wheelchair.

PARISH COUNCIL COMMENTS

Great Cheverell Parish Council – Object to the use of amenity area used for private temporary structure.

REPRESENTATIONS

A total of six letters have been received for both this application and for the now refused K/52438/F. Two of them object to both applications, three object only to the refused application K/52438/F and one letter (which has been signed by 6 residents)

supports both applications. The observations relating to this application can be summarised as;

Objections

1. As the occupier lives on her own in a two bedroom flat there should be plenty of room for the wheelchairs.

Support

1. Understand the day to day needs for the storage of the tenants wheelchair.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policy PD1 is relevant to this appeal.

PLANNING OFFICERS COMMENTS

As stated above, the application for the retention of the close boarded fence and the change of use of the amenity land to garden has been refused due to the adverse impact on the appearance of the area.

With regard to the garden shed that has been erected on site, this is currently obscured by the fence that has been erected without planning permission, but will clearly become more visible when the fence is removed or reduced to 1 metre in height, when the fence would be permitted development and not require planning permission. It should be noted that the applicant is likely to appeal against the refusal of that application and so it will only be reduced or removed if that appeal is dismissed. Notwithstanding this uncertainty, even if the fence is removed or reduced, your officers consider that the visual impact of the shed is limited due to its location close to the flats which (unlike the fence) helps maintain the open character of the area. Having regard to this limited impact it is recommended that a personal permission is granted to allow the shed to remain whilst Miss Gabbitas lives at the flat. This would be in line with the advice provided by the senior occupational therapist and the community care officer who have advised on the requirements for access for this registered disabled person.

RECOMMENDATION

Approve with Conditions –

1 - This permission shall enure for the benefit of the applicant only and shall not enure for the benefit of the land. The shed shall be removed from the site once the applicant ceases to reside at the property.

REASON:

The proposal is only required to meet the special needs of the present applicant and the land should revert to an open appearance once this need no longer exists.

2 - 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 a personal planning permission is appropriate in the circumstances but the long term retention of a temporary building of this nature would not be appropriate as it could cause harm to the appearance of the area, having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Item 5:

APPLICATION:	K/52379/F
PARISH:	ALDBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of single storey link and new boundary wall
SITE:	2 West Street Aldbourne
GRID REF:	26413 75645
APPLICANT:	Mr M Cowan
DATE REGISTERED:	29th June 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

This property is located towards the centre of Aldbourne on the eastern side of the main road when heading towards Swindon. It is Grade II listed and consists of a small house situated gable end onto the main road with a bay to the rear constructed in the twentieth century. A modern flat roofed garage sits in the south east corner of the site. The whole site lies within the Aldbourne Conservation Area.

SITE HISTORY

K/45860 – Full planning permission was granted in August 2003 for change of use of an existing room from a hair salon back to residential.

K/52378/LBC – A counterpart application for listed building consent has been submitted alongside this application for the proposed development. This is the next item on the agenda. The planning application has been placed first because the objections raised by the parish council cover a wider range of planning issues.

DESCRIPTION OF DEVELOPMENT

The current application proposes to erect a single storey extension to link the existing house with the garage. The proposed link measures 4.7m in length by 2.7m deep and 3.9m high, and is to be built in rendered brick and handmade plain clay tiles to match the main house. It is also proposed to convert the garage into a sunroom, replacing the existing garage door with French doors and windows and replacing the existing flat roof with a pitched roof and pyramid rooflight. Again, materials are to match. To the front of the link it is proposed to erect a pre-cast iron verandah/walkway with a glazed pitched roof measuring 4 m in length by 1.8m deep and 2.9 m high.

Finally, this application proposes to erect a short length of boundary wall near the site entrance. This measures 3.33m long by 1.46m high and 55cm deep, and is to be built in brick, flint, sarsen stone and chalk with a lime mortar coping to match the existing wall to the south of the existing access.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following negotiations with the applicant the length of the proposed new boundary wall has been reduced to allow the access and parking to remain usable within the curtilage of the site.

ADDITIONAL STATEMENT BY THE APPLICANT

It is the applicants objective to enhance the dwelling sympathetically and in keeping with the surrounding area and to put back some of the original features.

PARISH COUNCIL COMMENTS

Aldbourne Parish Council has objected to this proposal for the following reasons;

1. It would be an overdevelopment of the site and the extensions would seriously detract from the buildings listed status.
2. The building is in the core of the village Conservation Area and the development as proposed would destroy the listing status it has.
3. The loss of parking spaces would exacerbate the already serious parking problems within the centre of the village.

CONSULTATIONS

County Highways (Paul Galpin) – no objection providing the boundary wall is reduced to the 3.33 metres shown, to allow the existing access and on-site parking area to remain usable.

POLICY CONSIDERATIONS

Kennet Local Plan – policies DP1 (Development and Design), HH5 (Development in Conservation Areas) and HH8 (Development Affecting a Listed Building) are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The key issues to be considered in this case are the impact of the proposals on the listed building, conservation area and highway safety.

Impact on the Listed Building

Concern has been raised by the parish council that the proposed development would detract from the listed status of the building. However, the proposed development simply links to a twentieth century addition to the property described in the list description as being of no special interest and is significantly screened by the existing boundary walls. The scale of the proposal is in keeping with the existing building and the additions are considered to be well designed, being in materials to match the original house. In addition, it is considered that remodelling the existing flat roofed garage will enhance the setting of the listed building by improving the appearance of this garage which is currently of no architectural merit.

Impact on the Conservation Area.

The proposed link and new section of boundary wall are well designed and acceptable in terms of siting, size, scale and materials. In addition, re-modelling the existing flat roofed garage to a pitched roof would improve the appearance of the existing building to the benefit of the appearance of the Conservation Area.

Parking

While re-modelling the garage would result in the loss of the one parking space within it, the application has been amended in line with county highways recommendations to allow the existing access and on-site parking to remain usable within the curtilage of the site. As such, there is no highways objection to the re-modelling of the garage.

RECOMMENDATION

Approve with Conditions –

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 - This permission relates to the scheme of development as set out in the application forms and accompanying plans, as amended by the letter dated 29th August 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 materials to be used in the construction of the external surfaces of the single storey link hereby permitted shall match in colour and texture those used in the main house.

REASON:

To secure harmonious architectural treatment.

4 - No development shall take place until details of the materials to be used in the construction of the verandah/walkway (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.

5 - The materials to be used in the construction of boundary wall hereby permitted shall match in colour and texture those used in the existing wall to the south of the access.

REASON:

To secure harmonious architectural treatment.

6 - The windows in the development hereby approved shall be white painted timber casements to match the windows in the existing dwelling and shall be retained as such thereafter.

REASON:

To secure harmonious architectural treatment.

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, HH5 and HH8.

Item 6:

APPLICATION:	K/52378/LBC
PARISH:	ALDBOURNE
APPLICATION TYPE:	Listed Building Consent
PROPOSAL:	Erection of extension to link house with the existing garage and new front boundary wall
SITE:	2 West Street Aldbourne
GRID REF:	26413 75645
APPLICANT:	Mr M Cowan
DATE REGISTERED:	29th June 2005
CASE OFFICER:	Miss G Salisbury

This is the counterpart listed building application to K/52379/F, the previous item on the agenda. The site description, description of development, site history, principle amendments and additional statement by the applicant are all as previously reported.

PARISH COUNCIL COMMENTS

Aldbourn Parish Council has objected to this proposal for the following reasons;

4. It would be an overdevelopment of the site and that the extensions would seriously detract from the buildings listed status.
5. The building is in the core of the village Conservation Area and the development as proposed would destroy the listing status it has.

POLICY CONSIDERATIONS

From the point of view of the historic environment the primary consideration is the duty placed on the Council under Section 16 of the Listed Buildings Act to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic merit it possesses.

PPG15 – Planning and the Historic Environment outlines government policy towards protection of the historic environment.

PLANNING OFFICERS COMMENTS

The key issue associated with this application is the impact that the proposed works would have on the architectural qualities, historic fabric and setting of this grade II listed building.

Concern has been raised by the parish council that the proposed development would detract from the listed status of the building. However, the proposed development simply links to a twentieth century addition to the property described in the list description as being of no special interest and is significantly screened by the existing boundary walls. The scale of the proposal is in keeping with the existing building and the additions are considered to be well designed, being in materials to match the original house. In addition, it is considered that remodelling the existing flat roofed garage will enhance the setting of the listed building by improving the appearance of this garage which is currently of no architectural merit.

The boundary wall has also been designed to match the existing small section of boundary wall to the south of the access and as such would not result in any harm to the setting, character or architectural integrity of this listed building.

RECOMMENDATION

Approve with Conditions -

1 - The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning & Compulsory Purchase Act 2004.

2 - This permission relates to the scheme of development as set out in the application forms and accompanying plans, as amended by the letter dated 29th August 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 materials to be used in the construction of the external surfaces of the single storey link hereby permitted shall match in colour and texture those used in the main house.

REASON:

To secure harmonious architectural treatment in the interests of the integrity of this Grade II listed building.

4 - No development shall take place until details of the materials to be in the construction of the verandah/walkway (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 in the interest of the architectural integrity of this Grade II listed building.

5 - The materials to be used in the construction of boundary wall hereby permitted shall match in colour and texture those used in the existing wall to the south of the access.

REASON: To secure harmonious architectural treatment.

6 - The windows in the development hereby approved shall be white painted timber casements to match the windows in the existing dwelling and shall be retained as such thereafter.

REASON: To secure harmonious architectural treatment.

7 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision. These are set out below:

The proposed works will not be detrimental to the character of the building.

Item 7:

APPLICATION:	K/52606/LBC
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Listed Building Consent
PROPOSAL:	Non-illuminated and externally illuminated signs
SITE:	Castle & Ball Hotel, High Street, Marlborough
GRID REF:	18711 69071
APPLICANT:	Old English Inn
AGENT:	S R Signs Ltd
DATE REGISTERED:	22nd July 2005
CASE OFFICER:	Miss R Yeomans

SITE & LOCATION

The Castle & Ball Hotel occupies a prominent position on the High Street in Marlborough's Conservation Area. To access the site, members should approach Marlborough from the Devizes direction and proceed left at the mini roundabout into the High Street. The site can be found by passing the church and then is approximately a third of the way down the street on the left hand side. The Castle and Ball is an attached Grade II Listed public house / hotel, with an access under an archway into the public house car park.

SITE HISTORY

K/10011/L –Bedroom refurbishment and alterations - permitted 13.03.1987

K/20171/A – Erection of illuminated and non-illuminated signage to replace existing - permitted 10.06.1993

K/20172/L - Erection of illuminated and non-illuminated signage to replace existing - permitted 10.06.1993

K/32476/L – Erection of a historical plaque on south elevation - permitted 05.03.1996

K/38749/L – Internal alterations - permitted 07.04.2000

K/51726/LBC – Alterations at ground floor level to reduce the size of the entrance lobby and to extend existing bar servery counter and backfitting - permitted 07.04.2000

K/51905/LBC - Replacement of two rotten timber columns supporting canopy to front elevation - permitted 03.05.2005

K/52425/LBC – Installation of two air conditioning condenser units on external wall facing hotel car park - refused 10.08.2005

K/52602/ADV – Non-illuminated and externally illuminated signage – current application.

DESCRIPTION OF DEVELOPMENT

This application is for the display of a variety of signs in corporate colours, mostly to replace the existing signage. The application proposes to refurbish the existing 'Castle & Ball' letters and remove the word 'hotel' from both the front and rear

elevations. Consent is sought for two extra signs to the rear, one for the car park and one on the building to show reception. The application also proposes to spotlight the pictorial and bracket sign and floodlight the upper half of the building with four floodlights.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amendments to the works have been sought. However, at the time of writing, no response has been received from the applicant. These amendments are the removal of the four upward facing floodlights, the removal of the spotlight to a proposed new projecting sign on the brick frontage east of the main tile-hung building (sign 'E'), and a change to the design of this sign to one similar to the existing to limit its projection.

TOWN COUNCIL COMMENTS

The Town Council objects to the application, specifically the proposed materials, the colour of the signs and the size of wording.

REPRESENTATIONS

No other representations have been received.

POLICY CONSIDERATIONS

From the point of view of the historic environment the primary consideration is the duty placed on the Council under Section 16 of the Listed Buildings Act to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest it possesses.

PPG15 outlines government policy towards protection of the historic environment.

PLANNING OFFICERS COMMENTS

The key issue associated with this application is the impact that the proposed alterations would have on the architectural qualities, historic fabric and setting of this Grade II listed building. The existing signs are not original, but have been replaced under applications K/20171/A & K/20172/L, and the majority of the proposed signs are intended to directly replace the existing. With the exception of sign E and its means of illumination and the four floodlights, it is considered that the new signs do not result in harm or loss of historic fabric or have a detrimental impact on the character of the property or its setting. The colours are considered to be appropriately subtle for the property's age and character and the materials can be controlled by condition to be painted wood, thus addressing the Town Council's concerns.

Sign 'E' is not considered to be in keeping with the character of the original building by reason of its size and siting and its inappropriate illumination (by spot light). Likewise, the floodlighting of the front of the building resulting from the four floodlights (which would be positioned on top of the front projecting verandah) is considered inappropriate having regard to the modest scale of the building and its location where illumination of buildings is uncommon. A condition is recommended to exclude these elements of the proposal from the consent.

RECOMMENDATION

Grant consent with conditions

1 - The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning & Compulsory Purchase Act 2004.

2 - Notwithstanding the details shown on the amended plan numbered 17527-pos2, S23.2.05 received by the local planning authority on the 25th July 2005, the verandah fascia sign shall be finished in accordance with the plans numbered 17527-pos and 17527-scheme, received by the local planning authority on 14th July 2005.

REASON:

For the avoidance of any doubt as to the works permitted.

3 - The signs hereby permitted shall all comprise painted wooden signs.

REASON:

To clarify the terms of the consent and secure harmonious architectural treatment.

4 - Notwithstanding the details shown in the submitted application particulars, this consent does not include Sign E or its associated spotlight, and does not include Sign I (comprising four upward facing floodlights). Likewise, the consent does not include Signs C, D or G which were deleted from the application prior to submission.

REASON:

For the avoidance of any doubt as to the works authorised and in order to secure harmonious architectural treatment.

5 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision. These are set out below:

The proposed works will not be detrimental to the character of the building.

