

# KENNET DISTRICT COUNCIL

## REGULATORY COMMITTEE – DECEMBER 15<sup>TH</sup> 2005

### HOUSES ON SITE OF FORMER RAMSBURY SURGERY, RAMSBURY

#### Report by Ted Howles, Planning Services Manager

#### 1. BACKGROUND

Members will recall the recent decision taken by the previous meeting of the Regulatory Committee on the 24 November 2005 to refuse the development now completed at the former surgery site. Planning application K/53081 sought planning permission for the removal of condition 8 of planning permission K/51671 (height of buildings) and the retention of the development as built. The development deviated from the previous approved scheme in respect of the following areas:

- The change in design of the porches over the front doors. The original scheme showed the provision of 2 flat roof canopies over plots 1 & 2 with a pitched roof canopy over the door of plot 3. The scheme completed provides 3 pitched roof canopies over the doors of the dwellings.
- A change in the design of the front doors.
- A variation in the design of the dormer windows.
- An increase in the overall height of the buildings by 0.3 metres.

At the time of the meeting, members expressed particular concern over the increased height of the development and refused planning permission for the following reason:

*The condition was imposed to minimise the impact of the development on the amenity of neighbouring properties. The increase in height of the building above and beyond what was permitted has resulted in an unacceptable adverse impact on the amenity of neighbouring properties by reason of increased overshadowing and an overbearing impact. This conflicts with Policy PD1 of the Kennet Local Plan.*

It should be noted that the committee refused the application solely on the basis of the height increase. No reasons for refusal were cited in respect of the other deviations from the approved scheme.

#### 2. NEXT STEPS

Following the refusal of the planning application it is now necessary to consider what steps to take in order to remedy this breach of planning control. Given that members were concerned only about the height increase, this enforcement report addresses this issue alone. No action is proposed in respect of the other matters considered.

Officers have been in discussion with the applicant. He has indicated that he does not wish to submit an appeal against the decision but would prefer to rectify the situation that has occurred.

### **3. HEIGHT OF BUILDINGS**

The applicant has employed a professional surveying company, Brunel Surveys Ltd to carry out an accurate survey of the development that has been built. This has been done in order to gain a definitive and accurate reading of the height of the development as measured from the datum point in the road. The surveying company used digital, laser surveying equipment to measure the height. At its highest point, the roof is 8.28 metres higher than the datum point in the road.

The planning permission previously approved required the development to be no more than 8.1 metres higher than the datum point in the road. The measurement taken by the surveying company confirms that the actual height increase over and above that which was permitted is 180mm.

Members will recall that officers had previously measured the height of the buildings and had stated that the difference was 300mm. It was on this basis that the previous decision to refuse planning permission had been taken. The difference between the two figures is less than 5" (or 1.5% of the total height) and confirms that the building is higher than originally approved. The difference between the two figures can be explained by the fact that the council relied on manual equipment using tapes, staffs optical equipment and trigonometry compared to the more expensive high tech equipment available to a professional survey company. Given that a professional surveying company has used digital, laser surveying equipment, the Building Control Officer has indicated that the readings provided will be more accurate due to the equipment being used and elimination of any potential errors developed in the surveying process.

Members should be aware that authorisation has recently been gained for the Building Control team to purchase laser surveying equipment. This equipment is being funded by the planning delivery grant. The procurement of this equipment will enable officers to use similar high technology equipment in the future.

### **4. STEPS TO REMEDY THE BREACH OF PLANNING CONTROL**

The applicant wishes to comply with the height of the buildings as previously permitted. In order to reduce the height of the buildings by 180mm it is proposed to remove the existing half round ridge tiles which are bedded on mortar, remove 4 courses of tiles, trim the apex of the timber ridge, refix the battens and tiles and fix a new clay angled ridge tile to match the existing tiles. This work will enable the height of the roof to be reduced by 180mm.

It is considered that this solution is acceptable and will ensure compliance with the previous condition. It is recommended that an enforcement notice be served to ensure that the work is carried out as specified. It is recommended that the steps required to remedy the breach will be as

proposed by the applicant. A period of 3 months for compliance is recommended.

**RECOMMENDATION**

That the Planning Services Manager be authorised to serve an enforcement notice to require the lowering of the ridge height to that originally approved (8.1 metres from the datum in the road) and that the period for compliance be three months from the date that the notice takes effect. In the event that the applicant chooses to carry out the works in advance of a notice being served, the notice will not be issued.