

## **Regulatory**

**6th September 2007**

### **Planning Services**

#### **List of Applications for Consideration**

1 K/57071/F (page 6)

Full planning application for : Chalet bungalow with integral garage  
Land Adjacent Fiddington Folly, 1, Fiddington Hill, MARKET LAVINGTON, SN10 4BU  
RECOMMENDATION : Grant full planning permission

2 K/56700/F (page 12)

Full planning application for : Erection of thatched cottage and single carport  
Vacant land at Friars Lane, URCHFONT  
RECOMMENDATION : Grant full planning permission

3 K/56826/F (page 22)

Full planning application for : Replacement of detached bungalow with two storey dwelling and detached garage  
Beggars Roost, Wick Lane, DEVIZES, SN10 5DW  
RECOMMENDATION : Grant full planning permission

4 K/57102/F (page 28)

Full planning application for : Demolition of existing structure and erection of dwelling.  
188, St Ediths Marsh, BROMHAM, SN15 2DJ  
RECOMMENDATION : Refuse planning permission

5 K/56709/F (page 33)

Full planning application for : Erection of agricultural dwelling.  
Lower End Farm, Long Street, MARSTON, SN10 5SL  
RECOMMENDATION : Grant full planning permission

6 K/56961/F (page 41)

Full planning application for : Use of paved area in front of coffee shop as an area for tables and chairs in association with the coffee shop use of the existing building  
17, The Brittox, DEVIZES, SN10 1AJ  
RECOMMENDATION : Grant full planning permission

7 K/56936/F (page 45)

Full planning application for : Replacement of conservatory with two storey rear extension and construction of single storey extension between house and garage.  
2, The Downs, ALDBOURNE, SN8 2RZ  
RECOMMENDATION : Grant full planning permission

8 K/57019/F (page 51)

Full planning application for : Increase in the height of the roof to facilitate rooms in the roof, incorporating 3 dormer windows to the front, and rear extension.  
108, Seend Cleeve, SEEND, SN12 6QB  
RECOMMENDATION : Refuse planning permission

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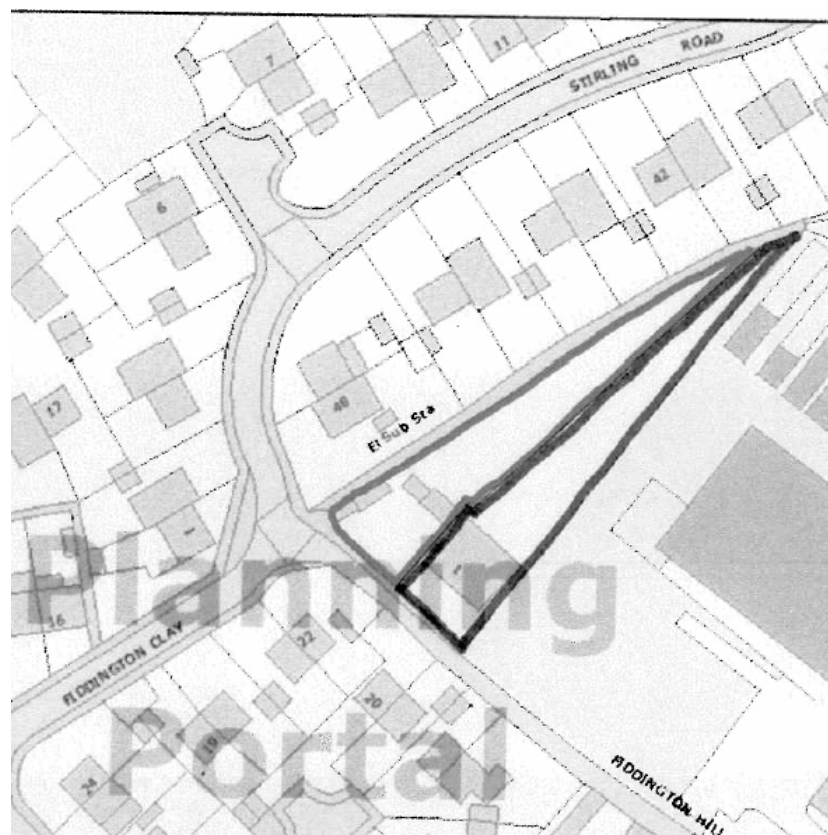
Item 1

APPLICATION: K/57071/F  
PARISH: MARKET LAVINGTON  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Chalet bungalow with integral garage  
Land Adjacent Fiddington Folly 1 Fiddington Hill Market  
Lavington Devizes Wiltshire SN10 4BU  
SITE:  
GRID REF: 02103 54462  
APPLICANT: Mrs K Arthur  
AGENT: Premier Design (Wiltshire) Ltd  
DATE REGISTERED: 26th July 2007  
CASE OFFICER: Mrs K Guest

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**SITE & LOCATION**

Fiddington Folly is the first property on the left-hand side of Fiddington Hill, which is located at the north-eastern edge of the village of Market Lavington. Upon entering Market Lavington from the Urchfont direction, it is necessary to take the first exit off the mini-roundabout into Fiddington Clay. At the point at which Fiddington Clay becomes Stirling Road, the site can be seen straight ahead. It presently contains a detached bungalow, with a glazed cupola sunk into the apex of the roof. Adjacent to the bungalow are a timber garage fronting onto the road and a brick outbuilding, which is attached to the property.

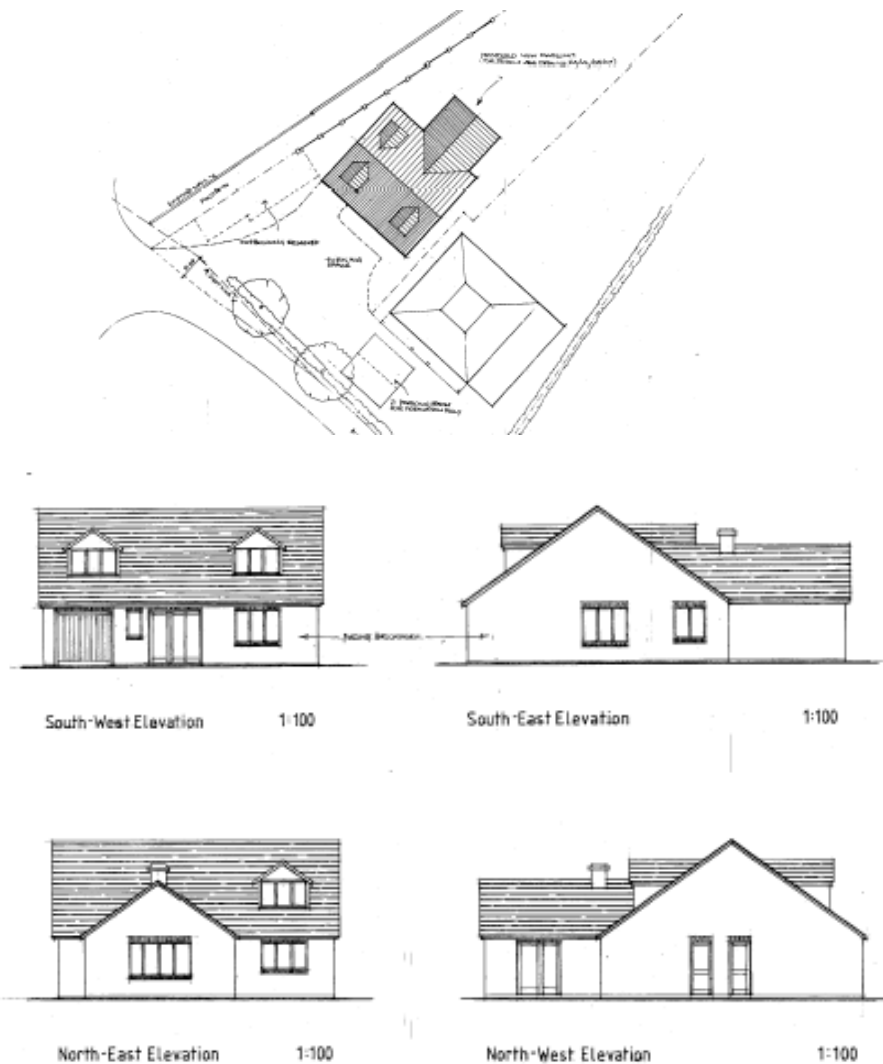


## SITE HISTORY

K/56253/F – an application for a two storey dwelling on the site was withdrawn in May 2007.

## DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing outbuildings on the site and construct a 6.2 metre high chalet bungalow adjacent to and set back approximately 5 metres from the existing property. The existing access would be utilised and a turning/parking area for both properties provided. The application has been accompanied by a protected species survey report, as undertaken by Chalkhill Environmental Consultants.



## PARISH COUNCIL COMMENTS

No comments have yet been received. Any comments that are subsequently received shall be reported verbally at the committee meeting.

## CONSULTATIONS

KDC Landscape and Countryside Officer – no objection, subject to the submission of any details of hedge restoration or replacement at the front of the site, together with details of any trees to be replaced and new fencing. These points can be conditioned. There should be an informative on any planning permission granted covering the protected species issues as mentioned in the submitted survey from Chalkhill Consultants.

WCC Highways – no objection, subject to the imposition of conditions requiring a) the surfacing of the access in a well-bound consolidated material; b) any gates to be set back 4.5 metres from the carriageway edge and made to open inwards only; c) provision to be made within the site for the disposal of surface water to prevent its discharge onto the highway; d) the proper consolidation and surfacing of the turning space shown on the approved drawings; and e) the provision of the visibility splays shown on the approved drawings.

WCC District Ecologist – no objection raised. Has advised that it is evident from the submitted information that suitable survey and assessment has been conducted and that no protected species were recorded.

Wiltshire Wildlife Trust – is pleased to note that an ecological survey of the site has been carried out. The recommendations of the report are agreed with and should be conditions of the planning permission.

Wessex Water – no objection.

Wiltshire Fire & Rescue Service – no objection.

## REPRESENTATIONS

Eight letters of objection have been received, which raise the following key concerns:

- The proposed dwelling would be out of keeping with other properties in the vicinity, which are either bungalows or small semi-detached houses.
- The applicant considers the cupola to be large and of a height similar to a two storey dwelling. It is submitted that the cupola is not large at all – it is about 10 square feet and set into the roof of the existing bungalow. It should not therefore justify the erection of a considerably larger two storey dwelling.
- The applicant considers that a two storey dwelling would be consistent with the existing dwelling and the properties directly opposite. This is considered to be irrelevant as these properties are built on low-lying land and the plans show the dwelling to be set back from the existing property and therefore adjacent to the properties in Stirling Road. The proposed dwelling would have an overbearing impact on the adjacent bungalows in Stirling Road which all have low profiles.
- The proposal would create a road safety hazard, as the site is on a sharp bend between Fiddington Clay, Stirling Road and the bridle path. The additional traffic resulting from the proposed development would cross on-coming traffic, which would present a threat to pedestrian safety.
- The proposed positioning of the dwelling is such that it would block light to and overlook the neighbouring properties to the west.
- The proposal would result in a noise nuisance for the occupants of the neighbouring properties.
- The proposal would have a detrimental impact on wildlife on the site, particularly if trees are felled.
- The proposal would set an undesirable precedent for other similar developments in the area.

## POLICY CONSIDERATIONS

The site lies within the Limits of Development for Market Lavington. Policies PD1 and HC21 in the Kennet Local Plan are relevant to the consideration of the application.

## PLANNING OFFICERS COMMENTS

This application raises a number of key issues which will be considered in turn.

### Principle of Development

The site lies within the Limits of Development for Market Lavington and is on previously developed land. Consequently, the principle of constructing a dwelling in the proposed location is considered to be acceptable.

### Impact on Surrounding Area

The proposal is considered to be a considerable improvement on the withdrawn scheme, as the ridge height has been reduced by 1.1 metres, the overall bulk and massing has been reduced and the integral garage projecting to the front of the property has been omitted. As a result of these changes, it is now considered that the proposed dwelling would relate far better to both the existing dwelling and the neighbouring bungalows. Consequently, it is not considered that the proposal would harm the character and appearance of the surrounding area.

### Impact on Highway Safety

Local residents have expressed concerns about the highway safety implications of the proposal, as the site is on a sharp bend between Stirling Road, Fiddington Clay and the bridleway. It is not considered that the additional vehicle movements resulting from the development would be so great as to cause a road safety hazard, particularly as it has been demonstrated that visibility can be improved by the provision of a splay. Furthermore, a turning area has been shown on the plans, meaning that vehicles would not need to reverse out onto the road. The local highway authority has been consulted on the proposal and has raised no objections subject to a number of conditions, including the provision of the visibility splay shown on the approved drawings prior to the occupation of the dwelling.

### Impact on Residential Amenity

Concerns have been raised by local residents that the proposed dwelling would overlook and overshadow the neighbouring properties. As the site is well-screened along its north-western boundary and the only windows/doors in this elevation are at ground-floor level, it is not considered that the adjacent property to the north would be overlooked from this elevation. Furthermore, it is not considered that the reasonable living conditions of the occupants of the other properties to the north would be harmed as a result of overlooking from the dormer windows in the rear elevation, since these properties are all over 20 metres away. As the proposed dwelling would not be in close proximity to the bungalow to the north, it is not considered that it would have an overbearing impact on the occupants of this property.

### Impact on Protected Species

As existing buildings on the site would need to be demolished to enable the construction of the new dwelling, a protected species survey has been undertaken by Chalkhill Environmental Consultants and the resulting report submitted with the application. This satisfactorily demonstrates that the proposal would not have a harmful impact on protected species. Wiltshire County Council's District Ecologist is satisfied with the conclusions of the report and has therefore raised no objections to the proposal.

### Other Issues

Concerns have been raised that the approval of planning permission would set an undesirable precedent for other similar development in the area. This is not a valid reason for refusing planning permission, as each application must be assessed on its own merits.

### Conclusion

The application is considered to be acceptable in all respects and accordingly, the approval of planning permission is recommended.

## **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 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **REASON:**

To secure harmonious architectural treatment.

3 - 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 above ground-floor level in the north-west elevation of the dwelling hereby permitted.

### **REASON:**

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

4 - Prior to the first occupation of the dwelling hereby permitted, the access and turning area shown on the approved plans shall be provided and shall be surfaced in a well-bound consolidated material (not loose stone or gravel). The turning area shall thereafter be kept free of obstruction at all times.

### **REASON:**

In the interests of highway safety.

5 - Prior to the first occupation of the dwelling hereby permitted, provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

### **REASON:**

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

6 - Any gates shall be set back 4.5 metres from the edge of the carriageway and shall be made to open inwards only.

### **REASON:**

In the interests of highway safety.

7 - Prior to the first occupation of the dwelling hereby permitted, the visibility splay shown on the approved plans shall be provided, with no obstruction to height at or above 1 metre above the nearside carriageway edge. The visibility splays shall be maintained free of obstruction thereafter.

REASON:

In the interests of highway safety.

8 - Before development commences, details (including species, planting sizes and densities) of a replacement hedge and trees to be planted to the rear of the visibility splay shown on the approved drawings and any fencing to be erected on the site shall be submitted to and approved in writing by the local planning authority.

REASON:

To ensure a satisfactory landscape setting for the development.

9 - All soft landscaping comprised in the approved details of the landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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.

10 - The demolition and construction works on the site shall be carried out in accordance with the recommendations set out in Section 5 of the approved 'Bat, Barn Owl and Great Crested Newt Search and Assessment' report unless otherwise agreed in writing by the local planning authority.

REASON:

To ensure that protected species on the site are not harmed as a result of the development.

11 - INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the contents of the attached letters from Wessex Water dated 27 March 2007 and Wiltshire Fire & Rescue Service dated 7 August 2007.

12 - 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.

Item 2

APPLICATION: K/56700/F  
PARISH: URCHFONT  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Erection of thatched cottage and single carport  
SITE: Vacant land at Friars Lane, Urchfont  
GRID REF: 04176 57099  
APPLICANT: Mr & Mrs N Hills  
AGENT: Mr H Waters  
DATE REGISTERED: 1st June 2007  
CASE OFFICER: Mr R Parker

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SITE & LOCATION

This application relates to a piece of land in Friars Lane, Urchfont. When standing at the village pond facing Manor Farmyard the lane is on the right hand side. It leads down a steep hill and the site is at the bottom on the right hand side, opposite Bluebell Cottage and Sawmill Cottage. The site is vacant and overgrown, backed by a greensand bank and occupied only by a dilapidated shed. The site has an extensive (60m) frontage onto Friars Lane.

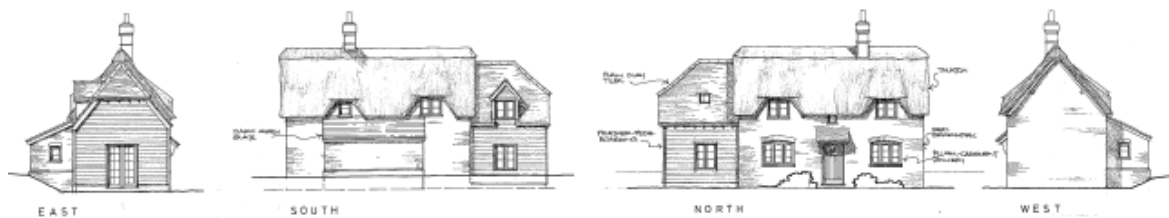


RELEVANT SITE HISTORY

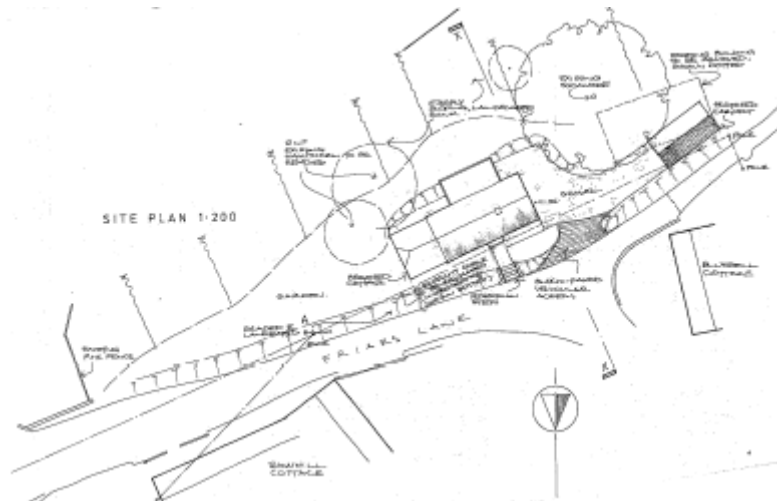
K/55594/F – Erection of thatched cottage and single carport, application withdrawn in January 2006.

DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of a thatched cottage and single carport.







#### ADDITIONAL STATEMENT BY THE APPLICANT

There is a Design & Access Statement which is available to view on the working file.

#### PARISH COUNCIL COMMENTS

The parish council has no objection in principle to a building of this design on this site. However, it feels that refusal must be recommended for the following reasons:

1. The height of the proposed dwelling above road level and its overwhelming effect on properties on the other side of the road, namely Sawmills and Rivendell.
2. The poor sight line from the proposed new drive looking to the left up Friars Lane, the removal of an essential street light and problems of access to the drive.

#### CONSULTATIONS

District Ecologist – three comments:

1. An additional badger survey will be required to determine the status of the badger sett on the site and any mitigation measures required, prior to any development or site clearance commencing.
2. Precautions should be taken to prevent the killing or injury of any reptiles on the site.
3. In order to protect breeding birds any clearance of trees or scrub, including demolition of the existing shed on the site, shall be undertaken between March and August and this shall be preceded by a survey for active nests by a competent person. If an active nest is found works shall be delayed until the young birds have left the nest.

KDC Conservation Officer – No objection subject to appropriate conditions designed to secure a high quality scheme.

KDC Engineering & Design Manager – no comments.

KDC Landscape & Countryside Officer – No objection subject to the submission of a landscaping scheme, which can be conditioned, and the implementation of the recommendations of the ecological report.

Wiltshire County Highways – No objection subject to appropriate conditions. The Highway Officer makes the following comment:

“I note that the speeds of traffic using Friars Lane is very low, while the lane is very narrow. I consider that one additional dwelling will not create significant highway issue

along the narrow lane at this point. I consider that the new access in the proposed location will be satisfactory. While adequate space for turning is provided in the site, the area where Public Footpath 44 meets Friars Lane provides space for vehicles to have adequate visibility along Friars Lane in both directions.”

Wiltshire Fire Brigade – no objection, provides standard guidance on fire appliance/firefighting access, water supplies for firefighting and the benefits of domestic sprinkler protection.

## REPRESENTATIONS

Six letters of representation have been received. Two of the letters raise no objections but express certain reservations and concerns. The other four object to the proposal in principle. The following issues are raised by third parties:

- a) Policy HC22 of the local plan identifies Urchfont as a village which is suitable for limited residential development. As such, the proposal constitutes overdevelopment. The plot is too small to accommodate a dwelling and would overcrowd what is presently a peaceful location.
- b) The character of the area would be materially damaged by the proposal.
- c) There is no evidence of a previous dwelling on the land; historical maps show the existing building on the land to be an outbuilding to Bluebell Cottage. It was never used as garaging and there has only ever been pedestrian access to the land.
- d) The new access would have limited visibility and therefore the proposal would be detrimental to highway safety. Friars Lane is a very busy but narrow village lane, there are limited passing places, poor visibility and no pavement, whilst many children walk to school along this route. The additional traffic generated by the proposal would exacerbate existing highway safety issues. Vehicles accessing the development would also come into conflict with pedestrians accessing Bluebell Cottage via its front gate.
- e) The height of dwelling is not in keeping with the rest of the properties on Friars Lane. It would be imposing for the occupiers of Bluebell Cottage and Sawmill Cottage and would limit light and sunshine to The Bottom. Both Bluebell Cottage and Sawmill Cottage would suffer loss of outlook and privacy.
- f) Construction vehicles would be a source of danger to pedestrians and road users. Materials delivery and tradesman parking will present difficulties in this location.
- g) The proposal would result in the loss of flora and fauna. Consideration should be given to any wildlife that currently uses the land.
- h) The plans make no mention of the re-positioning of the existing street light.
- i) Existing trees and saplings on the site play a useful role in stabilising soil on the bank which would otherwise wash into the road during periods of rain.
- j) The proposal will exacerbate existing problems with flooding.
- k) One respondent, the owner of 3 St Michaels Close, has a soakaway which carries water into an area which abuts the site. This may impact upon the development.

- l) The same respondent expresses concerns regarding the stability of the greensand bank to the rear of the site and requests that this be taken into account in the design of the scheme, to reduce the possibility of landslip.

#### POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Urchfont in the Kennet Local Plan, immediately outside of the designated conservation area but within an Area of Minimum Change. Sawmill Cottage on the opposite side of the lane is a listed building.

Policies HC22, HH5, HH8, HH10, NR5 & PD1 of the Kennet Local Plan 2011 are relevant to the consideration of this application. Guidance contained in the Urchfont Conservation Area Statement also has some relevance, although it should be noted that the site lies outside of the conservation area.

#### OFFICER COMMENTS

Policy HC22 of the local plan would permit, in principle, limited additional housing development consisting of infilling, the replacement of existing dwellings, the reuse of existing buildings, the redevelopment of existing buildings or small groups of houses within the defined Limits of Development of Urchfont, provided that the development is in harmony with the village in terms of its scale and character.

The principal considerations are whether development is in harmony with the village in terms of its scale and character, whether it would preserve the setting of the conservation area, whether it would materially damage the character of the Area of Minimum Change and whether it would harm the setting of the adjacent listed building (Sawmill Cottage). There are also issues of highway safety and neighbour amenity to consider.

The application site lies in the part of the village known as The Bottom, in amongst a collection of traditional cottages informally clustered around the narrow rural lane at the base of the hill leading down from the High Street. The site lies immediately outside of the conservation area boundary but the area nevertheless possesses a great degree of charm which is derived from the architecture of the cottages (which are primarily thatched), their loose grouping around the lane and the peaceful nature of the area. Sawmill Cottage and Bluebell Cottage are particularly prominent, due to their juxtaposition with the lane.

The site itself is elevated slightly above the lane and is heavily overgrown, occupied only by a derelict shed. To the rear of the site there is a steep greensand bank on top of which sits no.3 St Michael's Close.

The proposal is to construct a traditional thatched dwelling on the site, fronting onto Friars Lane but set back from the carriageway by approximately 3-4m. Parking and turning for vehicles would be provided within the site to the side of the dwelling and a carport would be provided in approximately the same position as the existing shed. There would be no requirement to carry out any works to the greensand bank and adequate garden land would be made available for the dwelling, commensurate with this type of property.

Architecturally, the dwelling would possess all the qualities of a traditional thatched cottage: double fronted with a timber clad addition to the side, a tiny gable span of 4.75m, eyebrow dormers in thatch and a modest ridge height of 6.75m. Window joinery would be painted timber flush casements with narrow horizontal glazing bars. The overall level of first floor accommodation would be modest with three bedrooms and a single family bathroom (i.e. no en-suites).

Officers consider that a modestly sized dwelling in this location would be acceptable in principle. The proposed design is of high quality and it would make a positive contribution to the character of the area. Although the slab level of the dwelling would be set approximately 1.5 metres above the lane this is not uncharacteristic of properties in the area; properties to the east are similarly elevated. The dwelling's limited height (6.75m) and set back from the carriageway would ensure that it does not become overly dominant. Adequate space is retained between the dwelling and its immediate neighbours and it is not considered that the area would feel overcrowded. The physical relationship between the property and Bluebell Cottage / Sawmill Cottage means that the amenities of neighbouring occupiers would be preserved. Overall, it is considered that the character of this part of the village would be preserved by the proposal.

There is some debate as to what type of building(s) once existed on the site. The Conservation Officer has drawn attention to the 1888 Ordnance Survey map which shows what appears to be a dwelling on the site. Local residents dispute this, believing that the site has never been inhabited. The Conservation Area Statement for Urchfont gives further clues to the possibility of a dwelling previously existing on the site, stating:

"In the Bottom there were late 18th and 19th century cottages built along a path under the sandstone cliffs known as Fish Way. At that time there were more dwellings than today. However several were liable to regular flooding and were demolished early in the 20th century."

The exact location of these demolished cottages is unclear from this description; it may be referring to land further east of the site. However, whilst the prior existence of a dwelling on the site might give some support to the current proposal, the application has nevertheless been considered on its own merits and officers take the view that, regardless of the site's history, the current proposal is acceptable.

The parish council and local residents raise concerns regarding the highway implications of building a dwelling in this location, given what they perceive to be the deficiencies with the current narrow lane and limited highway visibility. Whilst this is clearly a material consideration, the Highway Authority has not raised any objection to the proposal and it cites low traffic speeds, the availability of parking and turning within the site and additional visibility provided by the widened carriageway at this point (a result of Public Footpath 44 joining the lane) as reasons why no objection is being raised.

Third parties raise various other concerns to which officers would respond as follows:

**Street lighting:** An amended plan has been submitted showing the street lamp relocated onto another electricity pole in the lane. A planning condition is recommended to ensure that this is secured.

**Construction vehicles:** A method statement has been submitted to address concerns regarding the impact of construction on local amenity. The submitted details indicate that contractor's vehicle(s) would be parked within the site on a hardstanding in the area of the proposed carport. Such measures are difficult to secure by way of a planning condition, given that persons are entitled by law to park on the public highway (provided that they are not causing an obstruction) and planning controls cannot override this legal right. The method statement does, however, demonstrate the applicant's appreciation of the potential issues and the existence of a method statement on the approved plan will make the contractor aware of the importance of carrying out development in a sensitive manner.

**Greensand bank:** There are no proposals to carry out works to the bank at the rear of the site and the proposed dwelling is minimum of 3 metres from the base of the bank. A condition is recommended as a precaution to ensure that the base of the bank remains undisturbed during development.

**Flooding:** It appears from third party representations that flooding is already a problem in this part of the village. Notwithstanding this, the Council's Engineering & Design Manager has considered the plans and makes no adverse comments in relation to flooding. It is considered unlikely that the dwelling itself will flood, given its elevation above the lane and it is similarly unlikely that the proposal will exacerbate the flooding problem. Nevertheless, a planning condition is recommended which requires submission of details of surface water disposal. Issues relating to the impact of a neighbour's soakaway on the development are not material planning considerations and should be resolved privately between the relevant parties.

**Wildlife:** The applicant has submitted a protected species survey as part of the application and the District Ecologist raises no objections to the proposals, subject to mitigation measures which are secured by planning condition.

## **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 submitted except insofar as amended by the revised plans (Drawing no. 5065.02A) received on the 31st July 2007.

### **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 samples of the bricks, natural slates and plain clay tiles to be used for the external walls and roofs of the dwelling and carport 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 - The bricks to be used in the construction of the walls of the dwelling hereby approved shall be laid in a Flemish type bond. A sample panel of brickwork shall be approved in writing by the local planning authority prior to development commencing.

### **REASON:**

To secure harmonious architectural treatment.

5 - No development shall take place until details of the finish proposed for the external timber boarding on the garage and dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.

REASON:

To ensure harmonious architectural treatment.

6 - The roof of the dwelling hereby permitted shall be thatched in two coats of good quality wheat straw to a specification to be first agreed in writing by the local planning authority prior to development commencing.

REASON:

To ensure harmonious architectural treatment.

7 - No development shall take place until full joinery details for all external windows and doors have been submitted to and approved in writing by the local planning authority. Elevations shall be provided at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Development shall be carried out in accordance with the approved details. The windows shall be traditional timber flush casements with a glazing bar no greater than 30mm in width. They shall be painted in a white, cream or off-white colour unless otherwise agreed in writing by the local planning authority. The windows shall not be stained.

REASON:

To secure harmonious architectural treatment.

8 - All windows and doors in the dwelling hereby permitted shall be rebated from the external face of the adjacent brickwork by a minimum of 70mm.

REASON:

To secure harmonious architectural treatment.

9 - The rooflight to be installed in the dwelling hereby permitted shall be of the conservation type, with a single vertical glazing bar and mounted flush to the roof slope.

REASON:

To secure harmonious architectural treatment.

10 - The rainwater goods to be installed on the dwelling hereby permitted shall be constructed of cast metal and either painted or factory finished in black.

REASON:

To secure harmonious architectural treatment.

11 - No development shall take place until there has been submitted to and approved by the local planning authority in writing 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 shall also include species, planting sizes and planting densities. The submitted details shall also include details of all boundary walls, fencing and gates.

REASON:

To ensure a satisfactory landscaped setting for the development.

12 - 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 dwelling 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.

13 - Plans of the means of the disposal of surface water from the driveway, paved areas and roofs, shall be submitted to and approved by the local planning authority in writing before work commences on site. Development shall take place in accordance with the approved details.

**REASON:**

To ensure satisfactory surface water drainage.

14 - Before the dwelling hereby permitted is first occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details that have been first agreed in writing by the local planning authority.

**REASON:**

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

15 - Before the dwelling hereby permitted is first occupied the parking and turning space shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for the purposes of parking and turning vehicles in connection with the development.

**REASON:**

In the interests of highway safety.

16 - Before the dwelling hereby permitted is first occupied the first 4.5 metres of the driveway, measured back from the edge of the carriageway, shall be surfaced in a well bound consolidated material (not loose stone or gravel), in accordance with details which have been first agreed in writing by the local planning authority. The submitted details shall include samples of any block paving being proposed.

**REASON:**

In the interests of highway safety and visual amenity.

17 - 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 dwelling hereby approved shall be erected.

**REASON:**

To enable the local planning authority to retain control over the enlargement of the dwelling in the interests of the proper planning and amenity of the area.

18 - 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 dwelling hereby permitted.

REASON:

To enable the local planning authority to retain control over the alteration of the dwelling in the interests of the proper planning and amenity of the area.

19 - 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 (apart from those fences, walls or other means of enclosure that shall be agreed as part of the landscaping scheme) shall be erected or placed within the application site.

REASON:

In the interests of visual amenity.

20 - No development shall take place until an updated badger survey has been carried out and its findings approved in writing by the local planning authority. The survey shall be carried out by an appropriately qualified and experienced person and it shall set out any mitigation measures required if badgers are found to be present on the site. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of protecting badgers on the site.

21 - INFORMATIVE TO APPLICANT

The applicant is advised that, in the event of the badger sett on the site requiring closure, a licence would be required from Natural England.

22 - No development shall take place until site clearance has taken place in accordance with the recommendations of the Protected Species Assessment (submitted as part of the planning application). Thereafter, development shall be carried out in accordance with the recommendations of the report.

REASON:

In the interests of protecting badgers, reptiles and birds that may be resident on the site.

23 - No development shall take place until details of a replacement street light have been submitted to and approved in writing by the local planning authority. The submitted details shall include details of the location of the replacement street light, its design, fixing, orientation and power. The replacement street light shall be provided in accordance with the approved details prior to first occupation of the dwelling or concurrent with the removal of the existing street light, whichever is sooner.

REASON:

To ensure adequate street lighting, in the interests of public safety.

24 - Prior to development commencing a protective fence shall be erected 2 metres from, and parallel to the base of the greensand bank along the southern site boundary. After the fence has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within the protected area. There shall be no excavation of the bank and no excavation or earthworks within the protected area, unless otherwise agreed in writing by the local planning authority.



REASON:

To ensure that development does not affect the stability of the bank.

25 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire Brigade and dated the 14th June 2007.

26 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies HC22, HH5, HH8, HH10, NR5 & PD1.

### Item 3

APPLICATION: K/56826/F  
PARISH: DEVIZES  
APPLICATION TYPE: Full Planning Permission  
Replacement of detached bungalow with two storey dwelling  
and detached garage  
SITE: Beggars Roost Wick Lane Devizes Wiltshire SN10 5DW  
GRID REF: 00552 60540  
APPLICANT: Mr & Mrs A Williams  
AGENT: Peter Kent Architects  
DATE REGISTERED: 27th June 2007  
CASE OFFICER: Miss R Yeomans

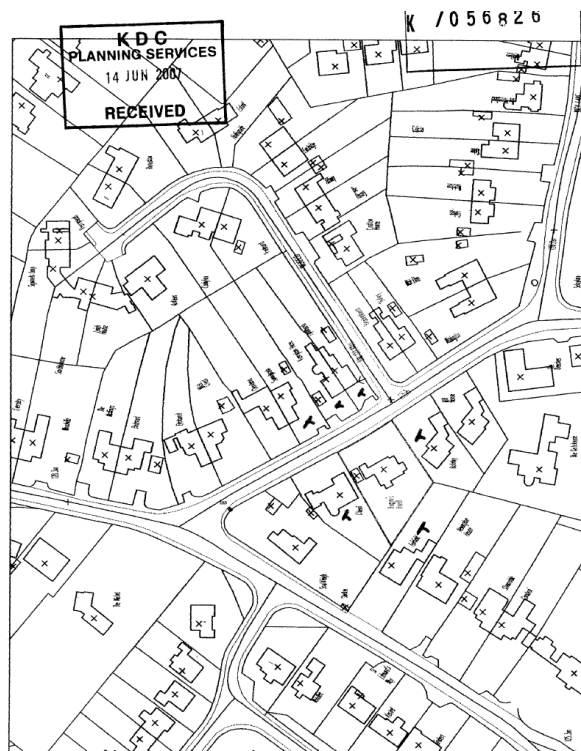
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### BACKGROUND

This application has been brought to the Regulatory Committee at the request of the Ward Member Councillor Ody.

### SITE & LOCATION

The site lies on Wick Lane in Devizes, which is set in a mature residential area. The site can be accessed by proceeding from Devizes town centre on the A360 towards Potterne. At the mini-roundabout, bear right, and take the next main turning left, into Wick Lane just before the crossing. The site can be found three properties in on the right hand side. The site itself, and the immediately surrounding area is relatively flat.



### SITE HISTORY

There is no site history relevant to the consideration of this application.

### DESCRIPTION OF DEVELOPMENT

The application proposes to replace the existing detached bungalow on the site, with a two-storey dwelling and detached garage.

## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Since the submission of the original application, the width of the two-storey element of the proposed dwelling has been reduced by 1 metre. The two storey element has also been moved a further 2 metres from the western boundary, to help reduce its scale and bulk, and to reduce harm to the amenities of the occupier of 'Penhow', the property directly to the west of the site. The property has also been increased in depth by approximately 0.5m. The new pedestrian access proposed to the front has been omitted in order to maintain the attractive appearance of the roadside hedge.

## ADDITIONAL STATEMENT BY THE APPLICANT

An additional 'visibility profile' together with covering letter and photographs has been submitted by the applicant in response to concerns about neighbour privacy raised by the neighbour to the rear of the site at 'Fairfield House, Potterne Road'. These are available for inspection on the planning file.

## TOWN COUNCIL COMMENTS

The Town Council have raised no objection to the proposal.

## CONSULTATIONS

County Highways (Paul Galpin) – no objection.

## REPRESENTATIONS

Five letters of objection have been received from nearby neighbours (three representations from one neighbour and two from the other). In addition, two letters have been received from Coucillor Jeff Ody. The neighbour representations can be summarised as follows;

1. The upper storey windows and balcony proposed to the rear, would result in a significant loss of privacy to the neighbours' garden, conservatory and first floor bedroom windows.
2. The use of the second floor would result in an increased level of noise nuisance to the neighbours' property
3. The size, design and position of the property is not in keeping with properties in the immediate vicinity, its height and width would dominate the streetscene and overshadow adjacent properties.
4. The garage would require the removal of two trees so the impact of the new building would not be softened. The proposed replacement trees would be in different locations and would not soften the development.
5. The garage is much higher than garages of nearby properties, and its position to the front, makes the building line appear out of keeping with other properties which are set back.
6. The building may interfere with reception of TV, radio and mobile phone signals in the area.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1 (General Development & Design) and HC21 (Housing on Unallocated Sites) are relevant to the consideration of this application.

## PLANNING OFFICERS COMMENTS

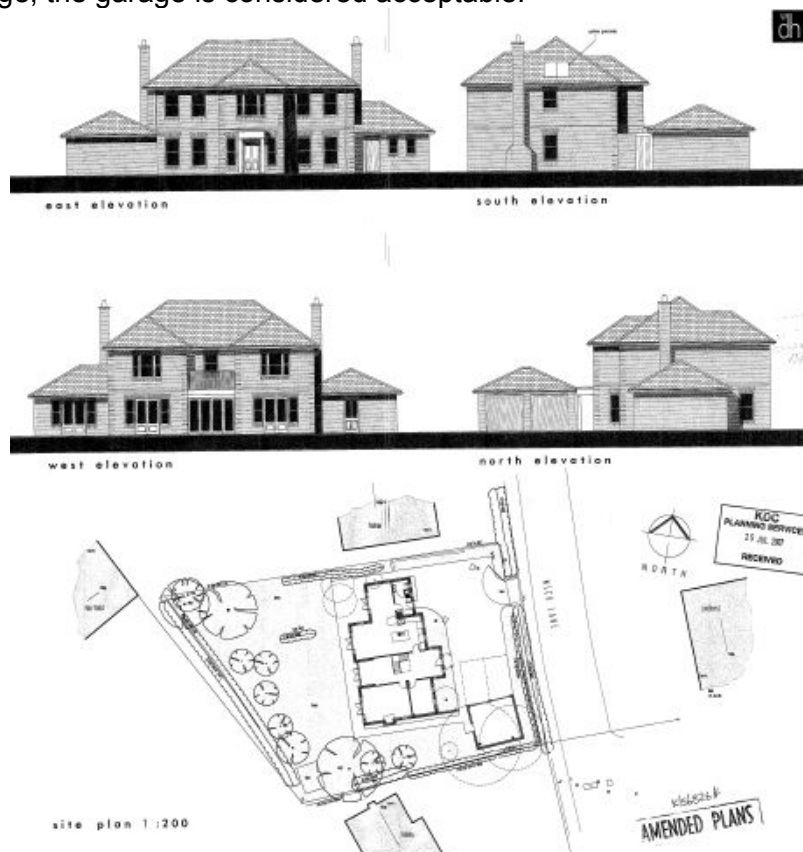
Policy HC21 permits the principle of the site being redeveloped for a new dwelling provided that the proposal meets specific criteria ((a) to (d)). The site lies in a residential area in close proximity to the facilities of the town and does not conflict with policies seeking to protect local services, amenity and employment, and therefore complies with (b), (c) and (d). The issues that remain to be considered are the requirements of policy PD1 and the impact of the scale of the proposal relative to established development.

The site lies within a mature part of the town which is characterised by larger dwellings of varying designs and ages, although mainly semi-detached and detached set in reasonable sized plots. The houses are largely set back from the roadside by 8-10 metres and the front boundaries are generally well-hedged. The area has a leafy appearance with many mature trees contributing to the 'green' setting. On the opposite side of the road are a number of large Edwardian red brick semis and further along the road, there are a number of imposing detached properties set in large plots. To the south of the site stand two detached houses of more contemporary appearance. Directly to the north of the site stands a detached dormer bungalow.

### Design, visual amenity, scale & character

The proposed dwelling has a reasonably wide frontage, is quite imposing and is of a pleasing symmetrical Georgian style. Following some initial concerns that the dwelling would appear too substantial and prominent in the plot, the width of the two-storey element has been reduced and moved further off the western boundary. Its width, scale and prominence are now considered appropriate for the size of the plot and its location. Now, neither the width nor the height of the two-storey element of the property is significantly greater than many other dwellings in the vicinity, and it is set back from the roadside by a similar distance. The appearance of the front of the property would be softened by the existing substantial 2.4 metre high hedge to the front boundary, which is proposed to be retained. Its design is suitable for the location, which is characterised by a variety of individually designed semi-detached and detached properties from different eras set in large plots. The sash windows and external walls are to be finished in facing bricks under a natural slate roof, and large chimneys reflect the character and materials of other period properties in the vicinity. The trees on the site that would be lost are mostly fruit trees and are of little significance.

The design of the garage is fitting for the property and although its forward position is not typical of the area, given the width of the plot and the screening afforded by the mature hedge, the garage is considered acceptable.



## **Neighbour Impact**

The neighbouring property to the rear ('Fairfield') is some 35 metres away from the rear elevation of the proposed dwelling, and is also offset at an angle. There is a substantial hedge and a number of trees close to the boundary which would help to screen the property. Although the proposed dwelling is two storey and some 3 metres higher than the existing bungalow, in view of the adequate distance between the properties and their relative positions, no significant loss of privacy or overbearing impact would result. Similarly, the properties opposite the site in Wick Lane are sufficiently distanced from the proposed development so as not to be significantly affected.

'Rokeby', the property immediately to the south of the site only has one modest window to the side elevation which appears to serve a secondary area and is, therefore, not of any significant concern. In any event a reasonable gap would be maintained between the proposed dwelling and Rokeby, and having regard to the distances and the height and bulk of the building, it is not considered that the proposed dwelling or garage would result in any significant loss of light, nor would the development be overbearing.

The most affected neighbour is likely to be 'Penhow', a dormer bungalow directly to the north of the site which lies at a level in excess of half a metre higher than the application site. This property has three large windows facing the application site, although it is likely that at least two of these are secondary windows (that is, the rooms they serve are also served by a principal window to either the front or the rear). The scheme of development has been amended since originally submitted to increase the distance from the north boundary by a further two metres, so that the distance between the neighbouring property and the proposed property would be approximately 9 metres. The hipped roof design, means that the height of the property at this point would only be 5.2 metres (eaves height), rising to 8.1 metres at the ridge. In view of all these factors the proposal would not cause such harm so as to warrant refusal of the application.

### Conclusion

The proposed dwelling and garage are acceptable in terms of their design, scale, character, streetscene impact and position within the plot. They would not be harmful to visual amenity nor would not result in any significant harm to neighbour amenity. The trees that would be lost are insignificant, and County Highways have raised no objection to the proposals. Approval is therefore recommended.

## **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 insofar as originally submitted except as superseded by the revised drawing 1143- Prelim Plan 1 C received on the 25th July 2007.

### 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 and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**REASON:**

To secure harmonious architectural treatment.

4 - No development shall take place until there has been submitted to and approved by in writing 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 shall also include species, sizes at planting, densities, location and numbers.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

5 - All soft landscaping comprised in the submitted landscaping details 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. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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 landscaping 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 above ground floor level in the north and south elevations of the building hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties

7 - The window at first floor level shown on the approved plans on the south elevation shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties.

**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 HC21 & PD1.

Item 4

APPLICATION: K/57102/F  
PARISH: BROMHAM  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Demolition of existing structure and erection of dwelling.  
SITE: 188 St Ediths Marsh Bromham Chippenham Wiltshire  
SN15 2DJ  
GRID REF: 97754 64165  
APPLICANT: Mr T Cavill  
AGENT: Mr J Taylor  
DATE REGISTERED: 1st August 2007  
CASE OFFICER: Mrs K Guest

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**BACKGROUND**

This application has been brought to committee at the request of the local ward member.

**SITE & LOCATION**

The site is located in the centre of St. Edith's Marsh, on the western side of the A342 Devizes – Chippenham road. If heading through the hamlet in the Devizes direction, the Oliver Cromwell public house can be seen on the left-hand side of the road. The access to the site is approximately 300 metres further on, on the right-hand side of the road between two detached properties. The site lies adjacent to 188 St. Edith's Marsh, a detached bungalow which is set back from the road. It contains a shallow-pitched brick structure, which is presently used for ancillary storage purposes.



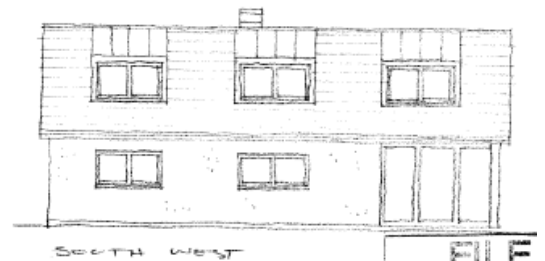
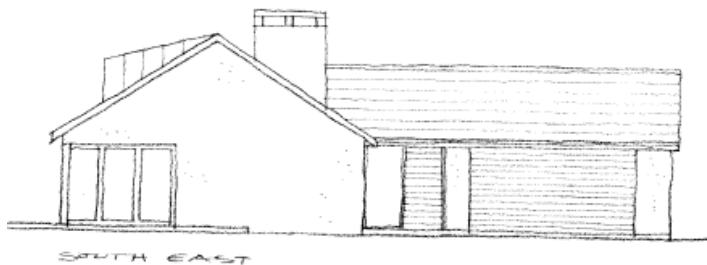
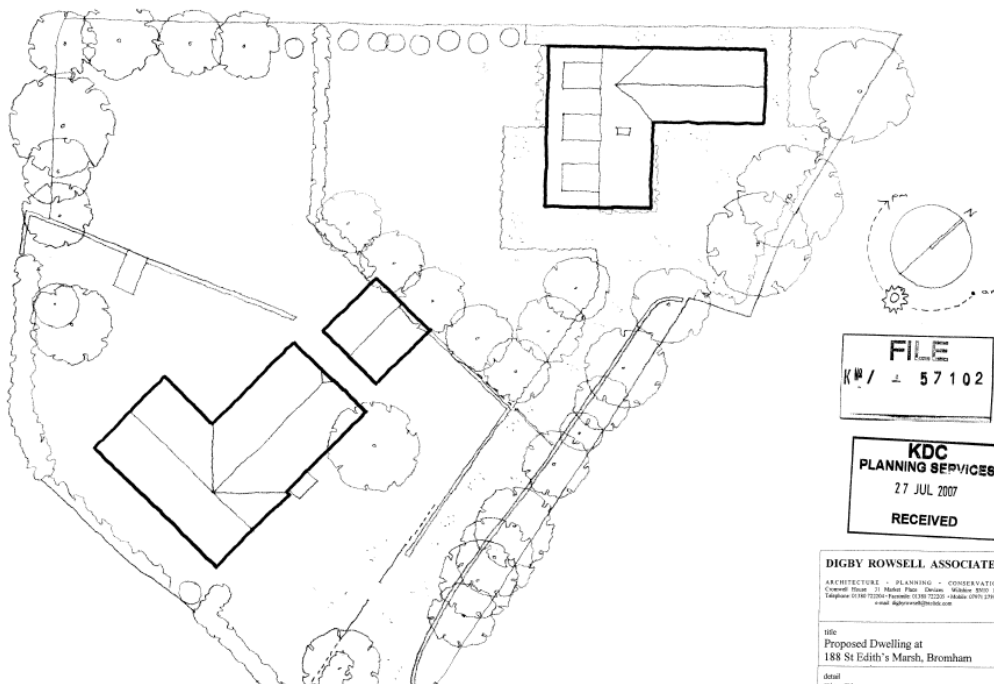


### SITE HISTORY

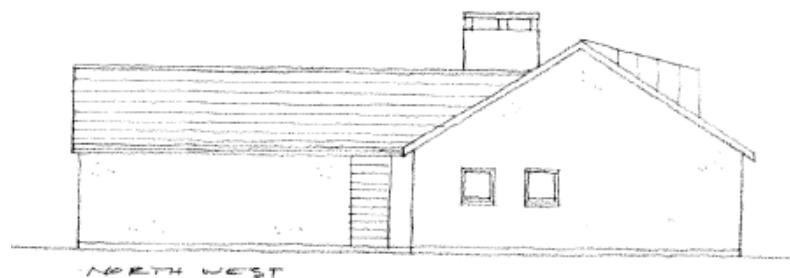
K/14949 – planning permission was granted in November 1989 for the change of use of an agricultural building to storage of carpentry and groundwork materials and the parking of four cars.

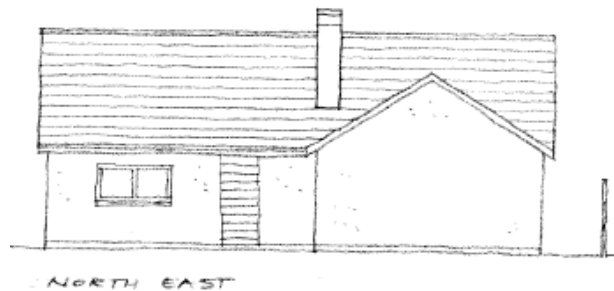
### DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing store building and construct a single-storey dwelling with rooms in the roof. This would have a ridge height of 5.4 metres. The majority of the dwelling would be in the same location as the existing structure, but would have a slightly larger footprint. The dwelling would be constructed of brick, with a concrete tiled roof. The proposed dwelling would be accessed via the existing driveway serving 188 St. Edith's Marsh.



**FILE**  
K/W/1 57102





#### ADDITIONAL STATEMENT BY THE APPLICANT

The agent has submitted a report in support of the application which is available for viewing on the Kennet website and the application file. The report concludes that the scheme sympathetically replaces the existing incongruous building with a structure that enhances the residential development zone of St. Edith's Marsh. It also states that the re-use of this previously-developed land would be in keeping with the surrounding development form, removing a redundant use classification and providing a positive use for the site. The report further states that the proposal satisfies the requirements of policies PD1 and HC3 in the Kennet Local Plan and also PPG 3, which encourages local planning authorities to maximise the re-use of previously developed land and buildings for housing.

#### PARISH COUNCIL COMMENTS

Bromham Parish Council has raised no objections to the proposal.

#### CONSULTATIONS

KDC Landscape and Countryside Officer – in terms of tree loss and potential visual impact, no objection is raised. Tree protection during construction and landscape planting should be conditioned.

WCC Highways – the highway authority has been consulted on the application, however, a consultation response has not yet been received. Any comments that are subsequently received shall be reported verbally at the committee meeting.

KDC Engineering and Design Manager – has been consulted on the application, but no comments have yet been received. Any comments that are subsequently received shall be reported verbally at the committee meeting.

Wessex Water – no objection.

#### REPRESENTATIONS

Two letters of representation have been received, which raise a number of concerns. The key concerns raised are as follows:

- The site of the existing building is in an elevated location approximately 800 millimetres above the ground level of the rear garden of the property immediately to the rear. Despite attempts to screen the building with trees along the boundary, it is still prominent and dominates the area for 8 months of the year when the foliage has disappeared. The site of 188 St. Edith's Marsh has a 1000

- millimetre depth of ground that is made up from road debris that was illegally dumped on the site. The existing building therefore dominates the site and so would the proposed building.
- A single window at ground-floor level would look directly into the garden of the property to the rear. Because of the levels differences, there would be overlooking despite the existence of a 2 metre high close-boarded fence.
  - Because of the angle of the proposed dwelling and its garage to the boundary with the garden of the property to the rear, the walls and roofs of the building will be highly visible.
  - The proposed location of the garage is such that it will be possible to hear any vehicle that is approaching. The external lighting will also cause a nuisance.
  - The buildings owned by the neighbour, including a stable block, are not shown on the site or location plans. It is not considered appropriate to site a dwelling next to a stable block.
  - Drainage is a concern, particularly as there has been flooding of the area around 186 and 186a. Officers at Kennet District Council are aware of this problem, having sent staff to the scene on a number of occasions in recent months to deal with problems caused by flood water.

A third letter of representation has been received, which expresses concern about the possible passing of vehicles up and down the access drive, but states that the applicant has confirmed that this can be controlled as he intends to retain sole right of ownership.

#### POLICY CONSIDERATIONS

Policies PD1 and HC26 in the Kennet Local Plan are relevant to the consideration of the application. The advice contained in the Council's Supplementary Planning Guidance document 'Community Benefits from Planning' is also of relevance.

#### PLANNING OFFICERS COMMENTS

Policy HC26 in the Kennet Local Plan states that outside of the Limits of Development for the villages listed in Table H.4 and outside of the existing built-up area of the villages listed in Table H.5, new residential development will only be permitted in the following circumstances:

- a) To provide accommodation for the essential needs of agriculture or forestry or other employment essential to the countryside;
- b) To provide holiday accommodation from the conversion of an existing building; or
- c) Where the conversion of a listed building to residential use is the only economic means of retaining the historic structure.

St. Ediths's Marsh is neither a Table H.4 nor a Table H.5 village. It therefore occupies a countryside location and for this reason, Policy HC26 is applicable. As none of the circumstances cited above are applicable, it is considered that the proposal would conflict with Policy HC26 and would therefore be unacceptable in principle.

Concerns have been raised by a neighbour that the proposal would result in an invasion of his privacy, by reason of overlooking, overbearing impact and noise disturbance. It is not considered that the one window facing towards the objector's property would adversely impact on his privacy. The Council's Supplementary Planning Guidance document 'Community Benefits from Planning' provides guidance on the recommended

distances between dwellings. It advises that there should be a back-to-back distance of 21 metres between properties and a distance of 10.5 metres between a new dwelling and its boundary with an adjacent property. It is considered that the proposal would accord with these guidelines. As the proposed dwelling would be modest in height i.e. 5.4 metres, and the neighbouring property would be some distance away, it is not considered that it would have an overbearing impact on the occupants of that property. It is also considered that the distance between the proposed dwelling and the neighbouring properties is such that there would not be an unreasonable level of noise disturbance, for example, as a result of vehicle movements. On balance, it is not considered that the proposal would have a harmful impact on the reasonable living conditions of the occupants of the neighbouring properties.

A local resident has raised concerns about drainage, particularly as there has been flooding of the area around 186 and 186a St. Edith's Marsh. The Council's Engineering and Design Manager has been consulted on the proposal but has not yet provided a response. Notwithstanding this, had the proposal been considered to be acceptable in principle, it could have been ensured that the existing flooding problem would not be exacerbated through the imposition of appropriate conditions controlling levels and requiring the submission of surface water disposal details. The refusal of planning permission would not be warranted, as the site does not lie within a designated flood zone.

The proposal is considered to be acceptable in visual terms, as the site is screened to a certain extent by existing vegetation and a stable block. Furthermore, as the proposed dwelling would only be 5.4 metres in height, it would not be unduly prominent.

The principle of constructing a dwelling in the proposed location is considered to be unacceptable and accordingly, the refusal of planning permission is recommended.

## **RECOMMENDATION**

Refuse

1 - The site occupies a countryside location where new residential development is only permitted in exceptional circumstances, namely a) to provide accommodation for the essential needs of agriculture or forestry or other employment essential to the countryside; b) to provide holiday accommodation from the conversion of an existing building; and c) where the conversion of a listed building to residential use is the only economic means of retaining the structure. As none of these circumstances are applicable, the proposal would be contrary to Policy HC26 in the Kennet Local Plan.

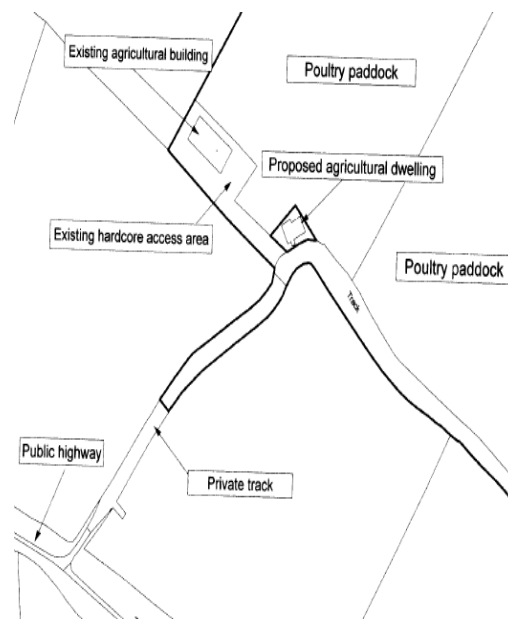
## Item 5

APPLICATION: K/56709/F  
PARISH: MARSTON  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Erection of agricultural dwelling.  
SITE: Lower End Farm Long Street Marston Devizes Wiltshire SN10 5SL  
GRID REF: 97314 56476  
APPLICANT: P R Elliott  
AGENT: Cooper and Tanner Chartered Surveyors  
DATE REGISTERED: 4th June 2007  
CASE OFFICER: Mrs K Guest

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### SITE & LOCATION

The application site comprises a field on an agricultural holding of approximately 25 hectares, which is accessed via an unclassified track running south from The Green in Marston. Approximately 700 metres along this track, there is a signpost on the left for Lower End Farm. The site can be found at the end of the track. There is presently an existing five bay general purpose shed on the land, along with a moveable chicken shed. There are two other moveable chicken sheds in an adjacent field.



### SITE HISTORY

K/54205/F – planning permission was granted in May 2006 for the erection of a moveable chicken shed on the holding.

K/55261 – planning permission was granted in November 2006 for the construction of two moveable chicken sheds on the holding.

## DESCRIPTION OF DEVELOPMENT

The applicant currently operates a livestock and arable enterprise from the land, with free range eggs produced under an organic regime. A flock of 6000 laying hens is kept in three mobile units on the land. The proposal is to construct a temporary log-cabin style agricultural dwelling on the land for occupation in connection with this enterprise.



## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The applicant has submitted amended elevation drawings during the course of the application, showing solar panels within the roof of the dwelling.

## ADDITIONAL STATEMENT BY THE APPLICANT

An agricultural appraisal, prepared by the agent, Cooper & Tanner Chartered Surveyors, has been submitted in support of the application and is available for viewing on the application file and the Kennet website. The report draws the following conclusions:

- Lower End Farm has sufficient productive capacity and resources to adequately support the planned enterprise.
- Significant investment in fixed equipment has already been made and the buildings being provided are of the best specialist design and of a high specification. The range of equipment established at Lower End Farm is suitable and sufficient for the enterprises intended.
- The applicant has been in farming for many years. The present farm business is sound and with a good level of capital asset. The established business is planned on a sound financial basis, which is viable and capable of being sustained for the long term future.
- In order to secure the ongoing viability of the poultry business, it is essential for at least one worker to be resident at the steading.
- There is adequate justification for the dwelling and it therefore accords with Annex A to PPS 7.
- At the programmed scale of the enterprise, there is proven agricultural need for two full time workers on the unit. Given the initial establishment already achieved and the total number of birds being accommodated at Lower End Farm, it is considered necessary for the proper welfare of stock and the efficiency of the

business that staff responsible for the poultry be accommodated at the steading, within sight and sound of the buildings.

The agent has also submitted a letter of support, in response to the concerns raised by local residents regarding the proposal. The letter is available for viewing on the Kennet website and the application file, however, the key points raised are summarised as follows:

#### Development in the open countryside

The application will be determined within the specific confines of Annex A to PPS 7, which only allows for isolated new houses in the countryside where there is a special justification eg. when accommodation is required to enable agricultural, forestry or certain other full-time workers to live at, or in the immediate vicinity, of their place of work. The agricultural appraisal submitted with the application reveals that the existence of relevant agricultural need and circumstances are proven. The Council's independent advisor has confirmed that the dwelling is warranted under Annex A to PPS 7.

#### Genuineness of agricultural need

Reference has been made to the fact that the applicant previously owned two dwellings in the village connected with the agricultural holding and that these have been sold. The previous sale/part disposal was a necessity given the applicant's circumstances at the time. This was a result of the disbanding of the livestock enterprise following the BSE and foot and mouth outbreaks, when the applicant had no option but to sell the original steading, including the dwellings, together with 44 acres of adjoining land and relocate to downsized accommodation at Derry Hill. This enabled him to preserve the agricultural business on the retained holding. Subject to the provision of on-site accommodation, the enterprise is capable of sustaining both the holding and the agricultural business thereafter.

The application is for a temporary dwelling, therefore, if planning permission is granted it will only be for a temporary period. Any subsequent application for a permanent dwelling would be the subject of reassessment in accordance with the criteria laid down in Annex A to PPS 7.

Annex A to PPS 7 states that there should be clear evidence of a firm intention to develop the enterprise concerned, a good indication of which would be significant investment in new farm buildings. The enterprise is already installed and operational. Investment costs have been a total of circa £190,000, the majority of which has been spent on specialist poultry unit buildings.

#### Access route

Long Street is an unclassified public highway and this status extends into the access track leading to the application site. The access track itself has no official status, but along part of the same route is a public footpath. The footpath is not within the immediate vicinity of the application site.

Currently, the farm staff who are operating the agricultural unit and the poultry enterprise (the applicant and his business partner) have to make regular journeys between the holding and their present accommodation at Derry Hill. Providing on-site accommodation will reduce traffic movements to the site. This view is supported by Wiltshire County Council's Local Transport and Development Manager.

The access facility is in a rural location serving an agricultural unit. In that context, the type, surfacing, condition and width of the access route is entirely appropriate. It is commensurate with the standard and nature of numerous similar access routes serving agricultural holdings throughout the UK.

With regard to the issue of land ownership, it is clear that there are full and unrestricted rights of way over the access track. A statutory declaration was made in 1982 by a previous owner of the holding confirming a full and unrestricted legal right of way relating to unrestrictive rights having existed since 1920.

#### Energy supply

The poultry flock buildings have electric power primarily generated from solar panels and roof mounted mini wind turbines. Temporary back-up supply is provided by a stand-by generator on the site.

The intended electric power supply for the proposed dwelling is by solar panels, with the on-site standby generator for emergencies. The applicant previously considered the alternative option of mains supply and for that reason made an initial application for an underground cable connection. The applicant has rejected mains supply as an option and therefore, will not require a cable connection from the mains.

#### PARISH COUNCIL COMMENTS

Marston Parish Council was unable to comment on the application as a result of not having the required number of members to vote.

#### CONSULTATIONS

KDC Agricultural Consultant – the Council commissioned the undertaking of an agricultural appraisal in respect of the proposal, which is available for viewing on the application file and the Kennet website. The report concludes that the proposed temporary dwelling is warranted under paragraph 12 to PPS 7. It also advises that the local planning authority may wish to satisfy itself that the circumstance of the sale of the dwelling that was previously in the applicant's ownership does not fall within paragraph 5 of Annex A to PPS7.

KDC Landscape and Countryside Officer – no objection, subject to there being an agricultural justification for the proposal. If services are required, the routing needs to be agreed so that trees and hedges are not affected. The garden area should be defined and permitted development rights removed for fencing and garden paraphernalia.

WCC Highways – if the dwelling is considered to be acceptable in agricultural terms, no objection is raised subject to a condition being imposed requiring it only to be occupied by those employed in agriculture.

Wiltshire Fire & Rescue Service – no objection in principle.

#### REPRESENTATIONS

Three letters of objection have been received, which raise the following key points:

- The track is narrow and unpaved and is therefore unsuitable for vehicular use in connection with the dwelling.
- Is there an agricultural need?



- A residential dwelling in the countryside, with all the usual paraphernalia, would be unsuitable in visual terms.
- No houses should be allowed in the proposed location, even if they are required for agricultural purposes.
- It is not unreasonable to assume that chickens were located at Lower End Farm to justify the dwelling, which once approved will be dealt with in the same manner as Woodland Farm i.e. claiming the need for an agricultural dwelling then moving on.
- Some years ago, the applicant removed a hedge near his 'hay barn'. Kennet District Council requested its reinstatement – has this ever been done?
- The ownership of the last part of the lane is unclear.
- The applicant states that he intends to use solar power but is now applying to take a mains cable underground over Marston Green land to these buildings.

#### POLICY CONSIDERATIONS

Policies PD1, NR6, NR7 and HC27 in the Kennet Local Plan and the advice contained in Annex A to PPS 7 are relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

This application raises a number of key issues which will be considered in turn.

#### Principle of Development – is there an Agricultural Need for the Dwelling?

Annex A to PPS 7 advises that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at or in the immediate vicinity of their place of work. Paragraph 12 of Annex A lists the main criteria applicable in assessing applications for the provision of temporary agricultural dwellings, which should be satisfied. These are as follows:

- Clear evidence of a firm intention and ability to develop the enterprise concerned.
- Evidence of functional need.
- Clear evidence that the proposed enterprise has been planned on a sound financial basis.
- That the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

The agricultural appraisal commissioned by the Council concludes that the proposed temporary dwelling is warranted under paragraph 12 of Annex A to PPS 7. The applicant has provided details of the existing farming practice and future plans, which satisfactorily demonstrate an intention and ability to develop the enterprise. It is evident that there is a functional need for an essential presence on site, taking into account the risk of predator attack, the prospect of failure of automatic systems, and flock panic and distress. The applicant's agricultural advisor has provided a sample profit margin for a 2000 bird flock which, when applied to a 6000 bird enterprise, satisfactorily demonstrates that the proposal passes the financial test. Finally, it is noted that there are no existing dwellings on the holding, the existing staff accommodation is at Derry Hill (approximately 11 miles away) and there is no other available accommodation in close proximity to the site. It is therefore considered that the functional need cannot be met other than through the provision of a dwelling on the holding.

The Council's agricultural consultant has commented in his report that the requirement for the dwelling on the holding has been generated through the applicant's sale of a dwelling which, until 2001, provided accommodation on the unit and that in accordance with paragraph 5 of Annex A to PPS7, this should be taken into account. This paragraph states that 'in cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.' In this case it is not considered that the sale of a dwelling would be tantamount to 'abuse', as it is clear that the applicant's financial circumstances at the time were such that the decision was a logical one to mitigate further losses. Furthermore, notwithstanding the history, as there is no longer a dwelling on the holding, the proposal is considered to be essential to the proper functioning of the new enterprise.

Paragraph 12 also advises that where the dwelling is to support a new farming activity, it should normally be provided for the first three years by a caravan or a wooden structure which can be easily dismantled. The proposal complies with this criterion as the dwelling would take the form of a log cabin structure. To comply with the requirements of paragraph 12, it is recommended that any planning permission granted is for a temporary period of 3 years.

#### Impact on Highway Safety

Concerns have been expressed by local residents that the track serving the site is unsuitable, by virtue of its narrow width and poor condition, to cater for the vehicle movements associated with the development. The track serving the proposed dwelling is already well-used by vehicular traffic. Furthermore, it is not considered that there would be a significant increase in the number of vehicles using the track as a result of the development. In fact, the number of vehicle movements is likely to be less than at present as the current farm staff would not have to make regular trips from Derry Hill, where they presently live. The local highway authority has been consulted on the proposal and has raised no objections on road safety or sustainability grounds.

#### Visual Impact

The site occupies an isolated location and is largely surrounded by mature trees and hedging. The proposed location for the dwelling is close to the existing permanent building on the site and adjacent to the site access. It has a backdrop of mature trees, but is located far enough from them that they will be unaffected by the proposal. The trees would form a useful backdrop to the building in views from Worton and would screen it from the Marston to Cheverell byway to the west. For these reasons, it is considered that this is the best location available for the dwelling in visual terms.

#### Other Issues

The other concerns raised by local residents, such as the fact that it is unclear who owns the lane, that there is a possibility of a mains cable being taken underground across Marston Green and that a hedge was removed from the land several years ago are not relevant planning considerations in respect of this particular planning application.

#### Conclusion

The application is considered to be acceptable in all respects and accordingly, the approval of planning permission is recommended, albeit for a temporary period of 3

years only. This will enable consideration to be given in the future as to whether the retention of the temporary structure or its replacement with a permanent dwelling would be warranted.

### **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 submitted except insofar as amended by the revised 1:50 elevation drawings received on 27 July 2007.

#### **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 occupation of the agricultural dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

#### **REASON:**

The site lies within a rural area where new residential development, other than that required in the interests of agriculture or forestry, would be contrary to the policies contained in the approved development plan.

4 - Prior to the construction of the agricultural dwelling hereby permitted, details of the colour of any stain to be used on the timber cladding and a sample of the roof tiles shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### **REASON:**

In the interests of visual amenity.

5 - The permission for the agricultural dwelling is for a temporary period expiring on 6 September 2010. On or before that date the use of the land for the siting of the agricultural dwelling shall cease, it shall be removed from the site and the land and any associated garden curtilage shall be restored to its former condition as grassland unless before that date, planning permission has been granted for an extension of the period allowed for its siting.

#### **REASON:**

This permission is granted in accordance with the advice contained in PPS7 which recommends that temporary planning permission for residential use for activities of this nature should not exceed three years.

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 buildings, or structure, or wall, fence, or other means of enclosure shall be erected or placed within the area outlined in red on the approved 1:500 site plan.

**REASON:**

In the interests of protecting the character and appearance of the surrounding area.

7 - If any services are required in connection with the agricultural dwelling hereby permitted, details of their routing shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The services shall be routed in accordance with the approved details.

**REASON:**

To ensure that hedges and trees on the site are not harmed as a result of the development.

**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 would be in accordance with the terms of PPS 7 that encourages rural diversification projects, and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, NR6, NR7, HC27.

## Item 6

APPLICATION: K/56961/F  
PARISH: DEVIZES  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Use of paved area in front of coffee shop as an area for tables and chairs in association with the coffee shop use of the existing building

SITE: 17 The Brittox Devizes Wiltshire SN10 1AJ  
GRID REF: 00587 61477  
APPLICANT: Mr S Smith, SMS Coffee, Costa Coffee Franchise  
AGENT: Cliff Walsingham & Company  
DATE REGISTERED: 12th July 2007  
CASE OFFICER: Miss R Yeomans

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### SITE & LOCATION

The application site lies at the top of The Brittox, at the junction with Maryport Street. From the direction of the Market Place, it can be accessed by proceeding past the market along Little Brittox then east along the main pedestrianised shopping street known as 'The Brittox'. The property can be found on the corner at the top on the left hand side. The site for the application is directly to the front of the shopfront onto Maryport Street.



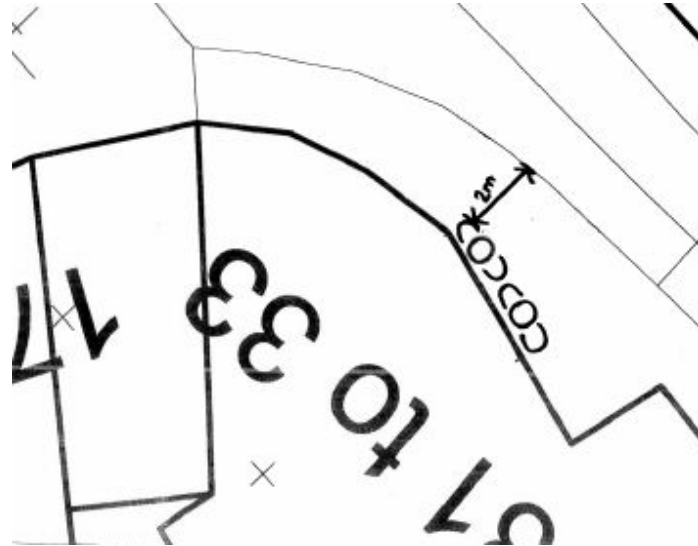
### SITE HISTORY

K/56637/F – This application was for the use of paved area in front of coffee shop as an area for tables and chairs in association with the coffee shop use of the existing building. This application proposed a larger number of tables and chairs than the current application, and was withdrawn following concerns that the development would impede pedestrian flows in this area.

K/56626/F – This application was for the use of an area of pavement in The Brittox as a trading area ancillary to the coffee shop. This was refused on highway safety and access grounds and on visual amenity grounds.

#### DESCRIPTION OF DEVELOPMENT

The current application proposes the use of paved area in front of coffee shop as an area for tables and chairs in association with the coffee shop use of the existing building, however it should be noted that the application now proposes only two tables and four chairs.



#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicants have submitted a supporting statement setting out how they have complied with advice given by the highway authority and how they consider the chairs and tables would not impede pedestrian flows.

#### TOWN COUNCIL COMMENTS

The Town Council has objected to the application on the basis that whilst they support the idea of café street culture, they consider that the area of pavement is too narrow and could cause a danger to pedestrians and could prove an obstruction to residents accessing their premises, especially in the event of an emergency.

#### CONSULTATIONS

County Highways (Jamie Mundy) have raised no objection to the scheme provided that a minimum pavement width of 2 metres is maintained and that access to the adjacent shop and dwellings are kept clear at all times.

#### REPRESENTATIONS

One letter of support has been received from the Trust for Devizes, who consider the proposal would have a positive impact provided that the seating area can be limited to an acceptable amount. One letter of neighbour objection has been received in response to the application. This can be summarised as follows:

- The proposal would restrict and obstruct access to the neighbour's property and the adjacent charity shop, as has already been the case. This is especially concerning in the event of an emergency.

- The proposal would lead (and has led) to an increase in smoking outside the neighbour's property and doorway.
- The proposal would lead (and has led) to loss of privacy, and is a security concern.

#### **POLICY CONSIDERATIONS**

Kennet Local Plan 2011 – Policies PD1 (Development & Design) and HH5 (Conservation Areas) are relevant to the determination of this application.

#### **PLANNING OFFICERS COMMENTS**

It is considered that the key issues are visual impact, neighbour amenity and highway safety. The application proposes a seating area for two tables and four chairs directly outside the premises fronting onto Maryport Street, on the pavement. This application follows withdrawal of a previous scheme for a greater number of chairs, which received an objection from County Highways on the basis that such an area would obstruct members of the public using the highway. The applicants now propose a very modest seating area, which should enable a minimum pavement width of 2 metres to be maintained in accordance with the recommendation from County Highways.

In terms of visual amenity, the chairs and tables would be seen in the context of the existing premises and would not be harmful to visual amenity or the character and appearance of the conservation area. No significant harm to neighbour amenity would result and the representations submitted by the neighbour are mostly private matters.

County Highways consider the proposal acceptable in terms of the impact on pedestrian flows etc provided that a minimum pavement width of 2 metres is maintained and that access is kept clear to the adjacent properties.

In view of the above, approval is recommended. An important consideration however is how to maintain a minimum 2 metres of pavement free from obstruction. It is considered that it would be very difficult to enforce a condition that literally requires 2 metres of pavement to be kept clear from obstruction and it is therefore recommended that the number of chairs and tables is restricted instead. This would enable members of staff to keep control over number of chairs and tables permitted outside. In addition, it should be noted that Costa Coffee would also require a pavement licence, which could be issued with the suggested Highways conditions. It is also considered that the issue of obstructing entrances is not a material planning consideration but a private matter, and one for the respective parties to resolve.

#### **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 - The numbers of tables and chairs hereby permitted, shall be restricted to a maximum of two tables and four chairs, as shown on the approved plans.

**REASON:**

In the interests of highway safety.

**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: policies PD1 & HH5.



Item 7

|                   |  |
|-------------------|--|
| APPLICATION:      | K/56936/F  |
| PARISH:           | ALDBOURNE  |
| APPLICATION TYPE: | Full Planning Permission   |
| PROPOSAL:         | Replacement of conservatory with two storey rear extension and construction of single storey extension between house and garage. |
| SITE:             | 2 The Downs Aldbourne Marlborough Wiltshire SN8 2RZ  |
| GRID REF:         | 26486 75021  |
| APPLICANT:        | Mr & Mrs M Maggs   |
| AGENT:            | Roger Baker Architects   |
| DATE REGISTERED:  | 9th July 2007  |
| CASE OFFICER:     | Miss R Hughes  |

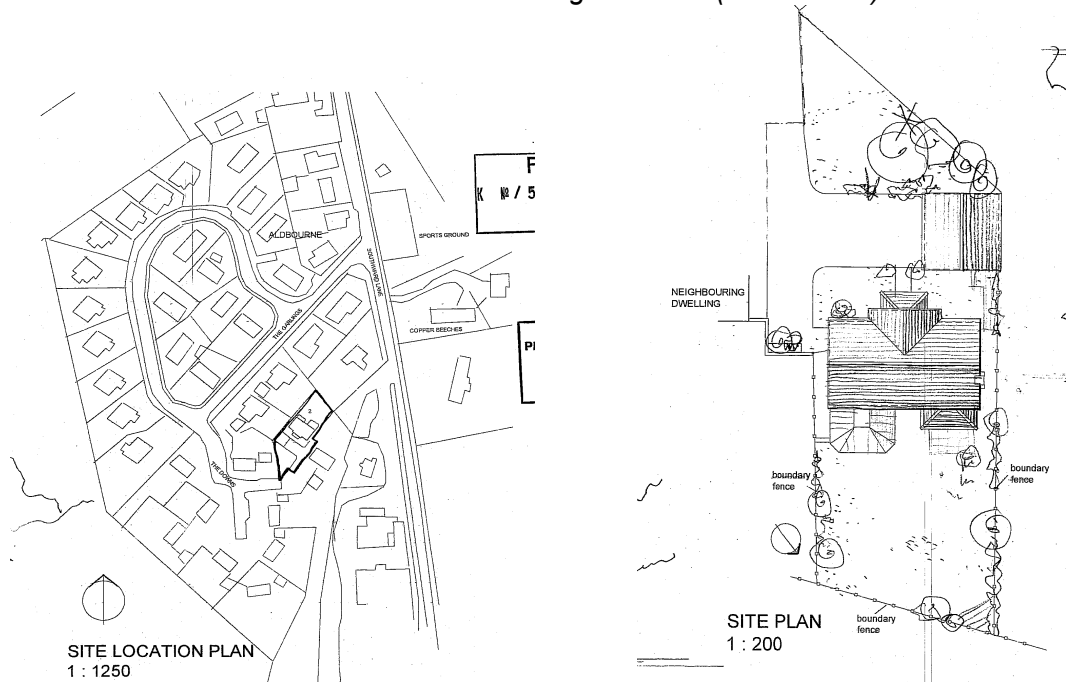
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This application has been brought to the Committee at the request of the local ward member, Cllr. Humphries.

**SITE & LOCATION**

The site lies in a residential area at the southern end of the village of Aldbourne. The Downs is a cul de sac of modern dwellings. Number Two occupies a corner plot and consists of a detached two storey dwelling with a detached garage situated towards the front of the site. Residential properties border the site to all aspects. The site is located within North Wessex Downs Area of Outstanding Natural Beauty.

*Site Location Plan and Existing Site Plan (not to scale):*



## SITE HISTORY

K/55683/F - an application for 'replacement of conservatory with two storey rear extension, first floor rear extension and construction of single storey side extension between house and garage' was refused in February 2007.

K/37857 – Single storey living room extension – approved September 1999

K/34816 – The erection of a conservatory – approved September 1997

## DESCRIPTION OF DEVELOPMENT

This proposal relates to a full application for replacement of conservatory with two storey rear extension and construction of single storey extension between house and garage.

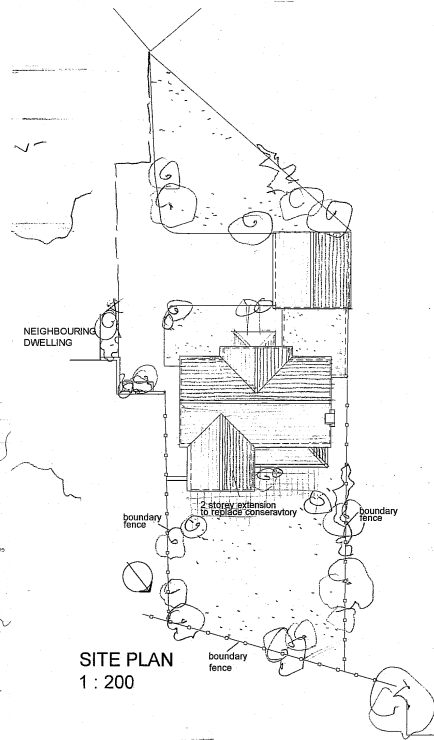
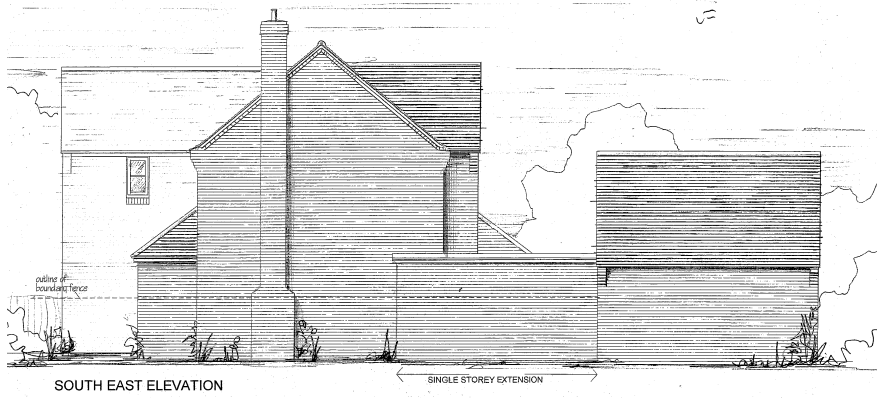
The proposed single storey extension would have dimensions of approx 4m by 4.5m at a height of 2.7m. The full height two storey rear extension would be approx 3.5m deep, 4.75m wide with a pitched roof. The extensions are to be constructed of brick and tile to match the existing dwelling.

The application follows the refusal of the previous scheme due to concerns that the proposed extensions, by reason of their combined size, siting and design would result in an overdevelopment of the site and would have a detrimental impact on the amenity of surrounding properties.

The main differences between the latest scheme and that refused under K/55683/F are that the first floor extension has been omitted from the scheme and the roof profile of the single storey extension has been changed from a pitched to a flat roof.

### *Proposed Elevations and Proposed Site Plan (not to scale) :*





#### TOWN/PARISH COUNCIL COMMENTS

Aldbourne Parish Council responded at a late stage, objecting to the development on the grounds that it represents an over development of the site and that due to its position on a rising slope its mass will be enhanced to the detriment of the surrounding area. The parish council also comment that given the owners future plans they have reservations regarding the amount of traffic that could be generated with consequent parking problems.

#### REPRESENTATIONS

One letter of objection has been received in respect of the application. The key concerns raised are as follows:

- Scale, height, massing and density of development does not adequately address impacts on amenity of no. 24 The Garlings.
- The site is on higher ground in relation to no. 24 The Garlings and currently restricts view and sunlight to this property. The development will result in further loss of views and sunlight to this neighbouring bungalow.

#### POLICY CONSIDERATIONS

Policy PD1 of the adopted Kennet Local Plan 2011 is relevant to the consideration of this application.

#### PLANNING OFFICERS COMMENTS

The previous application was refused due to the combined size of the extensions, which were considered to represent an overdevelopment of the site and to have a detrimental impact on the amenity of neighbouring properties.

Following post decision correspondence the amount of development proposed has been reduced. Namely the first floor extension has been omitted and the pitched roof on the single storey extension has been replaced with a flat roof. The footprint of the dwelling as extended will not significantly increase (due to the demolition of the conservatory) and having regard to the sites residential surroundings it would be difficult to argue that the degree of works now proposed represent an overdevelopment of the site.

It is considered that the key issue when determining this application is the impact upon neighbour amenity. The single storey extension is now proposed with a flat roof, only 1m higher than the existing boundary fence. It is not considered this extension will have any adverse impact on the amenity of surrounding properties. It should be noted that upon demolition of the rear conservatory a single storey extension of the dimensions proposed could be built in isolation under the properties permitted development rights.

The proposed two storey rear extension will be located partly on the footprint of an existing conservatory (which is to be demolished). The occupants of a neighbouring bungalow have raised concerns that the extension will further block views and light to their property. The site is on higher land than the neighbouring bungalows to the North West boundary, however the distances between the development and these bungalows (at approx 21m) comply 'back to back' standards. As such it is not considered that the extension will adversely impact on the amenities of the neighbouring bungalows. Loss of a view is not a material planning consideration and therefore cannot be considered.

The relationship with the neighbouring dwelling to the South East is considered to be acceptable subject to conditions requiring the window at first floor of the two storey extension (serving a bathroom) to be obscurely glazed and fixed shut and the withdrawal of permitted development rights for additional openings above ground floor ceiling level to prevent any loss of privacy. Similarly, in the interests of the privacy of the bungalows in 'The Garlings' the same conditions should apply to the north west elevation of both the single storey and two storey extension.

Finally, the Parish Council has raised concerns regarding the owner's future plans and extra traffic that could be generated with consequent parking problems. The owner's future plans are irrelevant, only the merits of the development proposed can be considered. In any event the application will not reduce the amount of parking available on the site, which is adequate for a residential dwelling of this size.

In summary the proposal is considered to address the previous objections to a larger scheme, and is acceptable in all other respects. Accordingly the approval of planning permission is recommended subject to a number of conditions.

### **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 - The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour and texture those used in the existing structure unless otherwise agreed in writing with the local planning authority.

#### **REASON:**

To secure harmonious architectural treatment.

3 - 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 north west facing elevation of the single storey extension or above ground floor ceiling level in the north west facing or south east facing elevations of the two storey extension hereby permitted.

#### **REASON:**

In the interests of the privacy of the neighbouring properties

4 - The new windows at first floor level shown on the approved plans on the north west facing and south east facing elevations shall be glazed with obscured glass and permanently fixed shut and shall be maintained as such thereafter.

#### **REASON:**

In the interests of the privacy of neighbouring properties.

**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: policy PD1.

## Item 8

APPLICATION: K/57019/F  
PARISH: SEEND  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Increase in the height of the roof to facilitate rooms in the roof, incorporating 3 dormer windows to the front, and rear extension.  
SITE: 108 Seend Cleeve Seend Melksham Wiltshire SN12 6QB  
GRID REF: 93082 61191  
APPLICANT: Mr S Wilfort  
AGENT: Mr B Richards  
DATE REGISTERED: 19th July 2007  
CASE OFFICER: Miss R Yeomans

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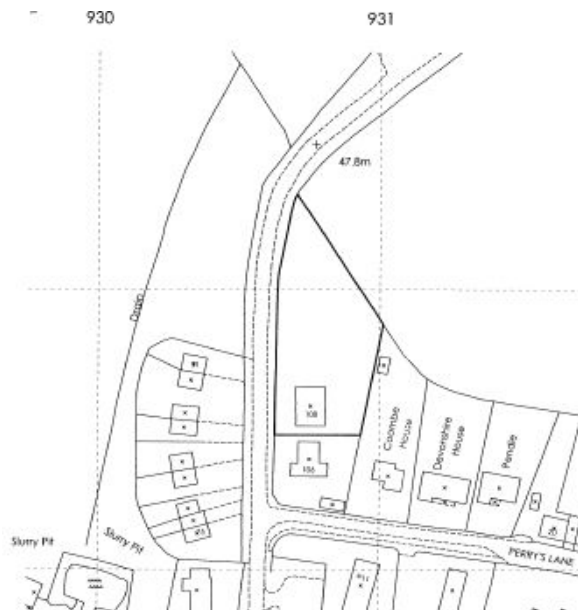
### BACKGROUND

This application has been brought to committee at the request of the local ward member, Cllr Lake.

### SITE & LOCATION

The application site is located right on the edge of Seend Cleeve, bounding open countryside. The site is occupied by a detached bungalow.

The site can be accessed by proceeding east from Devizes, towards Trowbridge along the A361. At Seend Fork junction, turn left and proceed through the village of Seend. Upon exiting the village, proceed past the turning for Cleeve House on the left hand side, and take the next right turning signed Seend Cleeve. Proceed down the hill and the property is the last property on the left hand side at the bottom of the hill.



### SITE HISTORY

K/56752/F – Alterations, to include raising of the ridge to provide rooms in the roof – withdrawn.

K/55737/F – Raising of ridge and inclusion of rooms in roof space – refused 13/02/07.

K/42473/O – Erection of a dwelling – refused and dismissed on appeal 17/01/03.

## DESCRIPTION OF DEVELOPMENT

The current application proposes a rear extension and the raising of the roof and three dormer windows to the front, to facilitate rooms in the roof.

## ADDITIONAL STATEMENT BY THE APPLICANT

The agent has submitted a detailed design and access statement, a full copy of which is available to view on the file.

## PARISH COUNCIL COMMENTS

The parish council have raised no objection to the scheme.

## REPRESENTATIONS

Two letters of objection have been received from adjoining neighbours. Their comments can be summarised as follows;

- The gable extension and the increase in height and subsequent mass, would be overbearing and would result in loss of light to the neighbour's bedroom window and back door, garden and patio area.
- The roof window on the south side of the proposal would result in loss of privacy to the neighbour's bedroom window to the north.
- The south elevation is plain, ugly and overbearing.
- The property is prominently located and the proposed extensions (size and scale) would detract significantly from the vista of Seend Cleeve, blighting the view and the character of the village
- The windows of the roof extension would result in loss of privacy to the neighbour's property and garden to the rear of the application site, and indeed to other gardens further along.
- The increase in the height of the roof would result in loss of light to the neighbour's garden to the rear.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policy PD1 is relevant to the consideration of this application.

## PLANNING OFFICERS COMMENTS

It is considered that the key issues are the impact of the extensions on visual amenity and upon neighbour amenity. By way of background, the applicants engaged in pre-application correspondence even prior to their purchase of the property, and subsequently on numerous occasions, and were given a consistent negative response by officers in relation to proposals to increase the height of the roof to facilitate additional rooms. Two previous applications have been submitted which both incorporated the raising of the roof. The first was refused on visual amenity grounds, and was simply for the raising of the ridge and the incorporation of dormer windows. The second application was for an increase in the height of the ridge and a full height gable extension to both the front and rear and was withdrawn following negative advice by the planning officer concerning both visual and neighbour amenity.

The application site occupies a very prominent position right on the edge of Seend Cleeve. Important vantage points are afforded from the public highway to the front and when approaching the village from the northeast across the open countryside. The existing bungalow is inoffensive and relatively inconspicuous, being single storey, with a shallow pitched roof, and low ridge height.

The application proposes to increase the height of the ridge by 1.15 metres to facilitate rooms in the roof, add three dormer windows to the front (west) elevation and the addition



of a gable extension to the rear. A redesign of the fenestration and a balcony facing in a northerly direction are also incorporated as part of the application.

**Neighbour Amenity**

The dwelling to the rear of the site is offset at an angle to number 108, and the nearest measurements from the corner of one dwelling to the other is in excess of 16 metres. The application site faces directly towards the neighbours' rear garden, however the nearest measurement from the rear of the main dwelling to the neighbouring boundary is nearly 12 metres, widening to in excess of 16 metres. The distance from the rear extension to the boundary is just under 9.5 metres, but no windows are proposed at first floor level to the proposed extension. Only two rooflights are proposed at first floor level in the rear elevation, and in view of the distances, and the juxtaposition of the properties, the extension would not result in any significant harm to neighbour amenity in terms of overbearing impact, loss of light or loss of privacy.

The property directly to the south of the site has a first floor window to the north elevation serving a bedroom, and this elevation is only approximately five metres away from the south elevation of number 108. Although number 106 is at a higher level than number 108, the proposed increase in the height of number 106, together with the bulk of the rear gable extension, would result in loss of light to this window and would be overbearing. The bulk and mass of the elevation in such close proximity would be oppressive and would significantly harm the amenities of the occupiers of number 106, Seend Cleeve.



**Visual Amenity**

The proposed roof extension, although a relatively modest increase in ridge height in terms of its measurement of 1.15metres, must be seen in context. The span of the existing dwelling is very large at in excess of 10 metres, and does not therefore lend itself to facilitating first floor accommodation. The resulting north elevation would appear excessively wide and bulky. The gable extension and unusual fenestration arrangement would exacerbate its bulk, poor design and prominence from the road when entering Seend Cleeve from the north-east and would result in significant harm to visual amenity. Although the ridge of no. 106, further up the hill, is higher, the gable span of this property is much narrower, and its resulting bulk is therefore much less.

From the front, the proposed roof extension would appear top heavy, and the off-centred three dormers and asymmetric roof with a half hipped roof to the south side, would only serve to increase its unbalanced appearance, appearing at odds with the simple character of the original bungalow and the more conventional appearance of other properties in the street scene.

#### Conclusion

For the reasons given the proposal is, therefore, considered to be unacceptable and refusal is recommended accordingly.

#### **RECOMMENDATION**

Refuse

1 - The proposed rear gable extension, in conjunction with the raising of the height of the roof would, by reason of its scale and bulk together with the stark and uninteresting appearance of the southern elevation, be unneighbourly and result in significant harm to the amenity of the occupiers at number 106 Seend Cleeve. This would be contrary to policy PD1 of the adopted Kennet Local Plan 2011.

2 - The proposed extensions, incorporating an increase in the height of the roof and the addition of three dormer windows to facilitate rooms at first floor level, would, by reason of their scale and bulk and poor design, in conjunction with the property's prominent position on the edge of the built up area of the village, result in significant harm to the visual amenities of the area. This is contrary to policy PD1 of the Kennet Local Plan 2011.