

## Regulatory Committee

8th November 2007

### List of Applications for Consideration

1 K/56539/RM (page 6)

Reserved Matters application for : Demolition of existing buildings and erection of 45 dwellings and associated estate roads, landscaping open space, drainage works and connection to existing systems

St John's School Stedman Campus Orchard Road MARLBOROUGH

RECOMMENDATION: Grant approval of reserved matters

2 K/57467/F (page 16)

Full planning application for : Change of use from agricultural to recreational (football pitch) and siting of mobile changing room structure & wc's

Field Adjacent The New Inn Coate BISHOPS CANNINGS SN10 3LB

RECOMMENDATION: Grant full planning permission

3 K/57468/F (page 23)

Full planning application for : Erection of terrace of three 3 bed houses plus consequent alterations to pub car park

Land off Goddard Road and to rear of The Royal Oak North Street PEWSEY

RECOMMENDATION: Grant full planning permission

4 K/57383/O (page 30)

Outline planning application for : Erection of 3 bed house following demolition of ground floor extension

5 St Margarets Mead MARLBOROUGH SN8 4AZ

RECOMMENDATION: Refuse planning permission

5 K/57365/F (page 35)

Full planning application for : Replacement dwelling. Erection of two storey detached house.

4 West View EVERLEIGH SN8 3EY

RECOMMENDATION: Grant full planning permission

6 K/57342/F (page 41)

Full planning application for : Erection of three bedroom cottage as new end of terrace attached to No 42 The Street

Land to the south west of 42 The Street ALL CANNINGS SN10 3PA

RECOMMENDATION: Grant full planning permission

7 K/57168/F (page 49)

Full planning application for : New dwelling with associated parking

Adjacent Melrose Cottage Mill Lane SHALBOURNE SN8 3XA

RECOMMENDATION: Grant full planning permission

Item 1:

APPLICATION:	K/56539/RM
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Reserved Matters
PROPOSAL:	Demolition of existing buildings and erection of 45 dwellings and associated estate roads, landscaping open space, drainage works and connection to existing systems
SITE:	St John's School, Stedman Campus, Orchard Road, Marlborough, Wilts
GRID REF:	19016 68524
APPLICANT:	St Johns School & Crest Nicholson (SW) Ltd
AGENT:	Barton Willmore
DATE REGISTERED:	11th May 2007
CASE OFFICER:	Mr A Guest

---

## BACKGROUND

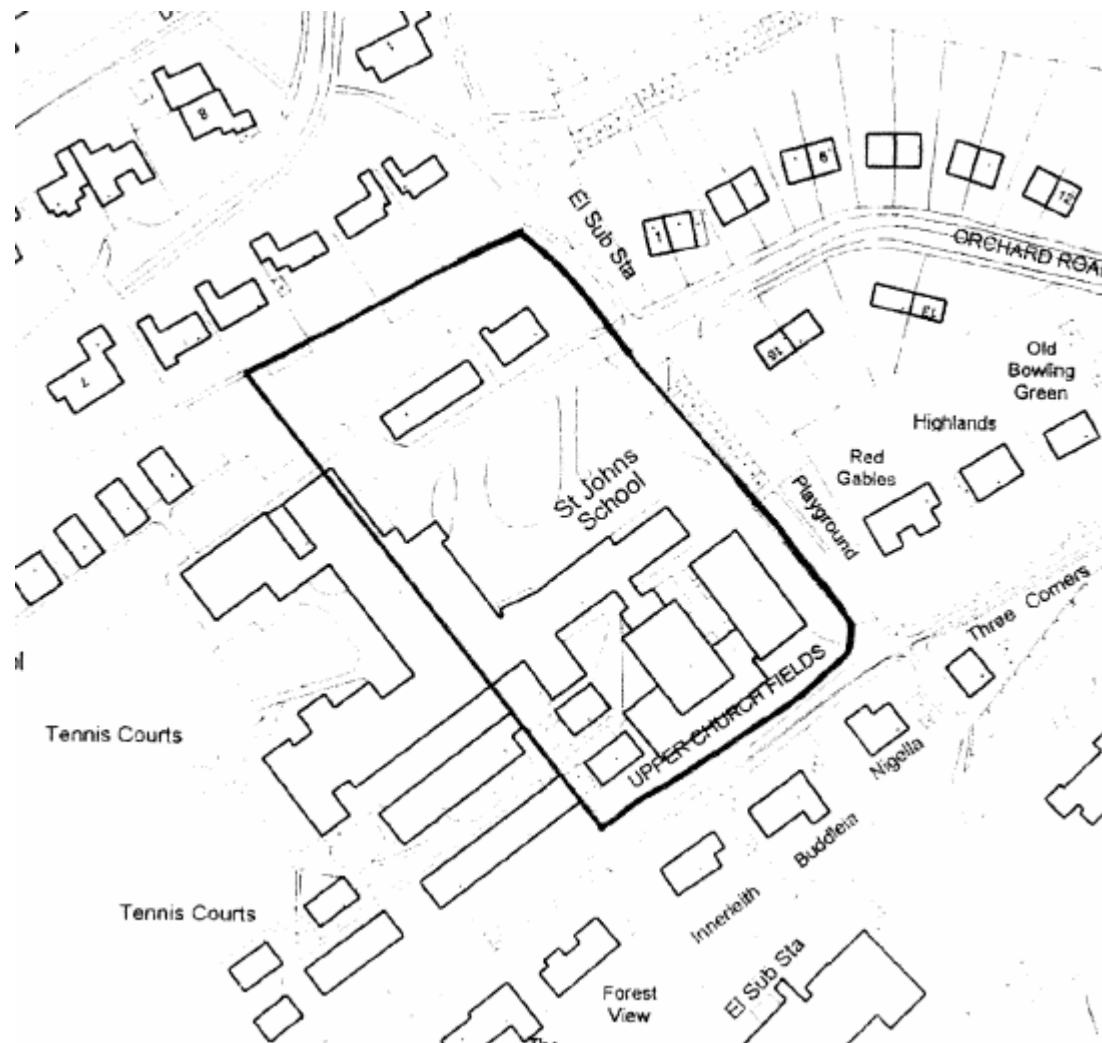
This application is for the final reserved matters following the grant of outline planning permission for 45 dwellings on the site. The Regulatory Committee considered the original outline application at its meeting on 14 November 2005 and resolved to grant planning permission subject to the applicant entering into Section 106 agreements. Linked to this resolution was a separate resolution (made on 26 January 2006) for residential re-development of the St. John's School, Chopping Knife Lane site, also subject to related Section 106 agreements. The Section 106 agreements were completed on 17 October 2007.

Because this is a reserved matters application which follows an outline planning permission the matters to be considered relate to the detailed design rather than the principle of the development. The outline planning permission has established the principle of 45 dwellings being erected on the site and consequently the issue of principle does not require further examination as part of this reserved matters application.

Access was considered in detail as part of the outline planning application. It has, therefore, been agreed that access (and, in particular, vehicular access) to the 45 dwellings will be via Orchard Road. It has also been agreed that pedestrian, cycle and service/emergency vehicle access to the school will be via Orchard Road. These details are approved, and again do not require re-examination as part of this reserved matters application.

## SITE & LOCATION

The 0.8 ha application site forms part of the St Johns School campus with access from Orchard Road. It is presently occupied by school buildings and associated access roads and parking areas. To the north, east and south sides of the site is established residential development in Ducks Meadow, Orchard Road and Upper Churchfields. To the west is the remainder of the school grounds. Ground level falls away gently from the south to the north sides of the site, although becoming steeper at the northern edge with the properties in Ducks Meadow.



*Site Location Plan*

The site lies within the Limits of Development of Marlborough and the Area of Outstanding Natural Beauty.

#### RELEVANT HISTORY

K/43518/O – Demolition of existing buildings and construction of new school; new access on to A345 Granham Hill; associated car parking; sports hall and community facilities – approved 3 July 2003

K/50505/RM – Construction of new school, associated car parks, access roadway and playing fields – approved 25 November 2005

[These two applications grant planning permission for a new school to replace the two existing schools forming St John's School currently located at both the Stedman site and Chopping Knife Lane].

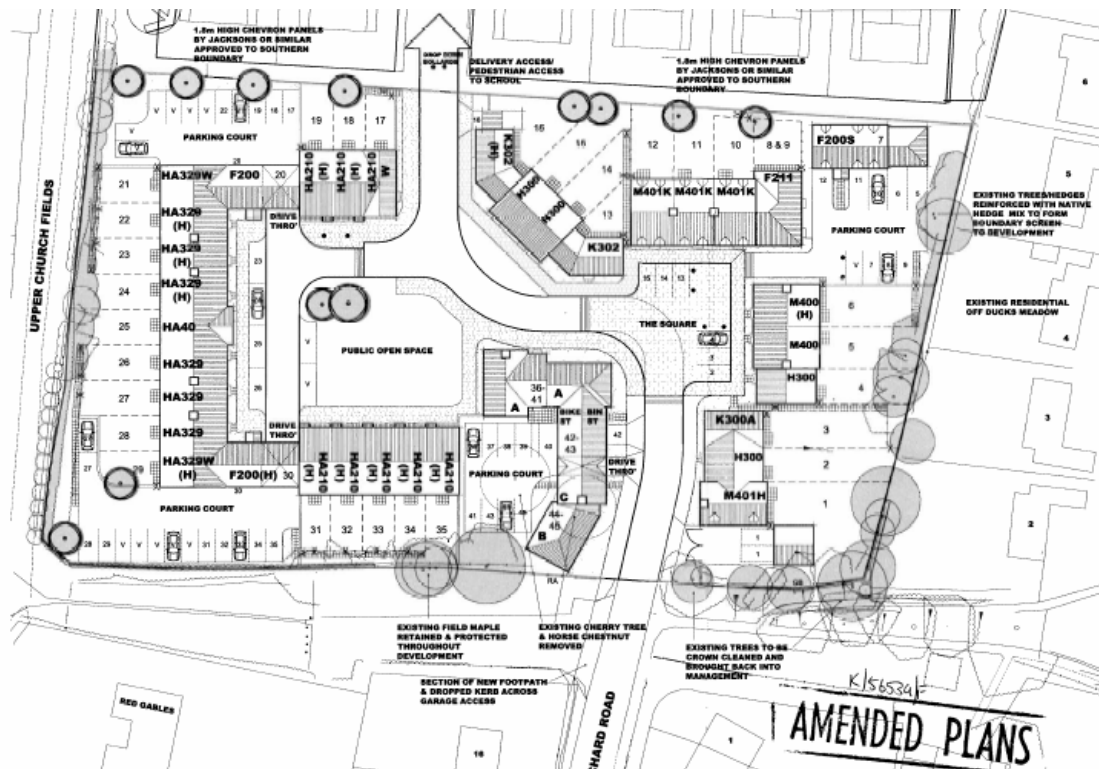
K/52682/O – Residential development of 45 units – approved 17 October 2007

K/53421/F – Demolition of existing buildings and erection of 174 dwellings together with alterations to Chopping Knife Lane and associated estate roads, landscaping, open space, play areas, drainage works and connection to existing systems – approved 17 October 2007

## DESCRIPTION OF DEVELOPMENT

This application is for the final reserved matters following the grant of outline planning permission for 45 dwellings on the site. The reserved matters to be considered are external appearance, siting, landscaping and design. Access has already been approved as part of the outline permission.

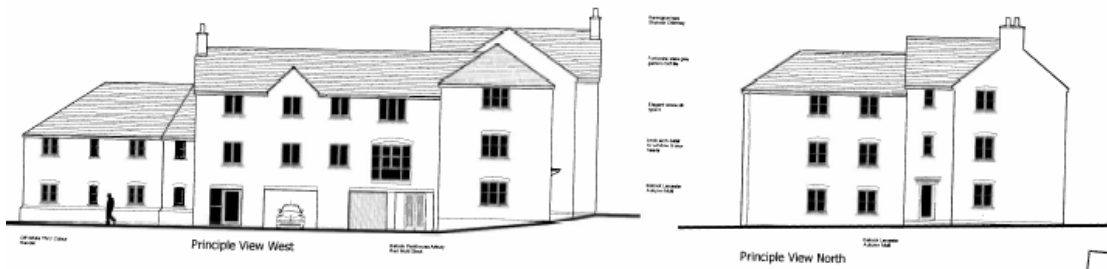
The 45 dwellings comprise a mixture of two, three and four bedroom houses and flats. Affordable units make up 23 of the total number (17 for rent and 6 for shared ownership). The buildings are two or three stories in height, and of traditional designs.



*Proposed Layout*

The layout has the majority of the buildings grouped around two courtyards – the first comprising a parking court, and the second an open play area. In total 68 parking spaces are proposed, this equating to approximately 1.5 spaces per unit. Drop down bollards are proposed at the entrance to the school at the back of the site, to be managed by the school and to restrict vehicular access to service and emergency vehicles only.

The completed Section 106 agreement accompanying the outline planning permission provides for the affordable housing, future maintenance of the play area, an off-site financial contribution towards recreation provision elsewhere in Marlborough, and improvements by the applicant to the footpath between Ducks Meadow and Orchard Road.



*Typical elevations – flats (not to scale)*

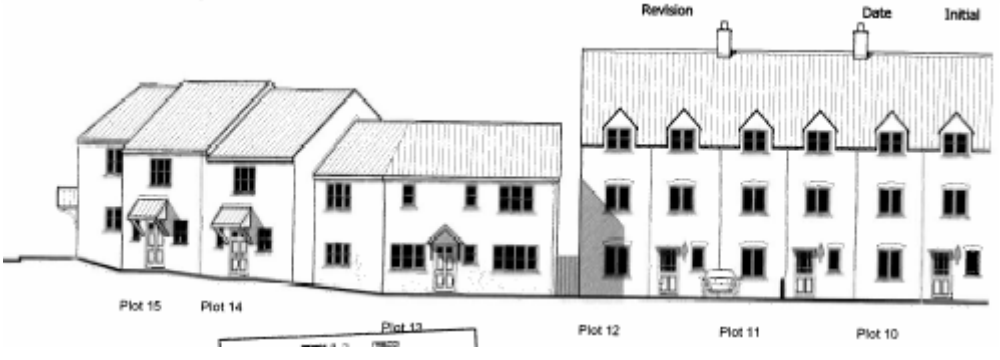


**Principle View East from POS - Plots 20 to 30**

*Typical Elevations – affordable houses (not to scale)*



**View West Entrance to Site- Plots 1 to 6**



*Typical elevations – private houses (not to scale)*

**PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION**

The road layout just outside the entrance to the site has been re-designed to meet the concerns of Wiltshire County Council. Specifically, the kerb line has been redrawn to remove the turning head and achieve a smooth transition between Orchard Road and the new estate road.

**ADDITIONAL STATEMENT BY THE APPLICANT**

The application is accompanied by a Design and Access Statement, Visual Impact Assessment, Ecological Survey, Bat Survey and Statement of Community Involvement.

## TOWN/PARISH COUNCIL COMMENTS

Marlborough Town Council: no objection.

## CONSULTATIONS

County Highways (Mark Wiltshire) : no objections subject to conditions.

County Archaeologist (Sue Farr) : no requirements.

KDC Landscape and Countryside Officer : Regarding the the proximity of the garage on plot 1 to the trees on the bank down to the footpath in the north east corner, in the recent past the school has increased its parking area and constructed a new car park in the root protection area for these trees, and has thus effectively done more damage than the proposed garage and access will do. It is essential that these trees are retained and therefore a further look at possible crown thinning would be beneficial to reduce the potential effects of the root damage already caused. In the same area there is a significant drop in ground levels between the front and the rear of the site. This has not been addressed in the application and I require details of any ground re-grading and its location to ensure that there is a minimal impact on the root systems of the boundary trees.

In general the conclusions of the arboricultural assessment are sound, although the Cypress hedge to the rear (south) of the site is at present an effective mitigation for the impacts of the development when viewed from the south, and should be retained. A High Hedges notice cannot recommend the removal of the hedge but merely its reduction in height. Therefore, there is no danger of its complete removal under a high hedges remedial work notice.

Whilst I have concerns that the 3 storey element of the design may be excessively prominent and over-bearing in the context of the development found within the vicinity, I do accept the findings of the Visual Impact Assessment that the new build will not assume the same prominence in the wider landscape as the existing Stedman Building, which, due to its hill top location, is a prominent feature on the southern side of Marlborough. From closer views the establishing of a suitable landscape structure is of great importance requiring the addition of large trees, particularly on the boundaries, which will supplement the existing vegetation.

There is limited space for planting on the site, and in general I feel that the most has been made of those areas available. However, I am concerned about the exposure of the tennis court boundary. It may be that there is insufficient space to hedge this boundary, as would be the desirable option, but I do not consider that the omission of all trees from this boundary is acceptable. The dwellings are very prominent and their impact needs to be mitigated. Therefore, I would expect to see the re-introduction of some fairly substantial trees along this boundary to help to create a setting for the dwellings. This applies from plots 7 to 19.

KDC Drainage Engineer: no requirements.

Wiltshire Fire & Rescue Service recommends informatives.

## REPRESENTATIONS

The application has generated objections from 16 third parties summarised as follows:

- Over-development – too many units. Scale, density and massing inappropriate. Density should not exceed 30 dwellings/ha;
- Design would not blend-in with surroundings;
- Over-looking of neighbouring properties in Ducks Meadow and Upper Church Fields. Overbearing relationship between units 1-7 and lower-lying houses in Ducks Meadow. Increase in noise and disturbance generally;
- Orchard Road and Orchard Close inadequate to accommodate traffic generated by the development. Parents will continue to drop-off and collect children from Orchard Road and sixth formers will continue to park in the road, adding to the traffic chaos. Footpath infrastructure inadequate to cater for numbers of children arriving by foot. Children play in the road in the evenings, but too dangerous if housing built on school site. Inadequate parking proposed for the new houses. Additional emissions from vehicles causing pollution;
- Hedgerow on boundary with Upper Church Fields must be retained with the addition of a fence on the school side as it provides an essential buffer. Trees should not be cut back as provide essential amenity and wildlife haven;
- No expansion space for future growth of school;
- Inadequate play space provision;
- Inadequate capacity in local services – water and foul water;
- Problems with disposal of hazardous materials found during demolition works;
- Committee should visit site and surroundings before making decision;

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC1, HC2, HC5, HC7, HC28, HC29, HC30, HC31, HC34, HC37, HC42, AT10 and NR7 are relevant.

Central Government policy in PPS1, PPS3 and PPS7 in particular are relevant.

#### PLANNING OFFICERS COMMENTS

The main considerations in this case are the acceptability of the design and layout of the proposed development, its impact on visual and residential amenity, and implications for protected wildlife species.

The principle of 45 dwellings and the related traffic implications are accepted by the outline planning permission. As a consequence these matters, together with adequacy of supporting infrastructure, should not be re-examined at this stage.

#### Design and Layout

The proposal provides a varied mix of house types, styles and sizes, and as such, satisfies the underlying policy requirement for new development to contribute towards mixed communities. The applicant has made the most of the site, achieving a relatively high density which fits in with its surroundings without detriment to visual amenity in general. The units vary in height – some two storey and some three storey – but this is considered appropriate having regard to the interest this brings to the layout and the similar impact of the existing development on the site (comprising some relatively tall school buildings).



The open-market houses and affordable houses are positioned in two groups rather than being 'pepper-potted' across the entire site. Although the preference would normally be for pepper-potting, in this case, in view of the relatively low number of units overall and the benefits to the RSL for future maintenance, no objection is seen to this. The affordable housing accounts for 51% of the total number of units on the site.

The overall traditional appearance of the development would not detract from distant views of the site. To address the Landscape and Countryside Officer's concerns, it is recommended that landscaping is not approved at this stage. Instead, it is recommended that the applicant be advised to submit a revised scheme taking account of the matters raised by the officer, in particular relating to additional tree planting on the boundary with the school and essential maintenance works to those trees adjacent to the footpath to Ducks Meadow.

Regarding parking, 68 spaces are proposed which equates to approximately 1.5 spaces per unit. As this is a sustainable town location this ratio is considered to be appropriate and in accordance with Central Government policy which sees development as a means of discouraging travel by car. Most of the car parking is contained within discrete courts to the rear of the houses, and as such, does not detract from the overall character and appearance of the layout, in accordance with Policy PD1 of the local plan.

Overall, it is considered that the development makes the best use of the site, achieving an attractive, sustainable layout which fits in with the character of the wider area.

#### Residential Amenity

The site is bounded on three sides by established residential development. Beginning with the south-east boundary with Upper Church Fields, this is defined by a relatively tall and thick mixed-variety hedge. This hedge provides an impenetrable screen between the site and the houses on the opposite side of Upper Church Fields. The proposal is to retain this hedge and erect a fence along the rear boundaries of the adjoining new houses. In view of this it is not considered that any harm would be caused to the amenities of the residents of Upper Church Fields.



The boundary on the north-east side is shared with a wide area of open space and path and/or a garage court. This means that the neighbouring houses in Orchard Road are set well away from the site (around 15m in most cases). This relationship would not, it is considered, result in any loss of amenity for these neighbouring residents.

The boundary with Ducks Meadow is defined by either low fencing, gappy hedges or trees. The drop in levels between the site and Ducks Meadow means that the adjacent houses in Ducks Meadow are positioned at a considerably lower level than the proposed houses. In view of this, and to avoid adverse overlooking and/or an overbearing relationship, the proposed houses are, with the exception of unit 1, all two storey only. They are also set further away from the boundary than would normally be expected on a modern development (the closest (unit 4) being approximately 14m from the boundary giving a 'back-to-back' distance of approximately 30m with no. 3 Ducks Meadow). Unit 1 is three stories, but with a flank elevation facing Ducks Meadow, and a 'flank-to-back' gap of 35m with no. 2 Ducks Meadow. Having regard to the careful design of this part of the site with generous gaps between the proposed and existing dwellings, it is not considered that the development would adversely impact on the amenities of residents in Ducks Meadow.

Other amenity issues raised by third parties include additional noise disturbance from the proposed houses. The proposal is for residential development in a residential area, and consequently it is not considered that this should give rise to noise nuisance problems.

An open grassed area is proposed on the site to provide a local play area. As part of the Section 106 agreements the applicant will make a financial contribution towards improving recreation provision elsewhere in Marlborough. Other clauses linked with the Chopping Knife Lane site re-development seek to provide public access to new sports facilities to be provided in the new school. These obligations will ensure enhanced recreational facilities for nearby residents, over and above what they presently have.

#### Wildlife

The application is accompanied by an Ecological Assessment which concludes that there are no areas of nature conservation interest on the site, although there may be some potential for roosting bats and dormice. A separate bat survey revealed no bats. A condition is recommended, requiring the development to be carried out in accordance with the recommendations set out in the two reports.

#### Conclusion

The principle of there being 45 dwellings on this site is established by the outline planning permission. This related reserved matters application provides for 45 units in a manner which is respectful to the wider setting and the amenities of neighbouring properties. In view of this the application is recommended for approval, subject to landscaping remaining reserved and the following additional conditions.

#### **RECOMMENDATION**

Approve with Conditions

1 - No development shall take place until details of any earthworks on and around plots 1-7 have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land

areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

2 - Before any individual unit hereby permitted is first occupied its access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

**REASON:**

In the interests of highway safety.

3 - 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), the garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling they serve and for no other purpose.

**REASON:**

To retain adequate off-street parking provision.

4 - Prior to commencement of the development hereby approved details of the means of safe access for pupils (walking and cycling) to the school through the site shall be submitted to the local planning authority for approval in writing. The means of access shall be provided in accordance with the approved details before commencement of development.

**REASON:**

To ensure the proper planning of the development, and in the interests of highway safety.

5 - Prior to commencement of development details of improvements to the highway in Orchard Road immediately outside of the site to provide a smooth kerbline between the estate road and Orchard Road shall be submitted to the local planning authority for approval in writing. The improvements shall be carried out in accordance with a programme to be agreed with the local planning authority.

**REASON:**

In the interests of highway safety.

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 additions to, or extensions or enlargements of, the dwellings hereby approved shall be erected.

**REASON:**

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

7 - 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 elevations (including roofs) of units 1-9 hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties

8 - The development shall be carried out strictly in accordance with the recommendations of the Preliminary Ecological Assessment by Hankinson Duckett Associates dated October 2006 as it relates to dormice, nesting birds and reptiles, and the Bat Survey by Amphibian, Reptile & Mammal Conservation Ltd dated 2004 & 2006 as it relates to bats.

**REASON:**

To safeguard wildlife and potential wildlife at the site.

9 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plan nos. 01B, HT04A & SS01A received on 3 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.

**10 - 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, HC5, HC6, HC34, HC37, HC42, AT10 and NR7, and relevant PPS's/PPG's.

**11 - INFORMATIVE TO APPLICANT:**

The applicant is advised that this approval of reserved matters relates to the siting, design and external appearance of the development, and the tree protection measures during construction only. Means of access is approved under outline planning permission K/52682/O.

Notwithstanding the details of landscaping submitted with this application, this reserved matter remains outstanding. Additionally, the applicant's attention is drawn to condition nos. 6 (external materials), 12 (surface water disposal), and 13 (slab levels) of permission K/52682/O, and condition nos. 1 (earthworks) and 4 (safe access for pupils) of this permission, which require discharging prior to commencement of the development.

Item 2:

APPLICATION: K/57467/F  
PARISH: BISHOPS CANNINGS  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Change of use from agricultural to recreational (football pitch) and siting of mobile changing room structure & wc's  
SITE: Field Adjacent The New Inn Coate Bishops Cannings SN10 3LB  
GRID REF: 04019 61728  
APPLICANT: Bishops Cannings YFC  
AGENT: Digby Rowsell Associates  
DATE REGISTERED: 4th October 2007  
CASE OFFICER: Miss R Yeomans

---

### SITE & LOCATION

The site lies toward the edge of the village, and was previously an open field, with properties situated to either side and a public house located adjacent to the southern boundary. The site is elevated slightly from the road to the east, and is relatively flat and open in character. Main views are afforded from the road to the east, and the road to the west 'Fieldside'.

To access the site from Devizes, proceed along London Road in the direction of Marlborough past Devizes Police Headquarters. At the first main roundabout (just before the Total garage) turn right into Windsor Drive and take the second turning left signed to Coate. After entering the village, at the main village crossroads, turn right towards Etchilhampton. The application site can be found on the right hand side, just before reaching the New Inn public house. The access into the site is located on 'Fieldside' which can be found by proceeding past the field, taking the first right, and then the first right turn again, and is a short way along on the right hand side.



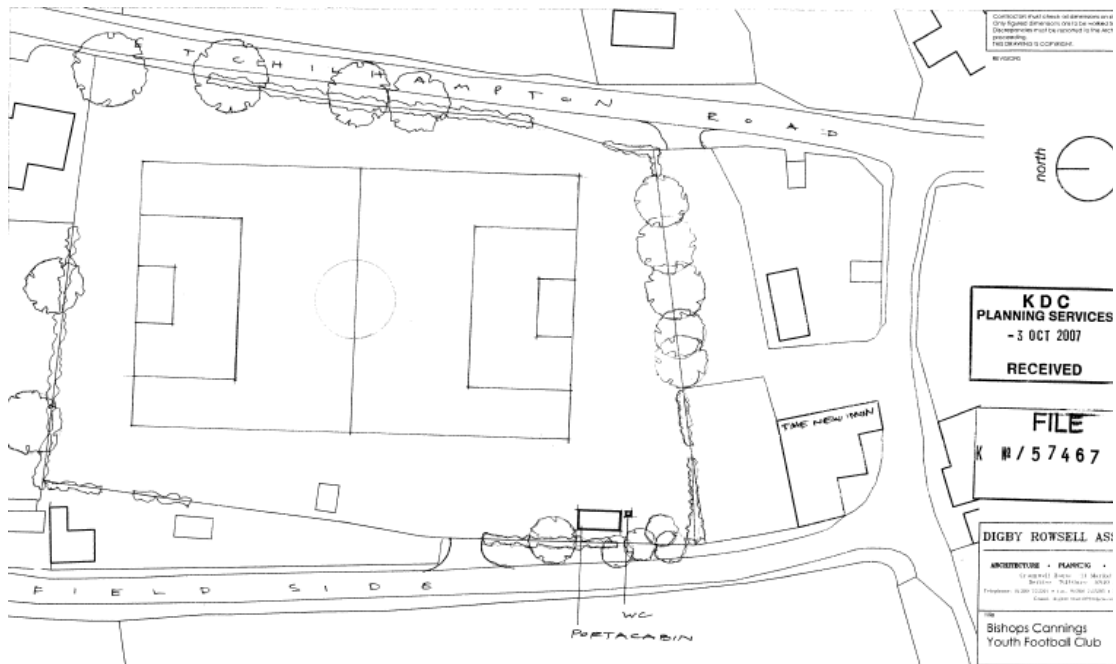
*Site Location*

## SITE HISTORY

There is no relevant planning history for the site.

## DESCRIPTION OF DEVELOPMENT

The application proposes to regularise the change of use of the field to a recreation (football) field and the retention of the portakabin containing changing rooms and a single portable W.C.



*Current layout*

## PARISH COUNCIL COMMENTS

Bishops Cannings Parish Council have raised no objection to the principle of the development, however, they have raised the following concerns;

- that a hardstanding should be required for parking
- the portakabin should be situated on a concrete base
- the WC should be sited in a less conspicuous place and there are fears over potential odours from the WC
- the possible presence of great crested newts.

## CONSULTATIONS

KDC Landscape & Forestry Officer - no objection subject to some additional planting.

Wiltshire County Highways (Mark Wiltshire) – Has no objection subject to a condition requiring the access to be surfaced in tarmacadam.

KDC Environmental Health – No objection

Wiltshire & Swindon Biological Records Centre – Have advised that great crested newts, a species of amphibian protected by law, have been found within 100m of the site, and have enclosed guidance from English Nature.

Wiltshire Fire & Rescue Service – General guidance notes have been provided recommending appropriate fire safety measures.

## REPRESENTATIONS

Neighbour representations of 14 objections and 2 letters of support have been received by the Council at the time of writing this report. Any letters received after this time will be reported verbally at the meeting. Their concerns can be summarised as follows;

1. The development may have damaged/ may damage a protected species and its habitat, namely, great crested newts.
2. An increase in traffic accessing the site along a narrow lane, which is unsuitable for such large numbers of cars.
3. Debris on the road from cars leaving the unsurfaced site which could be a hazard.
4. The speed of the additional traffic accessing the site which makes it less safe for residents leaving their driveways, horses, pets and pedestrians as there is no footway or streetlights etc .
5. Although private land, the field has historically been used for community activities and this has now been taken away without any prior notice or consultation.
6. The field may be used by hundreds of children looking for alternative places to train following the closure of Devizes Football Club and the village has unsuitable access, insufficient parking and facilities to accommodate them.
7. There is no water supply to the field and the recommendations made by the fire service need to be addressed.
8. The portakabin should be sited on a hard surface and shims where it cannot slip and cause an accident.
9. The majority of people come from outside the village and people using the playing field are generally showing a lack of respect and care for the environment.
10. The portaloo and portakabin are an eyesore, are not adequately screened and are not in keeping with the rural appearance of the village.
11. The football club have access to another field which may be more suitable.
12. The expected average traffic movements are optimistic at 10 per session, as at weekends, with 11 children on each team plus officials, this is regularly exceeded. Many parents drop off their children and return to pick them up later, which means twice as many traffic movements. Concerns have also been expressed that this could grow further.
13. The field is not fenced and children could run out into the road to chase loose balls which is a safety hazard.
14. The matches at the weekends are very noisy and harmful to the amenity of nearby residents.
15. The facility would be the second recreation facility in the village and excessive for a village with only approximately 65 residents, especially as villagers would no longer be able to use it.
16. Attendees, particularly for matches, often travel long distances and this is contrary to green travel policies.
17. The alterations could make it more attractive as a campsite for travellers.
18. The access should be from the road to Etchilhampton, away from most local houses, in the interests of road safety.
19. So many works took place before an application for planning permission was made and this has not enabled proper consultation.
20. Concerns that they may wish to erect high fencing at a future date.
21. The grass verges and banks will be destroyed in the winter as the lane is or

- the most part, not suitable for two cars to pass side by side.
22. Lack of parking.
  23. The portakabin and W.C. facilities may not be sufficient for the numbers of attendees.
  24. There are no facilities for the disposal of rubbish.
  25. The field entrance is just off a blind corner and is dangerous.

#### **POLICY CONSIDERATIONS**

Kennet Local Plan 2011 - policies PD1 and NR7 are relevant, and national guidance contained in Planning Policy Guidance 17: Planning for open space, sport and recreation and Planning Policy Statement 9: Biodiversity and Geological Conservation. The site lies within the AONB.

#### **PLANNING OFFICERS COMMENTS**

This application proposes the change of use to a recreation (football) field and the retention of a portakabin containing changing rooms and portable W.C. The following issues are considered relevant to the determination of the application: (a) the principle of development; (b) visual impact of the development on the landscape; (c) neighbour amenity; (d) highway safety and parking arrangements and (e) protected species.

#### **Principle of development**

The application site, in planning policy terms falls within the countryside, where policies PD1 (General Development & Design) and NR7 (Protection of the Landscape) are relevant. The issues of highway safety, neighbour amenity, impact on the landscape and visual amenity and ecological considerations remain relevant under PD1, NR7 and other national guidance including PPG17 and PPS9 .

#### **Visual impact of the development on the landscape**

The site is quite well located within the built form of the village. The site is visually prominent with main public viewpoints from the roads bounding the east and west of the site. However, it has limited impact on the wider landscape. Although quite open in character, the development benefits from some natural screening provided by vegetation, shrubs and trees to the boundaries. Firstly, in considering the change of use to a recreation (football) field, whilst the nature of the land has a more kempt appearance, its characteristics as a green and open space remain and this is not considered so far detached from a well-grazed field or so harmful to the character of the landscape to warrant refusal of planning permission. In terms of the football nets, portakabin containing changing rooms and portable W.C., they are modest in scale. The portakabin and WC have been located to take advantage of some of the natural screening available in as discrete a place as possible, and the portakabin has been finished in green to help mitigate its impact on the landscape.

It is considered that in view of these factors, the development would not result in significant harm to visual amenity or the wider landscape provided the additional natural screening is gapped up with some further plants and trees. It is also recommended that due to the nature of construction of the portakabin and portable W.C., a condition is imposed permitting temporary permission only for these structures, in order that the Council can review the situation in another three years.

#### **Neighbour amenity**

There are a number of nearby dwellings whose gardens directly adjoin the site, together with the car park and beer garden of the public house situated to the south of the site. A number of local residents have expressed concerns about the noise from children and parents shouting, particularly at the weekends when matches are

held, however, the supporting information sets out that training is held usually for a maximum of three evenings a week, and matches normally restricted to Saturday and Sunday mornings, and of course, would only be during daylight hours. In view of the likely timings, it is not considered that this would result in any significant harm to neighbour amenity.

Concerns have also been expressed at the proximity of the WC to the beer garden of the New Inn. However, the W.C. is some 10 metres from the boundary and is well screened by shrubs, and again, is not considered harmful. The Environmental Health Officer has expressed no concerns about noise or smell. In any case, noises or odours which became a statutory nuisance could be dealt with under the provisions of the Environmental Protection Act 1990.

### **Highway safety and parking arrangements**

The highway authority have raised no objection to this scheme subject to a condition ensuring that the access is tarmacadamed in accordance with details to be submitted.

Some objectors have also stated that there is insufficient parking provision. However, the area of the field to be used for parking is considered adequate. A number of local residents have also expressed concern about the speed of vehicles using the site, however this is not a material planning consideration, but a separate matter for the police/ highway authority.

The scheme is therefore considered acceptable in terms of both parking provision and highway safety subject to a condition requiring the access to be surfaced in accordance with details to be submitted and approved.

### **Protected species**

Wiltshire & Swindon and Biological Records Centre have advised that great crested newts have been found within 100metres of the site and have recommended a survey, impact assessment and mitigation if appropriate. However, the nature of the development is not considered harmful over and above the fallback situation of the permitted agricultural use and when considering that the development has already taken place. There is no proposal for permanent buildings and no loss of any pond.

### **Conclusion**

The scheme is considered acceptable and does not give rise to any reasons substantial enough to justify its refusal. Members are therefore recommended to approve the application subject to the relevant conditions.

### **RECOMMENDATION**

Approve with Conditions –

1 - Within two months of this permission, a scheme of soft landscaping shall be submitted to and approved by in writing by the local planning authority. This shall include details of additional landscaping to the boundary with 'Fieldside' (to the west of the structures). This shall include a few standard trees and the gapping up of the existing hedgerow with native species unless otherwise approved in writing by the local planning authority. Details shall also include species, sizes at planting, densities, location and numbers.

### **REASON:**

To ensure a satisfactory landscaped setting for the development.



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

**REASON:**

To ensure a satisfactory landscaped setting for the development.

3 - Notwithstanding the submitted details, within 6 months of the date of this permission, the access to 'Fieldside' shall be properly surfaced in accordance with details that have first been submitted to and approved in writing by the local planning authority. This shall be laid out with 4.5 metre radii to either side and shall be surfaced in tarmac for the first 5 metres (up to the position of the gate), unless otherwise agreed in writing by the local planning authority.

**REASON:**

In the interests of highway safety.

4 - 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 wall, fence, or other means of enclosure shall be erected or placed within the application site.

**REASON:**

In the interests of visual amenity

5 - 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 external lighting shall be erected to light any part of the application site.

**REASON:**

In the interests of the visual amenity of the area.

6 - The portakabin and portable WC buildings hereby permitted shall be removed and the land restored to its former condition on or before three years from the date of this permission unless before that date, permission has been granted for their retention for a further period of time.

**REASON:**

This permission is granted solely to meet the needs of the present applicant and because the nature of the buildings are such that they could deteriorate and become unsightly if not maintained. Reviewing the situation in three years will enable an assessment of their condition to be made to ensure that there is no harm to the appearance and character of the AONB from a deteriorating building.

**7 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to national guidance contained in PPG 17: Planning for open space, sport and recreation, PPS9: Biodiversity and Geological Conservation and the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 & NR7.

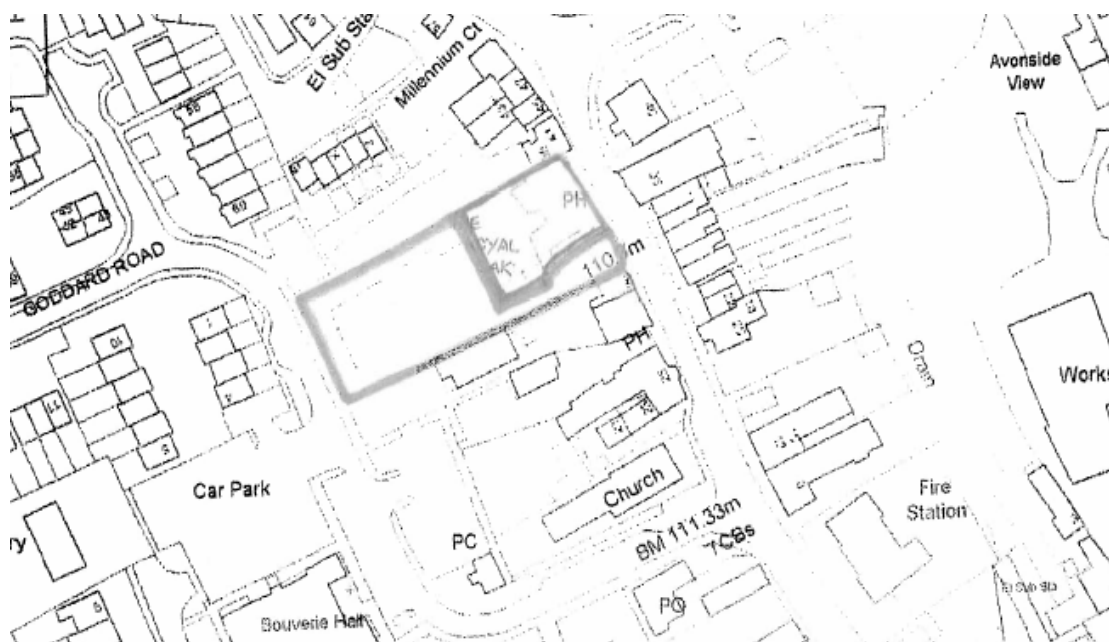
Item 3:

APPLICATION: K/57468/F  
PARISH: PEWSEY  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Erection of terrace of three 3 bed houses plus consequent alterations to pub car park  
SITE: Land off Goddard Road and to rear of The Royal Oak North Street Pewsey Wilts  
GRID REF: 16330 60165  
APPLICANT: Wadworth & Co  
AGENT: Peter Kent Architect  
DATE REGISTERED: 4th October 2007  
CASE OFFICER: Mr P Horton

---

### SITE & LOCATION

The site comprises the rear area of the existing car park behind the grade II listed Royal Oak public house. This is located on the pavement edge of North Street which leads to the centre of the village and is within the north westerly edge of the conservation area. The site backs on to Goddard Road which features another large car park and modern housing development.



*Site Location Plan*

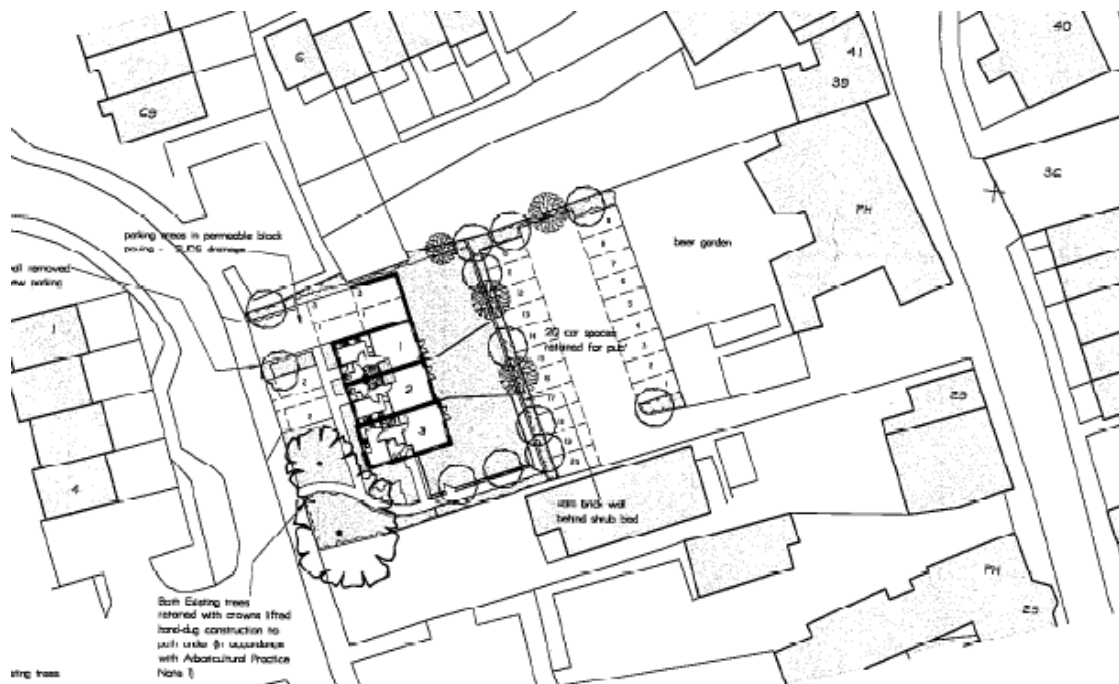
### SITE HISTORY

K/57468/F - Application for 5 three bedroomed terraced properties was withdrawn in May 2007 following an indication to the agent from the case officer that the application was likely to be refused.

### DESCRIPTION OF DEVELOPMENT

The application proposes a terrace of three two-storey dwellings, each with three bedrooms. They would be constructed of brick under a natural slate roof, with timber joinery and Bath stone coloured cills. The present boundary wall along Goddard

Road would be removed, opening up the view to two significant trees in the south west corner of the site, which will be retained for their amenity value.



*Block Plan – not to scale*

Six parking spaces would be provided, two for each unit. Four of these would constitute covered parking bays. Twenty parking spaces would be retained for the pub.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The vernacular designs of the housing, and the terrace form itself, together with appropriate stock bricks and natural slate roofs and traditional timber joinery will enhance this edge of the conservation area at its edge, and the terrace has been specifically designed to present elevational interest on to the car park as well as to Goddard Road.

#### PARISH COUNCIL COMMENTS

The Parish Council meet on the 7<sup>th</sup> November 2007. Their comments will be forwarded on the morning of the committee and conveyed verbally to Members.

#### CONSULTATIONS

County highways (Mr Wiltshire): No objection subject to the provision of parking spaces for the proposed dwellings.

KDC Environmental Health Officer : The Royal Oak is a licensed premises which carries out the activity of live and recorded music between the hours of 10.00 to 23.00hrs Mon to Sunday, sale of alcohol 10.00 to 1.00am and general opening between 10.00 and 2.00am. All music events currently take place within the premises with no external events. There have been no recent complaints concerning the licensable activities.

The site is close to existing residential properties, so the contractor should employ best practicable means when carrying out any works on site to ensure that nuisances due to dusts and noise are kept to a minimum.

KDC Conservation Officer: This application is a vast improvement to the earlier scheme largely due to the reduced number of dwellings and the resultant increase in open space and landscaping. No objection subject to conditions.

## REPRESENTATIONS

Objections have been received from 5 local residents. The main planning points raised can be summarised as follows:

- a) The proposal is architecturally undistinguished and will harm both the character and appearance of the conservation area and the setting of the listed building.
- b) The proposal is an overdevelopment.
- c) Traffic generated by the proposal will seriously increase existing heavy usage along Goddard Road.
- d) The pub can ill afford to lose capacity: it is often full to capacity when functions take place.
- e) The dwellings are too close to existing properties, resulting in overlooking and overshadowing.
- f) The residents of the new houses will suffer extreme noise nuisance from the pub, especially when there are discos or live music in the upstairs function room.
- g) Noise resulting from the use of the gardens will be detrimental to neighbours.

## POLICY CONSIDERATIONS

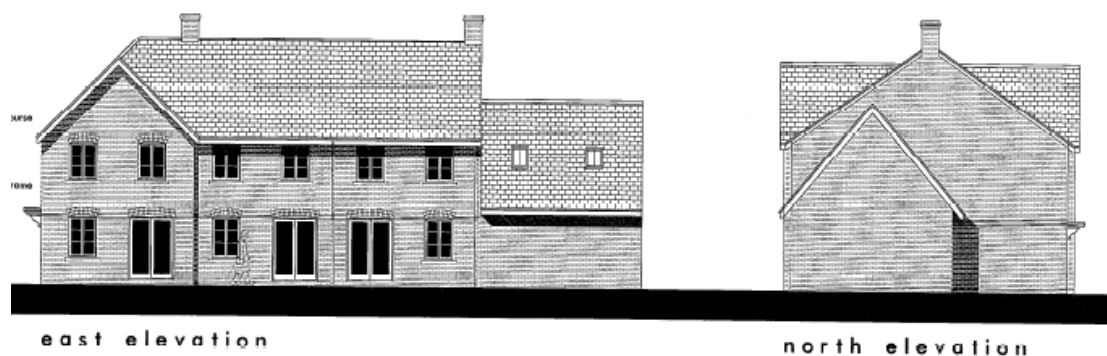
Kennet Local Plan policy PD1 and central government advice contained in PPS3 and PPG15 are relevant.

## PLANNING OFFICERS COMMENTS

The site is located on previously developed land within the built up limits of Pewsey, within which residential development is acceptable in principle.

The present scheme results from a detailed pre-application enquiry, and overcomes all the concerns raised by the previous (withdrawn) scheme. The density has been reduced, allowing the footprint of the southernmost dwelling to be re-sited beyond the canopy of the trees to be retained. Furthermore, there is now more scope for landscaping, including a wall and shrubs to separate the new gardens from the car park.





*Elevations – not to scale*

The proposed dwellings will be 26m from nos. 1 to 4 Goddard Road to the west and 21m from Millennium Court to the north, and hence beyond the threshold at which overlooking might be an issue.

The design of the dwellings is considered generally acceptable, subject to minor changes which can be controlled by condition.

County Highways consider that sufficient parking will be retained for the pub, and raise no objection to the application. The site in any event lies within a sustainable village location.

Environmental Health have no concern about the potential impact of noise from pub functions on the occupiers of the proposed dwellings and the site is in a residential area with other houses close to the public house.

In conclusion, there are considered to be no material planning reasons to warrant withholding planning permission for the proposed development.

**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 bricks and natural slates 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 - Before the development hereby approved is commenced, a sample panel of brickwork (indicating mortar colour/texture, method of pointing and bonding) shall be constructed and provided on site for inspection and shall be approved in writing by the local planning authority.

**REASON:**

In the interests of the character and appearance of Pewsey Conservation Area.

4 - The 1.8m rear boundary wall shall be constructed in brick to match the main dwelling and shall be completed prior to the occupation of any of the dwellings. Details of the coping to be used shall be submitted to and approved in writing by the local planning authority prior to construction commencing.

To secure harmonious treatment, and in view of the site's location within Pewsey Conservation Area.

5 - Notwithstanding the details shown on the submitted elevational drawings, timber shall be used in place of reconstituted stone cills, and traditional 4-6 timber panelled front doors shall be used in place of the  $\frac{3}{4}$  glazed fixtures shown, full details of which shall be submitted to and approved in writing by the local planning authority prior to development taking place. Development shall be carried out in accordance with the approved details.

**REASON:**

To secure harmonious treatment, and in view of the site's location within Pewsey Conservation Area.

6 - Before the development hereby approved is commenced, large scale joinery details for all new windows shall be submitted to and approved in writing by the local planning authority.

**REASON:**

To secure harmonious architectural treatment.

7 - The windows and doors to be used in the development hereby permitted shall be of timber construction and shall be permanently so maintained.

**REASON:**

In the interests of the character and appearance of Pewsey Conservation Area.

8 - The two rooflights to be inserted in the rear of the covered parking area shall be of the "conservation" type, fitted flush to the roof.

**REASON:**

To secure harmonious architectural treatment.

9 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window or rooflight other than the two rooflights expressly authorised by this permission shall be inserted in any of the roofs on of the development hereby permitted.

**REASON:**

To maintain the architectural integrity of the buildings, in the interests of the character and appearance of Pewsey Conservation Area.

10 - The rainwater goods to be used in the development hereby permitted shall be cast aluminium or cast iron, painted black.

**REASON:**

To secure harmonious architectural treatment, given that the site lies within Pewsey Conservation Area.

11 - 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), the covered parking area hereby approved shall be retained for the parking of private motor vehicles associated with the dwellings and for no other purpose.

**REASON:**

To retain adequate off-street parking provision.

12 - 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 additions to, or extensions or enlargements of, the buildings hereby approved shall be erected.

**REASON:**

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

13 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road.

**REASON:**

In the interests of visual amenity.

14 - No development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed 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. Full details shall also be submitted to and approved in writing by the local planning authority of the proposed works to the two trees in the south west corner of the site, the approved works to be implemented prior to development commencing.

**REASON:**

To ensure a satisfactory landscaped setting for the development, which lies in Pewsey Conservation Area.

15 - 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 dwellings 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, which lies in the Pewsey Conservation Area.

16 - No dwelling shall be occupied until the two parking space shown for it on the approved plans, together with the access thereto, have been provided.

**REASON:**

To ensure that adequate parking space and access has been provided before the occupation of any dwelling in the interests of highway safety and the amenity of future occupants.

17 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

**REASON:**

In the interests of visual amenity.

**18 - INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from Wessex Water and dated 10th October 2007.

**19 - INFORMATIVE TO APPLICANT:**

The developer is advised to satisfy himself that the proposed soakaway drainage is adequate to serve the development.

**20 - INFORMATIVE TO THE APPLICANT:**

Arboricultural Practice Note 1, which is referred to on the 1:500 site plan, has been superseded by Arboricultural Practice Note 12.

21 - 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 planning policies: Kennet Local Plan 2011 policy PD1 and central government planning policy contained in PPG15 and PPS3.

Item 4:

APPLICATION: K/57383/O  
PARISH: MARLBOROUGH  
APPLICATION TYPE: Outline Planning Permission  
PROPOSAL: Erection of 3 bed house following demolition of ground floor extension  
SITE: 5 St Margaret's Mead, Marlborough, SN8 4AZ  
GRID REF: 19558 69011  
APPLICANT: Mr NH Kerton  
AGENT: Mr N Rose  
DATE REGISTERED: 18th September 2007  
CASE OFFICER: Miss R Hughes

---

This application is presented to the Regulatory Committee at the request of the local ward member, Cllr. Mrs Dow.

#### SITE & LOCATION

The site lies in a residential area to the east of the town centre of Marlborough. St. Margaret's Mead is accessed off London Road and consists predominately of semi detached dwellings. When entering St Margaret's Mead, number 5 is the third property on the left hand side of the street. Currently the site comprises a semi detached two storey dwelling with an attached single storey garage and single storey extension to the side. Residential properties border the site to all aspects. The site is located within the Limits of Development of Marlborough and as with all of Marlborough, lies within the North Wessex Downs Area of Outstanding Natural Beauty.



*Location Plan*

#### SITE HISTORY

K/55945/O - Outline application for erection of 3 bed house following demolition of ground floor extension - refused 28/03/07. The refusal reasons were:

1. The proposal, by reason of the limited size (and, in particular, width) of the plot and the terraced form of housing proposed, would appear cramped and overcrowded, and as such out of keeping with the character and appearance of established development in St Margaret's Mead which comprises semi detached housing on spacious plots. As a consequence the proposal would set an unwelcome precedent for similar proposals in the road. As such the development is contrary to policy PD1 of the adopted Kennet Local Plan 2011.

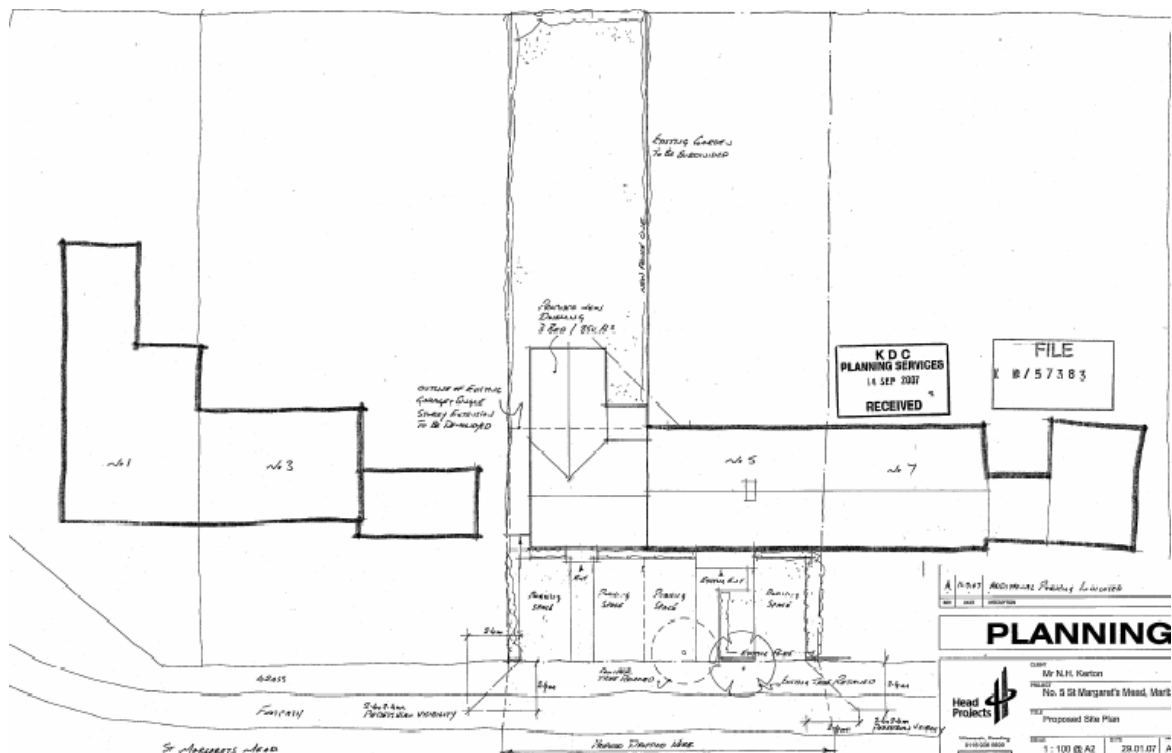
2. The proposal does not include adequate parking provision for both the proposed and existing houses and, as such, would lead to additional on street parking, to the detriment of highway safety and the general character of the road. As such the proposal is contrary to policy PD1 of the adopted Kennet Local Plan 2011.

### DESCRIPTION OF DEVELOPMENT

This proposal relates to an application for the erection of an attached 3 bed house following demolition of a ground floor extension. The application is in outline with only access and layout to be considered at this stage.

The only difference between this latest proposal and that refused under K/55945/O is that the proposal now includes provision for two off street parking spaces per dwelling (the existing and proposed dwelling) as opposed to one space for each under the previous application.

The new dwelling would be two storeys in height and would be located partly on the footprint of the existing single storey garage and extension belonging to no.5 (which are to be demolished). The new dwelling would follow the existing front building line of no.5, however a gable projection of approx 4m is proposed to the rear. The rear garden currently belonging to no.5 would be subdivided to provide amenity space for the existing and proposed new dwelling.



Site Plan – not to scale



*The site – the single storey extension and garage behind the five-bar wooden gate*

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a letter with accompanying photographs in support of the application which are available to view on the working file. The main points raised in the supporting statement are as follows:

- Three storey flats have been allowed in the neighbouring locality with no garden and one parking space per unit and grossly alter the appearance of the estate;
- Several two storey extensions have been permitted close to the site including an extension to no.8 St Margaret's Mead which is bigger than the new dwelling proposed and has set a precedent for new buildings in gardens on this stretch of the road;
- In London Road a stand alone house has been built on a plot two thirds of the width of the plot available at this site;
- Adjacent to the Youth Centre in St Margaret's Mead permission has been granted for two homes in one garden, each of which will occupy a space smaller than the proposed new dwelling;
- Four properties are being built in New Road which have no gardens and face onto the main A4;
- The former Toc H building on the Green is being converted into two homes with no parking and no gardens;
- Permission was refused for one house on a site at Urchfont when it was big enough for two and the Council wanted one as an affordable dwelling to meet local needs which is what this proposal is seeking to achieve.

#### TOWN COUNCIL COMMENTS

Marlborough Town Council comment: 'That this application is noted'.

#### CONSULTATIONS

County Highways (J Mundy) : no objections subject to conditions being imposed requiring: a) the area allocated for parking on the submitted plan to be kept clear of obstruction and not used other than for the parking of vehicles in connection with the development; b) the parking spaces to be properly surfaced; c) the access to incorporate visibility splays; d) provision to be made within the site for the disposal of surface water to prevent discharge onto the highway.

Thames Water: no objections

Wiltshire Fire and Rescue Service: recommend informative

## POLICY CONSIDERATIONS

Kennet Local Plan - the site lies within the limits of development for Marlborough. Policy PD1 of the adopted Kennet Local Plan 2011 is relevant to the consideration of this application, as is central government guidance contained in PPS1 (Delivering Sustainable Development) and PPS 3 (Housing).

## PLANNING OFFICERS COMMENTS

The site lies within the Limits of Development for Marlborough where new residential development can be acceptable provided it conforms with the general principles set out in policy PD1 of the Kennet Local Plan 2011 (Development and Design) and central government guidance contained in PPS3 (Housing).

St Margaret's Mead is characterised by semi detached properties located in wide spacious plots, often separated (as in this case) from each other by single storey additions and/or garages. The proposal would erode this character by replacing the single storey extension and garage with an attached two storey house considerably narrower than those adjacent to it and consequently looking out of place and out of character.

The applicant has stated that several properties in the vicinity have been subject to two storey side extensions, although two of the three cited are clearly single-storey at the front, subservient extensions utilising the roofspace above.

To facilitate the access arrangements the front of the site would be cleared of obstructions and hard surfaced. If repeated elsewhere within the site vicinity this access arrangement would lead to the erosion of the soft site frontages which are characteristic of the area.

If permitted, there is concern that this application would set a precedent for the development of similar proposals within the street, where several properties have scope for plot division, both in terms of new builds and sub-division of existing extended properties. This would act to progressively erode the spacious, mature, low density housing in the area, causing unacceptable harm to the character of the area.

Whilst guidance in PPS3 (Housing) seeks efficient use of land in sustainable locations, regard must also be given to the overall characteristics of an area. PPS3 highlights that intensive development is not always appropriate, particularly when it would lead to development which fails to respect the scale and character of the area. The subdivision of this plot would lead to a development which is cramped in nature and would appear incongruous in this setting.

In this instance it is therefore considered that to allow permission for an additional dwelling through the subdivision of the site into two smaller plots would be out of keeping with the generally spacious nature of the locality and would set an unwelcome precedent, having great potential to change the character of the area. The proposal is therefore contrary to policy PD1 which effectively requires schemes to take account of the size of adjoining plots and buildings, particularly in streets with uniform design characteristics. The scheme is also considered contrary to central government guidance contained in PPS1 (Delivering Sustainable Development) which stipulates that good design should be integrated into existing urban form and that design which is inappropriate in its context should not be accepted and also advice in PPS3 (Housing) which states that new residential development should be integrated with, and compliment, the local area in terms of scale, density, layout and access.

## **RECOMMENDATION**

Refuse

1 - The proposal, by reason of the limited size (and, in particular, width) of the plot and the terraced form of housing proposed, would appear cramped and overcrowded, and as such out of keeping with the character and appearance of established development in St Margaret's Mead which comprises semi detached housing on spacious plots. As a consequence the proposal would set an unwelcome precedent for similar proposals in the road. As such the development is contrary to policy PD1 of the adopted Kennet Local Plan 2011.

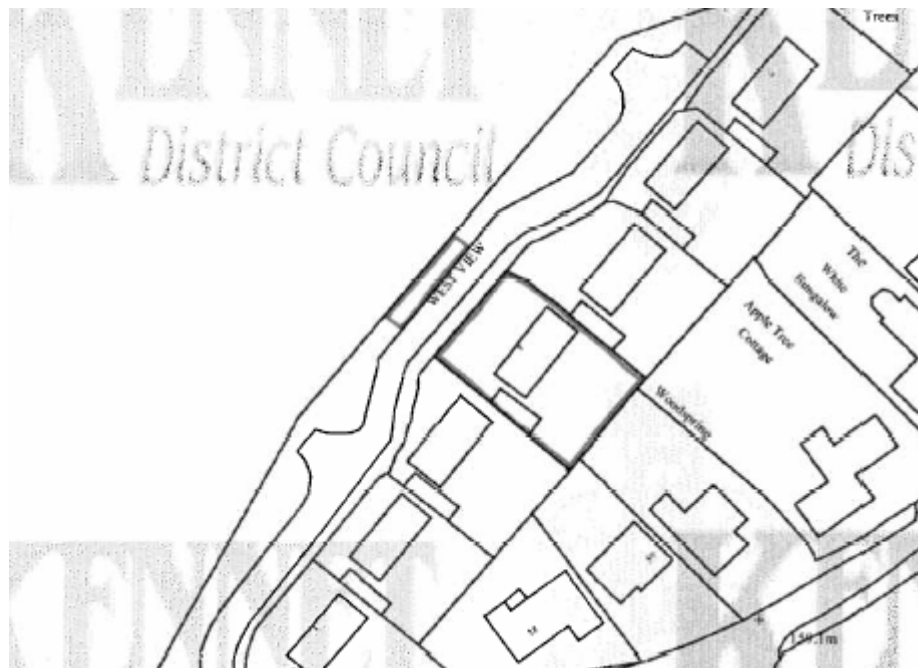
Item 5:

APPLICATION: K/57365/F  
PARISH: EVERLEIGH  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Replacement dwelling. Erection of two storey detached house.  
SITE: 4 West View Everleigh Wiltshire SN8 3EY  
GRID REF: 20197 53564  
APPLICANT: Mr M & Mrs S Kremzer  
DATE REGISTERED: 17th September 2007  
CASE OFFICER: Mr R C Cosker

---

### SITE & LOCATION

The application site is one of seven 'Woolaway' bungalows which are sited at the western edge of the main part of Everleigh. West View is a cul-de-sac which runs parallel with The Street. When approaching the site from the main road West View is the first on the right. Only two of these bungalows are occupied with the others being in a poor state of repair.



*Location Plan*

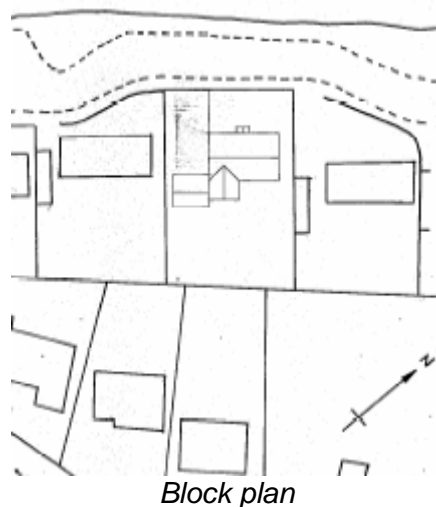
### SITE HISTORY

K/55430/VAR & K/55429/VAR – These applications were approved in October 2006 and were both to remove the agricultural worker occupancy conditions on all seven bungalows.

### DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing bungalow and garage and the construction of a replacement two storey dwelling and an attached double garage. The proposed dwelling has a 'double fronted' design and would have a ridge height of 7.9 metres. Whilst the footprint of the proposed dwelling is no larger than the

existing dwelling the design of the proposed dwelling means that the dwelling will be sited further off the side boundaries of the plot.



#### ADDITIONAL STATEMENT BY THE APPLICANT

Other than the required Design and Access Statement none have been submitted.

#### PARISH COUNCIL COMMENTS

Everleigh Parish Council has no objections but make the following observations;

1. The current dwelling is a bungalow and therefore does not have an impact on the dwellings that back onto it in The Street. A two storey dwelling could compromise their privacy and/or light. If two storeys are permitted similar plans may follow and other residents could be similarly affected.
2. Want reassurance that the new building will incorporate environmentally friendly materials.
3. There is concern about the piecemeal applications to replace the existing properties resulting in a range of disparate buildings that fail to compliment each other and the local environment. Therefore members ask that when further applications in West View are assessed due consideration is given to the overall aesthetics of the West View area and the local environment.

#### CONSULTATIONS

County highways (Mark Wiltshire) – No objection subject to a recommended condition concerning the improvement/alterations to the existing dropped kerb and pavement.

#### REPRESENTATIONS

Three letters of representation have been received and comments made are summarised below;

1. My understanding of 'replacement dwelling' is that a bungalow should be replaced by a bungalow. A two storey detached dwelling is not a replacement.
2. The ground levels of the properties in West View are approximately 2ft higher than properties in The Street. As a result a 2 storey house will be significantly higher and visually more intrusive in relation to the properties in The Street. Natural light would be severely impaired to house and garden.
3. Property would now overlook those in The Street.
4. The proposed building does not comply with the village design statement as the dwelling is not sympathetic to the character and harmony of the village.



5. Large two storey four bedroom house with garage and a car port in a row of bungalows would have a detrimental impact on the appearance of the area.
6. Larger house with garage and car port would attract more cars and therefore be detrimental to highway safety.
7. This could open the floodgates to more 2 storey dwellings on West View Road.
8. No objection if it was like for like replacement and it was intended for affordable housing.
9. The house is being built for sale and at that size would attract a rather large sum of money.

#### POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1 and HC24 and the Everleigh Village Design Statement (VDS) are considered relevant to the determination of this application.

#### PLANNING OFFICERS COMMENTS

In considering the principle of this proposal your officers consider that the site lies within the built up area of the village of Everleigh. As such policy HC24 of the local plan is supportive of the replacement of existing dwellings subject to the criteria that the proposal should be in harmony with the village in terms of its scale and character. The policy makes no requirement for the replacement dwelling to be on a 'like for like' basis, in other words the replacement of a bungalow with a two storey dwelling is not considered unacceptable in principle. Instead the proposal must be considered against the above criteria, the wider requirements of policy PD1 and the requirements of the VDS. The main issues raised by the proposed two storey dwelling are considered to be; the impact on the character and visual amenity of the area and the impact on the amenities of the occupiers of neighbouring dwellings.



Proposed Front Elevation (NorthWest)



Proposed side elevation (southWest)  
*Elevations*

With regard to the first issue both policy HC24 and the VDS set the same requirements for the development to be sympathetic to the character and harmony of the village. This is however an unusual situation as clearly a two storey dwelling would be out of keeping within a row of bungalows, but yet it would not be out of keeping with the wider form of development in the village. Two storey dwellings are after all a traditional form of development. Furthermore, all seven bungalows were recently sold in individual lots at a property auction and it is clear from discussions with those new owners that two storey replacement dwellings are the likely proposals for the other lots, except for the two dwellings where there are currently protected agricultural tenants. Indeed a second application has now been submitted and is under consideration for 6 West View. Whilst every application that may be received for each of these bungalows will have to be considered on their own merits it is considered that it is unlikely that any single storey dwellings will be insisted on. Officers therefore consider that, having regard to the wider situation, the proposed two storey dwelling would be sympathetic to the character and harmony of the village.

Turning to the issues of neighbour amenity, the proposed dwelling is sited slightly forward of the existing one. It is considered that this together with the set back from the side boundary and the intervening garage helps reduce the impact on the occupiers of the dwellings to the north east. On the other side the main bulk of the dwelling is set away from the side boundary by the proposed double garage. Whilst the proposed garage will be taller than the flat roof garage it will replace it has been sited 1 metre off the boundary, whereas the existing garage is right on the boundary. It is therefore considered that the proposed dwelling will not have any adverse impact on the amenities of the occupiers of the two existing bungalows either side of the site. With regard to the potential impact on the existing dwellings on The Street it is noted by officers that these properties are at a lower level than the application property and clearly the presence of a two storey dwelling instead of a bungalow is going to have an impact on the occupiers of those properties. However in considering whether the proposal would cause demonstrable harm to the amenities of those neighbours it should be noted that the normal requirement of a 'back to back' distance of 21 metres is well exceeded in all instances. It is therefore considered that the loss of privacy for those occupiers would not be such that would substantiate a reason for refusal. It is further considered that, having regard to the separation distance, there would be no detrimental loss of light to those properties.

With regard to the other issues raised it is considered that a larger dwelling would not lead to an unacceptable increase in the level of traffic through the village and it should be noted that the highway authority have raised no objection to the proposal. Affordable housing is also not an issue for this application as there is no requirement for such provision where the proposal is for a single replacement dwelling. Finally, whilst the parish council have raised quite understandable concerns about the piecemeal redevelopment of the dwellings on West View, in this instance officers consider the application under consideration is acceptable and that it should be approved.

## **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 if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

3 - Prior to the commencement of development details of eaves, verges, the windows (including head, sill and window reveal details) and doors to be used 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:

To ensure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

5 - INFORMATIVE TO THE APPLICANT:

The applicant should note that the council expects the landscaping scheme to include either a new hornbeam or beech hedgerow along the front boundary or the retention, management and gapping up of the existing hedgerow.

6 - 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 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 landscaped setting for the development.

7 - The dwelling shall not be occupied until the parking spaces shown for it on the approved plans, together with the access thereto, have been provided.

REASON:

To ensure that adequate parking space and access has been provided before the occupation of the dwelling in the interests of highway safety and the amenity of future occupants.

8 - Prior to the first occupation of the dwelling hereby approved the existing lowered kerbs at the access position shall be extended to suit the new wider driveway width in accordance with the details first submitted to and approved in writing by the local planning authority.

**REASON:**

To ensure the appropriate improvements are made to the access to the site in the interests of highway safety and convenience.

9 - 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 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.

10 - 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 side elevations of the dwelling (including the side elevations of the rear projection) hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

11 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure (other than any approved as part of the landscaping scheme approved under condition 4) shall be erected, or placed within the curtilage of the dwelling forward of the front wall.

**REASON:**

In the interests of visual amenity.

**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: policy PD1 and HC24.

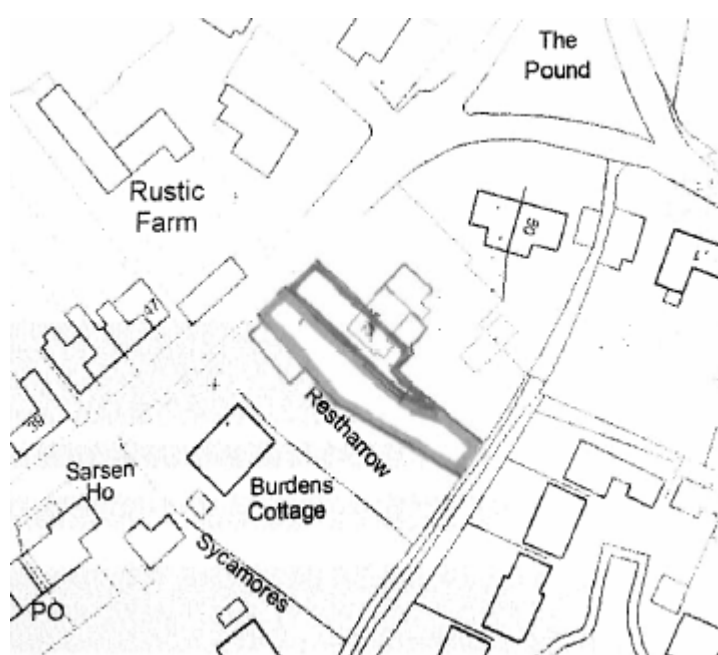
Item 6:

APPLICATION: K/57342/F  
PARISH: ALL CANNINGS  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Erection of three bedroom cottage as new end of terrace attached to No 42 The Street  
SITE: Land to the south west of 42 The Street All Cannings Devizes SN10 3PA  
GRID REF: 07231 61901  
APPLICANT: Ms V Hill  
AGENT: Peter Kent Architect  
DATE REGISTERED: 13th September 2007  
CASE OFFICER: Mr A Guest

---

### SITE & LOCATION

The application site lies within the limits of development of All Cannings, on the south east side of The Street. It is also within the All Cannings Conservation Area and the Area of Outstanding Natural Beauty.



*Location Plan*

The site comprises the side garden of no. 42 The Street. No. 42 is the end terrace in a row of three terrace estate houses (nos. 42-46). The row of houses stand prominently on a bank above the level of the highway, approximately 14m back from the edge of the carriageway and with relatively long gardens gently rising to the rear. To the other side of no. 42's side garden is a detached thatched house, Restharrow, set further forward on its plot and at a lower level than no. 42.

Opposite the site are traditional former agricultural buildings within the yard of Rustic Farm.

### SITE HISTORY

K/56616/F – Erection of detached three bedroom cottage – withdrawn 3 July 2007.

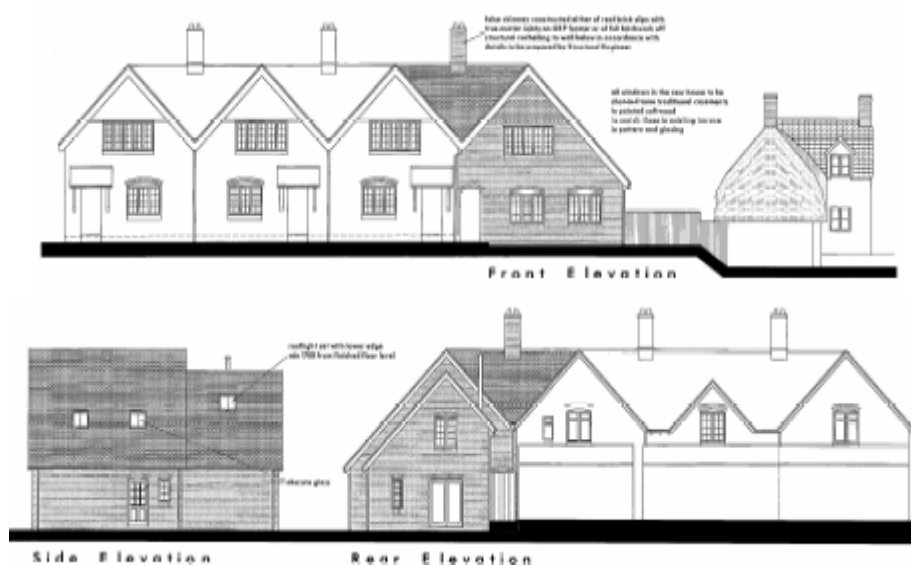
K/17388 – Erection of detached two storey dwelling – refused 30 May 1991.

K/16036 – Erection of semi-detached dwelling with access and parking – refused 26 June 1990.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a single dwelling on the site, attached to no. 42 (effectively creating a fourth dwelling at the end of the terrace row). The design would follow that established by the terrace row with, in particular, a large tile hung gable fronting the highway and matching roof, chimney and general fenestration. The side roof would extend, or “cat-slide”, over an additional area to the side of the proposed house, and a wing with lower ridge line would project to the rear. An access through a covered alley would be maintained between the proposed house and no. 42.

In terms of its siting, the new dwelling would be built on the same front building line as the terrace row, so maintaining an approximately 14m long front garden. The rear wing would project approximately 1.6m beyond the extended rear elevation of no. 42. The side projection would be some 7.2m, leaving an approximately 3.0m gap with Restharrow. Because Restharrow is set further forward on its plot, the proposed dwelling would project approximately 8.0m behind the rear elevation of Rest Harrow.



*Elevations – not to scale*

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The rear wing has been re-positioned further from the boundary with Restharrow and made more traditional in design. The fenestration in the side elevation facing Rest Harrow has been re-configured.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The Design and Access Statement accompanying the application is available for inspection on the working file.

#### PARISH COUNCIL COMMENTS

All Cannings Parish Council: comments awaited.

## CONSULTATIONS

County highways (Mark Wiltshire): No objection, subject to conditions.

County archaeologist (Sue Farr) : no requirements.

KDC Conservation Officer: No objection. Concerns were raised in respect of the previously proposed detached dwelling under ref. no. K/56616/F. The addition of a further bay with a matching gable to the southern end of terrace was recommended as the likely best design option. This would respect the established architectural rhythm and pull the development further away from the diminutive Restharrow. As set out in the Conservation Area Statement the existing terrace must be viewed as an architectural entity with a consistency of roof lines, materials, chimney stacks and windows. If the new end of the terrace emulated the design of the existing roof, a high end gable would be avoided and thus avoid the visual oppression of the thatched cottage. The revised application is largely consistent with this approach.

The Conservation Area Statement identifies Restharrow and Nos. 42-46 as important unlisted buildings that contribute positively to the character of the Conservation Area. It will therefore be important to ensure that the proposals are carefully implemented. If permission is granted it should be subject to conditions controlling external brickwork, detailed appearance of windows and doors, roof tiles, rain water goods, and gable barge boards. The intention should be to match the character, colour and materials used on the adjoining properties.

## REPRESENTATIONS

Objections have been received from three third parties (no. 44 and Restharrow, The Street; and 16 The Glebe) summarised as follows:

- Proposal would be detrimental to the appearance and setting of the existing row of three terrace cottages. The cottages were built as a unit fronting on to The Street and surrounded by land on the remaining three sides. The space on either side is essential to the character of not only the row itself but also its relationship with the farmhouse opposite and the second group of cottages alongside. The Conservation Area Statement states – it will also be important to ensure that the settings of buildings are retained including spaces between buildings that contribute to the character of the area;
- Adding to the existing terrace row in this way would result in an awkward blister on one end, with a notable lack of proportion from the front and rear elevations.
- Proposed dwelling is shown as larger than the existing cottages in the row (and larger than previously withdrawn house). Likely loss of light and overshadowing of neighbouring houses, and overbearing relationship with Restharrow. Too many windows facing Rest Harrow;
- Covered alley is over an open and legal right of way to no. 44. The alley reduces the scale of the access, both in terms of height and width;
- Achieving level to match existing cottages may lead to subsidence and cause disruption;
- Car parking is limited already – no. 42 has four cars parked on driveway which is proposed to be shared between no. 42 and the proposed house. Additional traffic generated by the development will, therefore, lead to congestion and dangerous on-street parking, and residents not being able to park outside their houses;
- Loss of views across site;

- Noise and disruption will result during construction. No space for parking construction/delivery vehicles;
- There is a dispute over the exact position of the boundary between the site and Restharrow.

#### POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1 and HC22 of the Kennet District Council Local Plan 2011 and the All Cannings Conservation Area Statement are relevant. Central Government policy in PPS1, PPG3 and PPG15 is also relevant.

#### PLANNING OFFICERS COMMENTS

The main issues in this case are the impact of the proposed development on the character and appearance of the conservation area (including the setting of nos. 42-46 The Street), the impact on residential amenity, and the impact on highway safety.

As a matter of principle Policy HC22 of the Kennet Local Plan 2011 allows limited additional housing consisting of infilling in 'Villages with a Range of Facilities' (including All Cannings) provided that the development is in harmony with the village in terms of its scale and character. Infilling is defined as the filling of small gaps within small groups of houses.

The application site, by reason of its size and situation, is considered to satisfy the definition of a 'small gap', and consequently, subject to the detailed design being harmonious in all other respects, the proposal is as a matter of principle considered to be acceptable under Policy HC22.



*Block Plan – not to scale*

#### Conservation Area

Within conservation areas PPG15 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the areas, and planning decisions in respect of development proposals must give high priority to these objectives. The Conservation Area Statement provides specific guidance in relation to All Cannings, noting the early 20<sup>th</sup> century estate style cottages "... with their distinctive gables to the road and tile hanging to the upper parts of the walls ..." as attractive features. The statement further remarks that "designed groups of



buildings should always be seen as one so that individual changes do not destroy the architectural integrity”, in particular having regard to the consistency of roof lines, materials, chimney stacks and windows.

PPS1 provides policy for design noting that “good design ensures attractive usable, durable and adaptable places and is a key element to achieving sustainable development”. The PPS further notes that key objectives should be to ensure, in particular, that new development responds to its local context and creates or reinforces local distinctiveness, and is visually attractive as a result of good architecture and appropriate landscaping. The PPS is reinforced by Policy PD1 of the Local Plan which requires, in particular, the relationship to townscape context, the relationship to historic features, elevational treatment, building detailing, and the impact on residential amenity to be taken into account.

In this particular case it is considered that the applicant has fully taken into account the relevant considerations referred to above, and designed a development which would conserve the conservation area. It is acknowledged that the site is constrained by virtue of its position between two significant un-listed buildings. However, the proposed dwelling, by reason of its attachment to the existing row of cottages and its respect for their design (both in terms of its proportions and detailing) would not destroy the architectural integrity of the cottages. In fact, it is considered that the proposed design would compliment the existing cottages, and ensure that they continue to be seen as one, in accordance with the conservation area statement.

The single modest dwelling would not detract from the wider street scene. Although spaces between buildings are often as important as the buildings themselves, in this case the particularly wide gap between no. 42 and Restharrow lends itself to infilling in the manner proposed. The Conservation Area Statement acknowledges that this part of The Street has a “... more developed feel with buildings closer together ...”, and that “... the settings of the earlier buildings here have been changed by considerable infilling ...”. The proposal, therefore, fits the tradition of infilling that has taken place, and for this reason the loss of the existing open space would not amount to a sustainable reason for resisting the development.

The dwelling has been designed taking into account the different styles of the row of cottages and Restharrow. The cottages comprise a relatively tall and bold building whereas Restharrow is a low roofed, thatched cottage. The proposed dwelling follows in the style of the cottages. However, its design has a long cat-slide roof running down over a single storey element at its side, this limiting the bulk and ensuring an appropriate transition between the two contrasting building styles, (this complimented by a retained approx. 3m wide gap between the houses). In view of this, it is not considered that the proposal would detract from the general street scene or setting of Restharrow.

Overall it is considered that the proposed dwelling, by reason of its traditional design (which respects the style and form of the cottages to which it is to be attached) and its modest scale, conserves the conservation area and is harmonious with established development, in accordance with the PPG/S and Policy HC22 of the Local Plan.

#### Residential amenity

As referred to above, the proposed dwelling has been designed to reflect the style of the row of cottages. Its flush front elevation with the other cottages and its limited rear projection would ensure no adverse impact on the amenities of the occupiers of

the cottages. Although there are no other two storey wings on the back of the existing cottages, other alterations at ground floor level have taken place. The two storey wing proposed as part of the dwelling would, therefore, fit in with the evolved form of the rear elevations of the cottages.

Regarding the relationship with Rest Harrow, in view of the forward position of the latter, the proposed dwelling would project behind its rear elevation, and so be visible. However, the combined effect of the proposed design (with the roof sloping away from a single storey element at the side of the house) and the retained gap to the boundary would ensure a satisfactory and neighbourly relationship. Conditions are recommended to restrict further openings in the side elevations and to require the windows facing the flank wall of Restharrow to be obscurely glazed.

The retained garden at no. 42 would be relatively small compared to others in the row of cottages. However, as this is a matter of personal preference (and because the garden could be split in the way proposed in any event) this is not considered to be an overriding concern.

A third party has expressed concern that the proposed dwelling would be built over a right of way, and that the dimensions of the covered alley may not satisfy the parameters of this right of way. This is a private matter which cannot be taken into account in the planning application process. The applicant would require separate permission to either block or change the terms of a right of way set out in a covenant or other restriction. A grant of planning permission would not override the need for this separate permission, and would not be relevant to the consideration of an application to remove or vary the covenant or restriction.

A third party has expressed concern at the loss of the view across the site. There is no right to a view across another parties land, and consequently this concern cannot amount to a sustainable objection to new development.

#### Highway Safety

No. 42 presently has four off-road parking spaces. The proposal is to retain two of these spaces for no. 42 and give two of the spaces to the proposed dwelling. Two parking spaces for each dwelling satisfies the maximum standard for parking provision as set out in the local plan, and consequently an objection based on a shortfall of parking could not be sustained. For this reason county highways does not raise an objection.

Disruption caused by construction traffic is an unfortunate consequence of the development process, but as it is only short term would not amount to a reason for refusing planning permission. Noise or other nuisance generated from a building site can be controlled under other legislation.

#### **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 plan number 1132/Planning2C received on 10 October 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 - Prior to the commencement of development details of all eaves, verges, barge boards, windows (including head, sill and window reveal details), doors, rainwater goods, and the chimney stack to be used shall be submitted to and approved in writing by the local planning authority. The details shall specify each of these architectural features to match the design, materials and colour of equivalent architectural features in/on the existing terrace row. Notwithstanding the notes set out on the application particulars, the chimney stack shall not be GRP. Development shall be carried out in accordance with the approved details.

**REASON:**

To ensure harmonious architectural treatment.

5 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in the south-west facing and north-east facing side elevations of the building hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

6 - All of the windows (including the rooflights) and glazed door shown on the approved plans on the south-west facing side elevation shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties.

7 - 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 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.

8 - The area allocated for parking on the approved drawing shall be kept clear of obstruction and shall not be used for any purpose other than for the parking of vehicles in connection with the development hereby permitted and no. 42 The Street.

**REASON:**

In the interests of highway safety.

9 - Before the dwelling hereby approved is first occupied, the parking spaces shall be surfaced with a properly consolidated material (not loose stone or gravel), the details of which shall be first approved in writing by the local planning authority.

**REASON:**

In the interests of highway safety.

10 - Prior to the first occupation of the dwelling hereby approved provision shall be made for the disposal of surface water from the parking spaces 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.

**11 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1; and Central Government policy set out in PPS1, PPS3 and PPG15 in particular.

**12 - INFORMATIVE TO APPLICANT:**

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

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

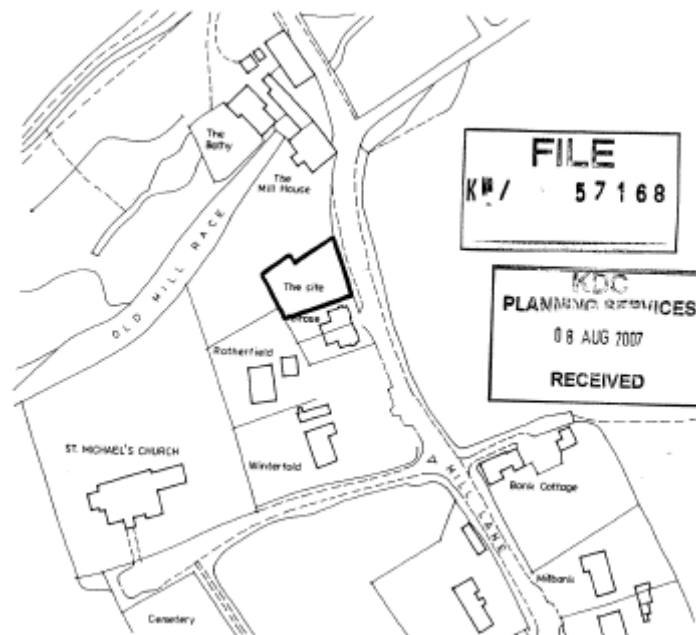
Item 7:

APPLICATION: K/57168/F  
PARISH: SHALBOURNE  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: New dwelling with associated parking  
SITE: Adjacent Melrose Cottage, Mill Lane, Shalbourne  
Wilts, SN8 3XA  
GRID REF: 31623 63579  
APPLICANT: Mr A Schmidt  
AGENT: Mathewson Waters Architects  
DATE REGISTERED: 13th August 2007  
CASE OFFICER: Mrs V Cains

---

**SITE & LOCATION**

This application relates to garden land associated with Melrose Cottages in Shalbourne. The pair of cottages are located at the northern end of Shalbourne on the western side of Mill Lane, situated close to the road. The application concerns the side garden of the northernmost cottage. The area in question is now physically separated from the cottage by fencing.



*Figure 1: Location plan (not to scale)*

The northern boundary of the site is well treed (some of these are on the neighbouring land), and abuts the garden boundary of The Mill House; the eastern boundary is adjacent Mill Lane; the western boundary abuts Melrose Cottages and the western boundary of the site is adjacent the garden boundaries of both Rotherfield and The Mill House. The whole site lies within the Shalbourne Conservation Area and Melrose cottages are marked as significant unlisted buildings in the Conservation Area Statement.



*Figure 2: Photographs of the site and its context*



*Figure 3: Photograph of the site, access and boundary hedge*

#### SITE HISTORY

K/54463 – New four bedroom detached dwelling and garage – refused 11/07/06 for the following reasons:

- (i) The construction of a large dwelling in close proximity to both the highway and to Melrose Cottages, combined with the removal of boundary vegetation and the provision of extensive hard surfacing for parking and turning, would be extremely detrimental to the rural character of Mill Lane and Shalbourne, neither preserving nor enhancing its designation as a Conservation Area.
- (ii) Both the proposed dwelling and the proposed garage are too close to the trees of neighbouring properties, contrary to BS5837 'Trees in Relation to Construction', with consequent risk to the health of these trees.

An appeal against this refusal was dismissed. However, the Inspector in his report did not explicitly rule out the principle of developing this site and the comments are instead focussed on the size of the dwelling proposed, impact upon trees, the large expanse of hardsurfacing and lack of space for landscaping. A full copy of this decision can be found on the planning file.

K/53530 - Melrose cottages have been variously occupied as either a single or as two separate dwellings. In recent times they have been occupied as one. However planning permission was approved in March 2006 to subdivide them back into two, together with the provision of a shared extension and general refurbishment. This conversion back to two dwellings has now been implemented.

## DESCRIPTION OF DEVELOPMENT

This application is a revision of K/54463 and reflects pre-application discussions that have taken place between officers and the applicant/agent. This application proposes a smaller 3 bedroom detached dwelling with space for the parking of 2 cars. A garage is no longer proposed. Landscaping details and highway requirements have also been included in the plans.



*Figure 4: Block plan of the site (not to scale)*



*Figure 5: Front elevation and rear elevation (not to scale)*

## ADDITIONAL STATEMENT BY THE APPLICANT

No additional statement in support of the application has been submitted.

## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has been amended in the following respects:

- (a) The hard and soft landscaping scheme has been altered to include more details and change some of the planting sizes/species. More significantly, the access and hard surfacing have been reduced in area so they now reflect minimum highway requirements.
- (b) An additional plan has been submitted showing neighbouring land in the applicant's ownership as "blue" land. The highways visibility requirements (which

cross both the application site and this neighbouring land) are now shown on this plan and within the said blue land.

#### PARISH COUNCIL COMMENTS

Object to the scheme on the following grounds:

(a) This site formed part of the garden of Melrose Cottage and, contrary to the statement by the developers, had no access onto the road. A large portion of hedge has been removed to create a new access to this site for which planning consent has not been given. Photographs provided by the Parish Council showing where the hedge used to be and the area where the hedge has been removed are available to view on the planning file or the internet.

(b) This area of the village, which is within the Shalbourne Conservation Area and a designated Area of Outstanding Natural Beauty, has retained its very rural nature and this would be irretrievably spoiled by the cramming in of a further property.

(c) The "Street Scene Elevation to Mill Lane" submitted by the applicant appears to greatly exaggerate the distance between the proposed property and Mill House. Also, what is shown as a plain wooden fence is now fronted by a high Laurel hedge which restricts the sight lines for all vehicles using this area. Photographs provided by the Parish Council showing their highway concerns are available to view on the planning file or the internet.

(d) The construction of this dwelling in close proximity to both the highway and to Melrose Cottages, combined with the removal of boundary vegetation and the provision of extensive hard surfacing for parking and turning, would be extremely detrimental to the rural character of Mill Lane and Shalbourne, neither preserving nor enhancing its designation as a Conservation Area.

(e) The proposed dwelling is too close to the trees of neighbouring properties, contrary to the British Standard.

(f) The area around the neighbouring property has been subject to flooding which can only be made more likely with the large area of proposed hard surfacing for turning and parking space. The large area of hard surfacing also has a detrimental effect on the rural atmosphere of the area.

(g) There was a pond on the site which was filled in at the time of the conversion of Melrose Cottage to two dwellings so that too is likely to cause further flooding problems.

(h) There has in the past also been a problem with sewage backup seeping into the road by Mill House. This could cause serious health and safety problems and can only be made worse by the addition of further dwellings in this area.

#### CONSULTATIONS

KDC Landscape & Countryside Officer: No objection to the revised scheme but recommends that permitted development rights for fencing and garden paraphernalia in front of the house and within the root protection area of trees be applied.

KDC Conservation Officer: No objection.

KDC Engineering & Design Manager: No objection.

County Archaeologist: No objection in principle but states that the area is of archaeological interest and any permission should therefore be granted subject to a condition requiring an archaeological brief during groundworks.

County highways (P Galpin): No objection subject to conditions requiring visibility splays; the maintenance of the vehicle turning area and parking spaces; the surfacing of the first 2 metres of the access in a well bound consolidated material; and requirement for surface water disposal details so as to prevent its discharge onto



the highway.

Wilts Fire and Rescue Service: No objection.

## REPRESENTATIONS

Two letters of objection have been received from neighbouring properties. These are summarised as:

- (a) The development will alter the rural appearance of the approach to the village by inserting a large property;
- (b) The dwelling will create an additional hazard on an already dangerous bend on a narrow road;
- (c) Trees have already been felled on the plot, a pond filled in and several metres of an ancient hedge removed significantly changing the rural aspect of this approach to the village;
- (d) The rear facing windows will overlook the garden area of Rotherfield;
- (e) The submitted application form is incorrect in that this plot has never had vehicular access;
- (f) The site has already undergone significant earth works with the pond being filled in, a redistribution of soil and the burying of debris from the conversion works at Melrose Cottage - as a result any archaeological remains could be scattered or buried deeply;
- (g) There is insufficient space for cars parking at the northern most cottage and, as such, cars will have to park at the front of the site blocking visibility lines for the proposed dwelling and those exiting Rotherfield. The boundary fence should be moved further into the application site to allow for cars to park to the side of the cottage;
- (h) The development will place increased pressure on the drainage in the area which, when there are heavy rains, the road and drive in front of The Mill House floods and often sewage backs up in the road and flows into the stream. Some works to address this problem have been carried out but the objector has been informed by the Parish Council that more are required. There is already a large development of new houses at Rivar Road which will add pressure to the services.
- (i) The development will lead to increased traffic through the village; and
- (j) There are several substantial trees on the boundary with The Mill House and the objector is concerned that the development could harm these.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the application site lies within the Shalbourne Limits of Development. The whole site lies within the Shalbourne Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The key policies are therefore HC22 and PD1. The Conservation Area Statement is also relevant.

Central government policy – In addition to the local plan policies, guidance contained within Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Statement 15: Planning and the Historic Environment are relevant.

## PLANNING OFFICERS COMMENTS

This application proposes the erection of a detached dwelling. The following issues are considered relevant to the determination of the application: (a) the principle of development; (b) design of the dwelling and relationship with the Conservation Area; (c) highway safety; and (d) neighbour amenity.

### Principle of development

This application site falls within the Shalbourne Limits of development (LoD). Policy HC22 permits small groups of dwellings (which would include 1 dwelling) provided that the development is in harmony with the village in terms of its scale and character. The development is considered acceptable in principle under the terms of HC22.

### Design of the dwelling and relationship with the Conservation Area

The proposed dwelling takes its design cues from the adjacent pair of cottages and is in keeping with both the character and appearance of the Conservation Area. In terms of its scale and siting, the dwelling is of modest proportions and will not be unduly prominent within the streetscene nor would it be too large for the site. (It is 8 metres in width with no garage compared to the appeal decision design that was 10 metres in width and also included a detached garage). The hard and soft landscaping scheme is such that the proposed front hedge and trees will soften the appearance of the dwelling and help assimilate the building into both its rural and historic context. Your officers consider that this revised scheme has addressed the concerns of the Inspector by reducing the scale of the built form on the site, reducing the area of hardsurfacing and by incorporating a landscape scheme which not only protects existing trees but also provides a “soft” mitigating landscaped frontage to the site.

The Parish Council have objected to the loss of the hedge, some of which has already been removed. Planning permission was not required for the removal of the hedge that has taken place so far and the Inspector noted in his Report that “*the [remaining] hedge is of poor quality and requires significant management and additional reinforcement*”. This scheme proposes a new hornbeam hedge with the additional benefit of 3 front boundary trees. Your officers do not therefore consider the loss of the existing hedge and its replacement with a new hedge and trees to have an adverse impact upon visual amenity and indeed consider the landscaping scheme to be a significant improvement to the existing boundary planting.

### Highway safety

The Parish Council have raised concerns over the access arrangements and questioned its safety. The site affords a good level of visibility in both directions and indeed the highways authority are satisfied with the scheme subject to various conditions which can be achieved. In addition, the Inspector in his report did not raise concerns over highway safety.

The two car parking spaces for the neighbouring cottage are set well behind the visibility splay. A condition ensuring that this splay is kept clear of obstructions is recommended.

Your officer's are therefore satisfied that the scheme is acceptable in highway safety terms.

### Neighbour amenity

The dwelling is not considered to give rise an adverse impact upon the amenity of neighbouring properties. The residents of Rotherfield have expressed concern that the rear first-floor windows will overlook their garden area. The proposed dwelling will have 2 rear facing windows. These windows will be over 10.5 metres away from the boundary with Rotherfield and over 21 metres from any windows serving this property. In addition, any views will be at a significantly oblique angle – your officers do not therefore consider a harmful impact upon neighbouring privacy will occur.

### Other issues

Flooding and drainage issues have also been raised by the Parish Council and neighbour. The site does not fall within an Environment Agency Flood Zone and the Council's Engineering Manager has not raised an objection to the scheme. Your officers do not therefore consider it reasonable to object to the scheme on flooding grounds.

With regard to sewage issues, this is an existing problem according to the comments received and one which already needs to be addressed. This one additional dwelling is not considered to demonstrably exacerbate this situation to justify refusal.

### Conclusion

In conclusion, the proposed dwelling and associated access is considered acceptable and appropriate for its historic and rural context and Members are therefore recommended to approve the application.

### **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 number 6083.01A "1:1250 location plan" received on the 24th August 2007 and DLA 1214/04 Rev A "location and site lines" and DLA 1214/03 Revision E "landscape layout" both received on the 1st October 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 commence until details of the brick bond to be used on the approved dwelling has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and maintained as such thereafter.

#### REASON:

To safeguard the character and appearance of this building of special architectural and historic interest.

5 - Before development commences on site, architectural details of window sections, eaves, verges and barge boards shall be submitted to and approved in writing by the local planning authority. Works shall be carried out and maintained in accordance with the approved details.

**REASON:**

To secure harmonious architectural treatment.

6 - Notwithstanding the details shown on the submitted plans, 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 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 and maintained as such thereafter.

**REASON:**

To secure harmonious architectural treatment.

7 - 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.

8 - No development shall commence until the protective tree fencing as shown on the approved landscaping plan has been erected. No vehicle, plant, temporary buildings or materials, including stacking of soil shall be allowed within the approved protection area.

**REASON:**

To ensure the retention of trees on the site which are important in the interests of visual amenity.

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

**REASON:**

To safeguard the site of archaeological interest.

10 - Before the development hereby permitted is brought into use the highway visibility areas shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point of 2 metres back from the edge of the carriageway measured along the centre line of the access, to the points at the

nearside carriageway edge at each end of the site frontage edged red and edged blue.

**REASON:**

In the interests of highway safety

11 - The dwelling hereby approved shall not be occupied until the hardstanding turning space for vehicles has been completed in accordance with the approved plans. It shall be maintained for this use thereafter.

**REASON:**

To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

12 - Prior to the first use of the access the first two metres of driveway back from the edge of the carriageway shall be surfaced in a well bound consolidated material (not loose stone or gravel) and maintained as such thereafter.

**REASON:**

In the interests of highway safety.

13 - Prior to the first use of the access 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.

14 - The window at first floor level shown on the approved plans on the south side elevation 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.

15 - 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 southern side elevation of the dwelling hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

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

**REASON:**

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

17 - 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 fences, walls or other means of enclosure, or children's play equipment or sheds, greenhouses, garages, stables, kennels, or any other ancillary domestic outbuildings shall be erected forward of the front (eastern) elevation of the dwelling without the prior grant of planning permission.

**REASON:**

In the interests of visual amenity within the Conservation Area.

**18 - INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from the Wiltshire Fire and Rescue Service dated the 5th September 2007.

**19 - 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 HC22 as well as the advice and guidance contained within central government PPGs/PPSs.

