

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 23 July 2014  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Trevor Carbin	Cllr Magnus Macdonald
Cllr Terry Chivers (Substitute)	Cllr Christopher Newbury (Chairman)
Cllr Ernie Clark	Cllr Horace Prickett
Cllr Andrew Davis	Cllr Pip Ridout
Cllr Dennis Drewett	Cllr Jonathon Seed
Cllr John Knight (Vice-Chair)	Cllr Roy While

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### Substitutes:

Cllr Nick Blakemore	Cllr Stephen Oldrieve
Cllr Rosemary Brown	Cllr Jeff Osborn
Cllr Russell Hawker	Cllr Graham Payne
Cllr Keith Humphries	Cllr Fleur de Rhé-Philippe
Cllr Gordon King	Cllr Jerry Wickham

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# AGENDA

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 8*)

To approve the minutes of the last meeting held on 2 July 2014 (copy attached).

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

## Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 2.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

## Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 16 July 2014. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

**6 Planning Applications**

To consider and determine the following planning applications:

**7 14/03465/FUL - 93 Victoria Road, Trowbridge** *(Pages 9 - 16)*

**8 14/03780/FUL - Ashton Gifford Coach House, Ashton Gifford Lane, Station Road, Codford St Peter** *(Pages 17 - 24)*

**9 Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

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## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 JULY 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Dennis Drewett, Cllr John Knight (Vice-Chair),  
Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout,  
Cllr Jonathon Seed, Cllr Roy While and Cllr Jerry Wickham (Substitute)

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#### 74 **Welcome & Introductions**

The chairman welcomed all those present at the meeting.

#### 75 **Apologies for Absence**

Apologies for absence were received from Cllr Andrew Davis and Cllr Magnus Macdonald. Cllr Davis was substituted by Cllr Jerry Wickham.

#### 76 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 June 2014 were presented.

An amendment was put forward to on item 66 of the draft Minutes to read:

“During the course of debate there was a discussion of the position of Selwood Housing and Councillor Magnus Macdonald declared that he was a member of the Selwood board **and therefore had a Disclosable Pecuniary Interest**. However Selwood Housing made a late submission in writing to clarify that it was a prospective partner, not the applicant, and that there was no formal agreement in place, after which Councillor Magnus Macdonald stated that he would vote on the application”.

The amendment was voted on and lost. Cllr Ernie Clark requested his vote for the amendment be recorded.

A motion was put forward to approve the Minutes, and it was;

**Resolved:**

**To approve the Minutes of the meeting held on 11 June 2014 as a correct record and sign.**

**77 Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

**78 Declarations of Interest**

Cllr John Knight declared a non pecuniary interest on item 7D – application 14-03465/FUL, 93 Victoria Road, Trowbridge, as he was a member of Trowbridge Town Council and had been involved in previous discussions.

Cllr Clark declared a non pecuniary interest on item 7A – application 13/02820/FUL, 202A Devizes Road, Hilperton, as he was a member of Hilperton Parish Council but had not been involved in prior discussions.

**79 Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

**80 Planning Applications**

The Committee considered the following applications:

**81 13/02820/FUL - 202A Devizes Road, Hilperton**

Public Participation

There was no public participation.

The Planning Officer outlined the report which recommended the application for approval. The site description and an overview of the proposed development to change the materials to the driveway from gravel to brick paviors were also given. It was noted that the application had previously been deferred by the committee due to drainage issues. These issues had now been addressed with both the Council's own Drainage Engineer and Wessex Water confirming that the installation was acceptable. Members were also advised that separate

building warrant approval had also been granted by NHBC (the National House Building Council).

The Planning Officer outlined the relevant planning policy, consultation and relevant planning considerations.

Members were invited to ask technical questions about the site.  
There were no members of the public present to speak on the application.

The debate focused on the previous drainage issues and that they had now been addressed. A motion was put forward to move the officers recommendation and it was;

### **Resolved**

**That Planning Permission be approved subject to the following conditions:**

**The development hereby permitted shall be carried out in accordance with the following approved plans:**

**LOCATION AND BLOCK PLAN REV 1 – received 12.09.2013**

**SOAKAWAY POSITION DRAWING REV 1 - received 17.12.2013**

**APPROVED (W/10/01920/FUL) LANDSCAPE PLAN REV 1 - received 12.09.2013**

**PROPOSED REVISED LANDSCAPE PLAN REV 1 – received 12.09.2013**

**DRAINAGE PLAN REV 3 – received 16.06.2014**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

**82 14/03109/VAR - Land South Of Former Garage Site Frome Road Bradford On Avon**

Public Participation

Claire Durbin (Agent) spoke in support of the application.

Cllr Gwen Allison, on behalf of Bradford on Avon Town Council, spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy, consultation and relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

The debate focused on the marketing report and members were concerned about whether the development as approved had been marketed. A motion was put forward to defer the application until the applicants provided more information on the steps taken to market the development. The motion was defeated and a new motion to move the officer's recommendation was put forward. At the end of the debate it was;

### **Resolved**

**That Planning Permission be approved subject to the following conditions:**

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 978/4/000, 978/4/002.A, 978/4/003.A, 978/4/004B received on 18 March 2014 978/4/001.B, 978/4/007, 978/4/800 received on 25 April 2014.**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

- 3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, there shall be no extensions or external alterations, including alterations to the doors and windows, and no further buildings erected on the site, or any development normally permitted under Schedule 2, Part 1, Classes A-E (inclusive) of the Order shall be carried out without the express planning permission of the Local Planning Authority.**

**REASON: The implementation of permitted development rights on this site would be unacceptable, to ensure that the design of the buildings are not compromised by subsequent unsympathetic alterations.**

- 4. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**



**REASON:** In the interests of highway safety. Page 44

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first 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 and the protection of existing important landscape features.

6. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved details.

**REASON:** To ensure that the development can be adequately drained.

**PLANNING INFORMATIVE TO APPLICANT:**

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

83     **14/02362/FUL - The garage site and vacant land off Tynings Way, Westwood**

Public Participation

Julie Adcock spoke in objection to the application.

Judith Shore spoke in objection to the application.

Christine Chaloner-Sandell spoke in objection to the application.

Paul Walsh spoke in support of the application.

Dr Allen Parker, on behalf of Westwood Parish Council, spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given noting that a Rights of Way path crossed over the site.

The Planning Officer outlined the relevant planning policy. 19 letters of objection had been received which were outlined in the report. Attention was drawn to the relevant planning considerations.

Members were invited to ask technical questions about the site, these focused on where the conservation boundary was located, overlooking on existing properties and the current recreational use of the site.

Members of the public were invited to speak on the application as listed above.

The debate focused on the availability of amenity spaces within the area, the need to protect open spaces and overlooking on the proposed development and the neighbouring properties. A motion was put forward to refuse planning permission and at the end of the debate it was;

### **Resolved**

**That Planning Permission be Refused for the following reasons:**

- 1. The loss of a valued amenity space would significantly affect the character of the area and would be contrary to policy LP2 of the Leisure and Recreation DPD, in that the site has historical and current use for recreational purposes, and no alternative provision has been put forward.**
- 2. The proposal would cause a loss of privacy to, and overshadowing of, existing properties, in contravention of Policy C38 of West Wilts District Plan First Alteration.**
- 3. The design of the buildings is out of character with the existing built form of neighbouring properties, in contravention of policies C31a and H17 of West Wilts District Plan First Alteration.**

84 **14/03465/FUL - 93 Victoria Road, Trowbridge**

Public Participation

Madeline Archer spoke in objection to the application.

Cllr Roger Andrews, on behalf of Trowbridge Town Council, spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given noting that the site was outside of the conservation area.

The Planning Officer outlined the relevant planning policy. 6 letters of objection had been received which were outlined in the report. Attention was drawn to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

The debate focused on how much the extension would overbear the neighbouring property and at the end of the debate it was;

**Resolved**

**To defer the application for a site visit on 23 July at 1:45pm.**

85 **Planning Appeals Update Report**

The committee took a five minute recess.

Public Participation

Francis Morland spoke on the appeals update.

The Planning Appeals Update Report for 2013 was received. The Committee highlighted that the report was incomplete and included a mixture of 2013 and 2014 applications.

The Area Team Leader apologised and noted that there had been a change in the reporting system and with the Committees permission officers would go back to a previously used reporting system which would included more detail.

The Committee also discussed a costs award decision and noted that the inspector had commented that refusal reasons need to be adequately substantiated and that on occasions a site visit is important for an understanding of the site. At the end of the debate it was;

**Resolved:**

To note the Planning Appeals Update Report for 2013, to encourage the officers to use a more detailed reporting system for future appeals updates and to request a fully detailed report bringing the committee up to date on appeal decisions issued, including the decision on the Bowyers site at Trowbridge.

86 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.10 pm)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262, e-mail [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

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**REPORT TO THE WESTERN AREA PLANNING COMMITTEE**

**Report No. 1**

<b>Date of Meeting</b>	23 July 2014
<b>Application Number</b>	14/03465/FUL
<b>Site Address</b>	93 Victoria Rd, Trowbridge, Wiltshire
<b>Proposal</b>	Proposed extensions
<b>Applicant</b>	Mr David Clarke
<b>Town/Parish Council</b>	TROWBRIDGE
<b>Ward</b>	TROWBRIDGE PAXCROFT
<b>Grid Ref</b>	386704 158559
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

**Reason for the application being considered by Committee**

This application has been called in at the request of Councillor Oldrieve to consider the size of the proposed extension and its impact on neighbouring amenity.

This application was reported to Members on 2 July with a positive officer recommendation. However, following a debate, Members resolved to defer making a decision until after a Committee site visit which shall take place prior to the Committee meeting.

**1. Purpose of Report**

Officers recommend that this application be approved subject to conditions.

**2. Report Summary**

The proposal would not be an overdevelopment of the site and would have an acceptable impact on neighbouring amenity and the character and appearance of the adjacent conservation area.

**3. Site Description**

No. 93 Victoria Road is a large detached dwelling located within a residential cul-de-sac comprising only 5 dwellings. Each dwelling is fairly large set within good sized plots. No. 93 is located on the entrance of the cul-de-sac off Victoria Road but also has a long boundary with Hilperton Road.

'Byways' to the north of the application site has its side garden enclosed by a 1.8 metre tall fence with a further hedge in front, adjacent to the cul-de-sac road. This fence largely obscures the views into the site and only No's 93 and No 91 can be seen from the entrance into the cul-de-sac. No. 93 is well screened from both Hilperton Road and Victoria Road and the dwelling is set a good distance back from the access road into the cul-de-sac.

The application site is not located within the Conservation Area, but is immediately adjacent to it with its boundary being the pavement along both Victoria Road and Hilperton Road. The well established Cooper Beech tree located within the application site is not protected by a TPO, is not located within the Conservation Area, but is equally, not considered at risk.

#### **4. Planning History**

No relevant planning history.

#### **5. The Proposal**

The proposal comprises a garage extension on the front elevation and a single storey side elevation extension.

Following receipt of concerns raised about the impact the original proposed development would have upon the existing copper beech tree, the applicant deleted the previously proposed summerhouse and re-building of the boundary wall elements of the application.

#### **6. Planning Policy**

West Wiltshire District Plan (WWDP) 1<sup>st</sup> Alteration 2004 – Policies C17 – Conservation Areas, C31a - Design and C38 - Nuisance.

The Emerging Wiltshire Core Strategy (eWCS) especially strategic objective 5 – Protecting and Enhancing the Natural, Historic and Built Environment; and Core Policy 57 – Ensuring High Quality Design and Place Shaping.

Government Guidance – The National Planning Policy Framework (NPPF).

#### **7. Consultations**

Trowbridge Town Council – Objects on the grounds of overdevelopment and that the extension would project beyond the existing building line at the front of the building. There are also concerns raised about the copper beech tree, which if built close to could suffer. The Town Council requests that a tree preservation order be placed on it and that this application be determined by the Elected Members.

Tree Officer – Following the deletion of the summerhouse proposal, the development would not detrimentally affect the copper beech tree and given that it is not at risk, there is no necessity to place a TPO in this particular case.

#### **8. Publicity**

The application was advertised by site notice and individual neighbour notifications. The timeframe for comments to be received by was 10 April 2014. 6 Letters of objection were received raising the following concerns:

- The garage section protrudes beyond the natural building line of the existing property and neighbouring property. There are 5 properties in the close and with No 93 being the first; the protrusion would affect the visual aspect of the other 4 houses.
- The proposal would be completely out of keeping with the street scene.
- The proposal would represent an overdevelopment of the site.
- The proposal would block light to No. 91 and its front patio.
- The garage extension would be ugly and overbearing on No. 93.
- Three mature trees have been pulled down and the front garden paved over. Did this require planning permission?
- This could result in more noise as the applicant works from home and has a constant stream of workmen to the property.
- Previous works have resulted in blocked driveways.

#### **9. Planning Considerations**

##### Principle of Development:

9.1 Residential extensions are broadly supported by WWDP Policy C31a subject to the design and impact on the street scene being acceptable.

9.2 Third party presentations have raised issues regarding home working and workmen visits. However, where there is no material change in the use of a residential property, people can work from home and run small businesses without the need for planning permission. Officers are not aware a formal complaint having been made to planning enforcement to investigate whether the current activity requires a planning application. Such matters would nevertheless need to be treated separately to the consideration of this application. Any blocking up of a shared driveway is a civil matter between the relevant landowners and such matters cannot influence the determination of this application.

9.3 The driveway which is referenced by objectors is formed of mostly shingle which is a porous material that would provide adequate on-site drainage. For the avoidance of doubt, this did not require planning permission and its formation cannot influence the determination of this submission.

#### Impact on the Host Building and Street Scene:

9.4 No. 93 is a large dwelling comprising of a main two storey section with a projecting subservient gable end section of the front elevation. On its side elevation there is a subservient double garage with a bedroom above.

9.5 Officers assert that the proposed garage extension would remain subservient to the existing garage although it would project 7 metres from the existing front wall. This would be approximately 3 metres further than the existing front elevation gable end projection. The final garage extension would still be set back about 4-4.5 metres from the shared cul-de-sac access road.

9.6 On entering the cul-de-sac, the proposed extension would enclose No. 93 from the rest of the street but it would not build right up to the boundary edge and would not be of a height or size to have a significantly overbearing / dominant impact. The impact of the garage extension on the street scene would be similar to the impact 'Byways' long boundary fence has – which is not considered inappropriate. The cul-de-sac would still retain its overall open characteristic and appearance.

9.7 The proposal would not represent an over development of the site as the footprint of the dwelling would still be less than 50% of the total plot. Additionally each forward projection from the main 2 storey section of the dwelling would be subservient, lowering the built form and impact on the street scene.

9.8 The side extension on the south western elevation would be fairly long but would be a small addition screened from the majority of public views by the existing hedgerow and No. 93 itself.

9.9 The extension would be an appropriately scaled and subservient addition to the host building. It is acknowledged that it would be built forward of the existing building but this would not cause any substantive adverse harm and officers do not consider it warrants a refusal.

#### Impact on the Adjacent Conservation Area:

9.10 The extensions would be largely screened from the Conservation Area by the existing hedgerow which is not proposed to be removed. Therefore the views into and out from the Conservation Area would not be harmed by this proposal. In any regard, even if they could be widely seen, it is not considered that the extensions would be harmful.

9.11 Neighbouring concerns raised about the removal of trees without permission are duly noted. However, consent is not required for works to trees that are not subject to Tree Preservation Orders (TPOs) or those outside of a Conservation Area. In relation to the Cooper Beech Tree, a site visit was conducted with the Council's Tree Officer who advised that the

works to the Cooper Beech Tree have been carefully and sensitively carried out and to a high standard. Following the deletion of the summer house and re-building of the boundary wall from this proposal, there would be no substantive risk to the tree to necessitate the issuing of a TPO.

Impact on Neighbouring Amenity:

9.12 Objections have been received from No. 91 which is immediately to the north east of the application site; and it is recognised that this proposal would result in a 13.5 metre long wall being built approximately 1 metre away from the shared boundary. The plans indicate that the boundary hedge belongs to No. 93 and would be retained. In this particular case, a condition is recommended to ensure the hedge is protected.

9.13 The proposed extension would be 3.1 metres to eaves – which is about 0.6 metres higher than the hedge. Therefore the actual increase in height over the hedge would be minimal. The roof would then slope away from No. 91. It is not considered, as the site visit presentation photographs illustrate, that the proposed extension would have a significant overbearing or un-neighbourly impact upon No. 93. This is because it would not be of a height or close enough to have a harmful impact.

9.14 In terms of overshadowing, this would only likely occur from approximately 3pm in summer months and from 1pm in winter months. The overshadowing would only extend over the hedge and No. 93's front driveway and double garage. The front patio of No. 91 would be too far away to be directly overshadowed and there would be sufficient distance to still allow for a good level of natural daylight. Officers advise that the level of harm would not be sufficient to warrant the refusal of the application.

9.15 The first floor of the garage would have a games room, which is considered to be habitable floor space having 3 velux roof lights facing No 91. The velux roof lights would predominately look out over the front driveway which is also visible from the access road. The garage extension would however delete an existing bedroom window which faces the neighbouring plot; and thus, it is therefore considered the overall impact of the velux windows would be neutral. Whilst No 91 has a fairly well screened front patio, only one velux roof light would have a view of it, but it would not be sufficiently harmful in which to refuse the application.

**10. Conclusion**

The proposal would result in the enlargement of the dwelling, building forward of its existing elevations, but it is not considered that it would be of an inappropriate or unacceptable size or height; and it would not cause harm to the appearance of the street scene or adjacent Conservation Area. The proposal would also not cause harm to neighbouring interests.

**RECOMMENDATION**

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.



- 3 No development shall commence on site until the hedgerow on the boundary between No's 93 and No 91 is safeguarded by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected, the applicant shall submit exact details of the type, position and defined root protection area for the written approval of the Local Planning Authority; and after it has been erected, it shall be maintained for the full duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). Should the hedge, within a period of 5 years, die, be removed or become seriously damaged or diseased, it 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 enable the Local Planning Authority to ensure the protection of the boundary hedge on the site in the interests of neighbouring amenity.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan - Received 27 March 2014  
Revised Block Plan - Received 17 June 2014  
Drawing 0028/14/C - Received 27 March 2014  
Drawing 0028/14/D - Received 27 March 2014  
Drawing 0028/14/E - Received 27 March 2014  
Drawing 0028/14/F - Received 27 March 2014  
Drawing 0028/14/G - Received 27 March 2014

REASON: For the avoidance of doubt and in the interests of proper planning.

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**Item 1 - 14/03465/FUL - 93 Victoria Rd Trowbridge**



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**REPORT TO THE WESTERN AREA PLANNING COMMITTEE**

**Report No. 2**

<b>Date of Meeting</b>	23 July 2014
<b>Application Number</b>	14/03780/FUL
<b>Site Address</b>	Ashton Gifford Coach House , Ashton Gifford Lane, Station Road Codford St Peter BA12 0JX
<b>Proposal</b>	Subdivision of existing dwelling into two dwellings with associated refuse storage area, 2 no. parking spaces and fences (Resubmission of 13/02358/FUL)
<b>Applicant</b>	Gideon and Lucie Amos
<b>Town/Parish Council</b>	CODFORD
<b>Ward</b>	WARMINSTER COPHEAP AND WYLYE
<b>Grid Ref</b>	395911 139977
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	James Taylor

**Reason for the application being considered by Committee**

If officers are minded to refuse this application then it has been called-in to the planning committee by Cllr Newbury for the following reasons:

*In view of the support of the parish council, to consider whether there is any demonstrable harm in the application being permitted and whether it complies with development plan policy.*

**1. Purpose of Report**

The purpose of this report is to consider the merits of the application and make a recommendation to members.

**2. Report Summary**

The following report outlines the relevant material considerations, the results of the consultation process, a summarised commentary on the applicant's case and concludes by recommending that the application should be refused as the scheme represents an unsustainable form of development that is contrary to local planning policy (both extant and emerging) and national policy.

The application was originally submitted by Mrs Amos, who has unfortunately since died. The application is continuing in the names of her legal representatives.

**3. Site Description**

The application site is known as Ashton Gifford Coach House and is a 7 bedroom dwelling with an associated annexe. It is an unlisted period building that would have formed part of the wider estate to Ashton Gifford House – a Grade II listed building circa 150 metres to the east. The host

building is assessed to be an undesignated heritage asset. It is understood to have historically been a coach house and stable block which was also used in the past as school classrooms. The applicant family have lived at the property for circa 30 years and have substantially renovated the building to make it fit for residential use.

The site already benefits from its own spacious curtilage, parking provision and bin storage.

Access to the site is from a private road (Ashton Gifford Lane) that serves a number of properties which form a loose knit cluster of dwellings on the south side of the A36 towards the former railway station of Codford. This connects to the public highway to the west of the site at Station Road – an unclassified highway.

The application site lies within a nationally important landscape designated as an Area of Outstanding Natural Beauty. The site lies remote of any settlement boundaries in open countryside.

#### **4. Planning History**

13/02358/FUL – Subdivision of existing dwelling into two dwellings and associated alterations – Withdrawn

#### **5. The Proposal**

The proposal is to subdivide the property to create 2 dwellings. This can be easily achieved without significant physical works. No physical works to the external appearance of the building are proposed. There would be ancillary works to create dedicated car parking provision and bin storage for the new property – to be known as Harness House.

All access arrangements remain as existing.

#### **6. Planning Policy**

West Wiltshire District Plan 1<sup>st</sup> Alteration (2004) – relevant policies are C1, C2, C38, and H19. Policy H19 states that '*New dwellings in the countryside and in settlements without village policy limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry*'.

Emerging Wiltshire Core Strategy (eWCS) – relevant policies are CP1, CP2, CP57, and CP60

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

#### **7. Consultations**

Codford Parish Council: No objection.

Cranborne Chase Area of Outstanding Natural Beauty Partnership: - Concerned by the additional traffic generated by an additional dwelling in a location served by narrow lanes that ultimately link to a main road. The creeping urbanisation of rural lanes by additional traffic and subsequent repairs to the carriageways could result in a loss of character.

Wiltshire Council Highways: - Objection. The site lies outside any Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty as set down in the Adopted West Wiltshire District plan. The proposed development is therefore

considered to be in an unsustainable location and would support a refusal of this application on the grounds that it is contrary to local and national sustainable transport policy guidance.

Wiltshire Fire & Rescue: No objection.

## **8. Publicity**

Public consultation consisted of neighbour letters and the erection of a site notice. 1 letter of support – whose support remains despite Mrs Amos' death:

- \* I write to support most strongly the application for Mrs Amos to create a smaller living space in Ashton Gifford Coach House for her to occupy.
- \* Mrs Amos is a courageous and stoic lady suffering from multiple sclerosis and needing considerable support from carers and others. She is confined to a wheelchair.
- \* I and others provide a roster of drivers to take Mrs Amos to the Wessex MS Centre each Monday morning for treatment. We therefore have experience of the difficulties not to mention costs of living in her current substantial house.
- \* She now seeks to create a smaller living space at the end of her current house with all the equipment such as lifts, hoists and slings that she needs to remain independent.
- \* This area is created in existing space and without extending the foot print of the house. There will be little if any effect outside the House.
- \* It is a sensible move and will allow her to remain independent and thus not a charge on the NHS.

## **9. Planning Considerations**

### **9.1 Principle of development.**

The application site is located within 'open countryside' as defined by the local plan. As such it is assessed to be an isolated development. Policy H19 is clear that new dwellings in such locations are not acceptable unless special justification is provided. The reason for this policy is in the interests of ensuring sustainable development patterns and to locate development in proximity to employment, shopping, leisure, education and other activities thus reducing the need to travel by private car. No such special justification has been made in this case. As such the proposal is contrary to the local plan policy H19.

It is also necessary to consider other material considerations which in this case includes the emerging Wiltshire Core Strategy and the National Planning Policy Framework.

The eWCS states at Core Policy 2 that new development outside of settlement boundaries will not be permitted except where special justification exists under other policies of the eWCS. No such justification is made. In addition the emerging Core Policy 60 is quite clear that the Council will use planning controls to reduce the need to travel particularly by private car and this will be achieved by locating development in accessible locations. Whilst this is not yet the development plan it may be afforded weight (NPPF paragraph 216) as the relevant policies are compliant with the thrust of the NPPF, have not been subject to significant objection and the strategy is advancing towards adoption. It provides the clear direction of travel for future planning policy on such matters.

Whilst the NPPF needs to be read in its entirety it is noted that the thrust of the document is to support sustainable development. As an isolated form of development this is not considered to be sustainable. The NPPF is clear that isolated new dwellings are not acceptable (paragraph 55), but gives some exceptions to this policy. Application of those exceptions has not been adequately justified in this case.

It has also been considered that this is an application for subdivision of an existing building to create two dwellings. It is not an entirely new build development. However, there are numerous examples throughout the county where isolated dwellings could be subdivided to create a greater number of units in an unsustainable location. As such, subdivision must be assessed the same way as new build in terms of principle.

The personal circumstances of the applicant in this case were presented as a material consideration. However they are no longer relevant as the applicant has sadly died.

It has been specified that the site is 800m from local shops. However there is no direct publically available route – it would be necessary to cross fields and private land outside of the application site, in addition to the A36 trunk road, to get to the south travelling bus stop or the limited facilities within Codford. The reasonably available route to any occupier would be along the private Ashton Gifford Lane to Station Road. Station Road has no pedestrian facilities but leads to the A36 – one of only two main trunk roads in Wiltshire. At this point there are bus stops and this is circa 800m from the application site on foot. There are no formal crossing facilities on the A36 at this point, so to use busses on a return trip will involve crossing a trunk road without pedestrian facilities. From this point there are routes to the local Budgens shop and petrol station. This route is circa 1.4km from the application site. The wider facilities of the village include a school and hall – both a considerable additional distance, although the route does have pedestrian facilities – some 2.2km from the application site.

The applicant's agent has stressed that walking neighbourhoods can be based around accessibility to services within 800m. Based on their own submission it is clear that the facilities – except for a bus stop located on a trunk road and without safe or convenient crossing facilities – are beyond a reasonable walking neighbourhood. Furthermore there are no pedestrian facilities along a significant proportion of the route. In addition there are only limited rural bus services which are very limited. It is considered inevitable that future occupiers will be reliant on the private car.

## **9.2 Impact on the rural scene and nationally important landscape (AONB).**

The proposal would result in the subdivision of the garden space, additional hard standing and parking for vehicles and bin storage. There would be an increase in domestic paraphernalia too. However, in this case, these impacts on their own are not considered to be grounds for refusal in this case though as there is already a domestic curtilage present.

The AONB team have been consulted and raised concerned over the additional traffic generated by an additional dwelling in a location served by narrow lanes that ultimately link to a main road. They went on to detail that the creeping urbanisation of rural lanes by additional traffic and subsequent repairs to the carriageways could result in a loss of character. Whilst not raising significant additional issues there is clearly support for the principle concerns identified above.

On balance the visual impact on the rural scene and area of outstanding natural beauty would not be significant given that this is an established domestic site.

## **9.3 Residential amenity.**

The proposals would not result in any significant overlooking or overshadowing, both properties would have reasonable private outdoor amenity space.



#### **9.4 Highway safety.**

Highway officers have raised objection to the proposals stating – “The site lies outside any Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty as set down in the Adopted West Wiltshire District plan. The proposed development is therefore considered to be in an unsustainable location and would support a refusal of this application on the grounds that it is contrary to local and national sustainable transport policy guidance.”

The highway officer’s conclusions clearly support the principle concerns identified in 9.1 above, however they do not detail any additional technical concerns over parking, turning and access.

#### **9.5 Other material considerations.**

Whilst the maxim that each case should be considered on its own merits is noted, on a case in Steeple Ashton for a new dwelling within a cluster of dwellings remote from the village an Inspector dismissed the appeal earlier this year, commenting; *“there is a very strong likelihood that the new occupants of the proposed dwelling, in the absence of frequent bus services and good, safe and quick pedestrian or cycle routes, would choose to use private transport for most journeys.”* In this case it is considered that the temptation would be to travel to Warminster or beyond, rather than Codford. To get to the services and facilities within Codford involves an inconvenient route and the crossing of the A36. The A36 at this point is a severe severance of mobility as traffic flows and speeds are significant on this trunk road and there are no crossing facilities.

The applicant has detailed a number of historic planning applications which have been noted. None of the cases referred to by applicant’s agent are identical in terms of the circumstances, many involve the conversion of rural buildings and change of use into residential dwellings. As such they are not considered to be relevant to the principles concerns detailed above. One case from 1994 allows for the conversion of an annexe to a dwelling, however that decision is over 20 years ago and long before current planning policies, emerging policy and current national policy. As such the referenced history should be afforded limited weight.

The applicant’s agent has had regard to policy H1 of the local plan – which is not relevant as this is not a site within town policy limits. They have also had regard to policy H16 regarding flat conversions. It is not considered that policy H16 is relevant either as this is not a conversion to flats rather the subdivision of the property into smaller houses. Furthermore the explanatory texts of H16 details that often in inner urban areas here will be properties that lend themselves to conversion to flats – this is not an inner urban area. The applicant’s agent point out that “flat” is not defined in the local plan. However it is clear that flat is taken from the general meaning of flat which is based on the horizontal and not the vertical. The clear intention of policy H16 is in regard to horizontal sub-division of buildings within urban environments – supported by the fact that H16 makes no reference to sustainability considerations. To interpret it otherwise would mean it is in conflict with the overarching aims of the wider housing and sustainability policies of the West Wiltshire District Plan 1<sup>st</sup> Alteration (2004). The applicant also sets out policy H21 is support of their proposals. It is clear however that the policy is for the conversion of rural buildings to a residential use and not the subdivision of houses in a rural location. Even if it were relevant – which it is not - then the application fails this policy as they have not made every reasonable attempt to find an economic use in preference to residential and have not provided a structural survey.

In regard to policy H19 the applicant’s agent details that there is no intention to build a new dwelling. The policy test in H19 is not about building as it states “New Dwellings in the countryside and in settlements without Village Policy Limits will not be permitted unless justified in connection

with the essential needs of agriculture or forestry.” The policy makes no reference to building a dwelling. They contend that this is not open countryside but it is in a settlement that goes back to the Domesday book. Open countryside in planning terms is well established as being locations outside of the settlements boundaries detailed in the local plan. The nearest settlement boundary is that of Codford to the north of the A36. The site is outside of the policy limits defined in the local plan and is therefore open countryside.

The applicant’s agent contends that the settlement boundaries in the local plan are 10 years old and that paragraph 55 of the NPPF is relevant. Whilst the settlement boundaries are being reviewed by the Council, due to the distance of the site from Codford and its severance by the A36, without prejudice to that process of review, it is considered extremely remote that this site would ever be incorporated into the Codford village policy limits. It is agreed that paragraph 55 of the NPPF is relevant; however your officers consider the scheme to be contrary to paragraph 55 which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. No such special circumstances have been demonstrated and this is an isolated site despite the applicant’s agent’s claims to the contrary. The previous conversion of this building in the past is not justification for its subdivision now.

A letter dated 5 March 2014 from Savills details that the property would be “much more saleable” if subdivided and that “any sale of the property as a whole by yourself in the current climate would not make the best use of the large amount of residential accommodation available”. Property value is not a material consideration and Savills do not rule out a possible sale merely indicate it would be more difficult and less profitable than if a subdivision were to occur.

The Parish Council raised no objection, but offered no detailed comments. The public consultation has resulted in one letter of support which has been noted and weighed up in the balance, although it does focus on personal circumstances which can now be afforded no weight.

## **10. Conclusion**

For the reasons outlined above this is a form of development that is unacceptable in principle, representing an unsustainable form of development that is clearly contrary to local planning policy (both extant and emerging) and national policy. The personal circumstances surrounding this development are unfortunate but they do not outweigh the identified harm.

## **RECOMMENDATION**

Refuse for the following reasons:

The proposal to create an additional dwelling in an open countryside and isolated location without any special justification would be a fundamentally unsustainable form of development contrary to policy H19 of the West Wiltshire District Plan 1st Alteration (2004), paragraph 55 of the National Planning Policy Framework and Core Policies 2 and 60 of the emerging Wiltshire Core Strategy.

**Item 2 - 14/03780/FUL - Ashton Gifford Coach House    Ashton Gifford Lane  
Station Road    Codford St Peter**



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