

# AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 16 September 2015  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Fiona Rae, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email [William.Oulton@wiltshire.gov.uk](mailto:William.Oulton@wiltshire.gov.uk)

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

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## Membership:

Cllr Tony Trotman (Chairman)	Cllr Sheila Parker
Cllr Peter Hutton (Vice Chairman)	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Chuck Berry
Cllr Mollie Groom	Cllr Terry Chivers
Cllr Chris Hurst	Cllr Howard Greenman
Cllr Mark Packard	Cllr Howard Marshall

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## Substitutes:

Cllr Philip Whalley	Cllr Dennis Drewett
Cllr Desna Allen	Cllr Jacqui Lay
Cllr Glenis Ansell	Cllr Linda Packard
Cllr Mary Champion	Cllr Graham Wright
Cllr Ernie Clark	Cllr George Jeans
Cllr Bill Douglas	Cllr Melody Thompson

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# AGENDA

## 1 **Apologies**

To receive any apologies or substitutions for the meeting.

## 2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 26 August 2015.

## 3 **Declarations of Interest**

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

## 4 **Chairman's Announcements**

To receive any announcements through the Chair.

## 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 9 September 2015.** 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 planning applications as detailed below.

6a        **15/06571/FUL - Kennet House, Kington Langely, Chippenham**  
*(Pages 13 - 20)*

6b        **15/05938/FUL - The Stables, Ashes Lane, Kington Langley,**  
**Chippenham** *(Pages 21 - 28)*

**7        Urgent Items**

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

## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 AUGUST 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry and Cllr Jacqui Lay (Substitute)

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#### **85 Apologies**

Apologies for absence were received from Cllr Howard Greenman who was substituted by Cllr Jacqui Lay.

Apologies for absence were also received from Cllrs Chris Hurst and Howard Marshall.

The Chairman reminded the Committee members that they should arrange for a substitute to attend on their behalf should they be unavailable.

#### **86 Minutes of the Previous Meeting**

The minutes of the meeting held on 5 August 2015 were presented.

#### **Resolved:**

**To confirm as a true and correct record the minutes of the meeting held on 5 August 2015.**

#### **87 Declarations of Interest**

There were no declarations of interest.

#### **88 Chairman's Announcements**

There were no Chairman's announcements.

#### **89 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

90 **Planning Applications**

91 **14/12070/FUL - The Park, High Street, Sutton Benger, Wiltshire, SN15 4RQ**

Andy Cockett spoke in support of the application.

The Planning Officer introduced the report which recommended that authority be delegated to the Area Development Manager to grant planning permission subject to the completion of a Section 106 agreement and conditions. The application was for a residential development comprising 13 dwellings with associated gardens, parking, drainage and landscaping.

It was highlighted that this application had been considered by the Committee on 15 July 2015 and been deferred in order to obtain additional information about the availability of B1 employment land in the local area. Information had been supplied by the applicant and by officers to confirm that there were other B1 employment land sites in the local area.

It was explained that the applicants had worked with the Planning Officers and the Urban Design Officer to achieve a high quality of development that respected the original character of the village and the adjoining new housing.

The Committee then had the opportunity to ask technical questions and it was confirmed that the marketing exercise conducted by the applicant was considered sufficient by the Estates Team. It was also explained that the Estates Team considered that the refusal of the one firm offer made for the purchase of the site was reasonable and figures were available in Appendix 2.

The Planning Officer clarified that a care home was not classified as B1 business use and the use of the land for a care home would require planning permission. It was also noted that the consideration of uplift in value of any unsold properties on the site would only be material if the viability of the site was drawn into question. Officers explained that the applicant had agreed to provide affordable housing on site and this would meet the requirements set out in the Core Strategy.

Members of the public then addressed the Committee as detailed above.

In the debate that followed, the Committee considered the additional information provided by the applicant and officers regarding the availability of other B1 employment land in the area. Some members expressed concern about the loss of this employment land in the local area. The Committee also discussed the policy position regarding the loss of commercial floor space and its change of use to residential as set out in the National Planning Policy Framework and the Wiltshire Core Strategy.

**Resolved:**

**To DELEGATE authority to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement to address on site affordable housing provision and the conditions set out in the report to the Northern Area Planning Committee on 15 July 2015.**

92 **15/04184/FUL - Hollybush House, Lower Stanton St Quintin, Wiltshire, SN14 6BY**

Russell Lamming and Peter Preston spoke in support of the application.  
Michael Doran spoke in opposition to the application.

Cllr John Eley, Stanton St Quintin Parish Council, spoke in opposition to the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions. The application was for a proposed single storey and two storey extension to the rear of the property and front porch. It was explained that an extensive rear garden would be retained. The Planning Officer highlighted that concerns had been raised by neighbours and the Parish Council and that these were set out in the officer report. Attention was drawn to late items which summarised an additional neighbour representation.

The Planning Officer also explained that a plan had been submitted to demonstrate that suitable parking was available on site; Highways considered this plan to be acceptable.

The Committee then had the opportunity to ask technical questions and it was confirmed that it was possible to add a condition requiring the extension to remain ancillary to the dwelling. It was also explained that the proposal would involve approximately a 40% increase in size beyond the original floor space. It was also highlighted that the site was not within the green belt and, as such, there were no national or local policies to restrict the size of the extension; the assessment was based on the development's conformity to local and national planning policy and in particular the impact of the development on the amenity of neighbouring properties, parking provision and the development's design and impact on the character and appearance of the area.

The Planning Officer explained that the General Permitted Development Order allows up to an 8m extension to the rear of the property at single storey level and up to a 3m extension to the rear of the property at two storey level. It was highlighted that the application was for a 4m two storey extension but that the applicant would be entitled to develop a 3m two storey extension without the need to obtain formal planning permission. The proposal was also considered to

have an acceptable impact on residents, the streetscene, and the design of the existing property and existing properties within the locality.

The Planning Officer clarified that drainage on the site would be required to comply with the Building Regulations. It was explained that there was an informative in the officer recommendation highlighting to the applicant that they should be aware of the Building Regulations requirements.

It was confirmed that the applicant had submitted a plan to demonstrate that three off street parking spaces could be provided on the site. The Planning Officer noted that Highways considered this to meet all requirements and highlighted that, under permitted development rights, the applicant was able to develop the front garden into an area of hardstanding for additional parking if this was deemed necessary.

The Planning Officer also confirmed the location of the holly tree.

Members of the public then addressed the Committee as detailed above.

The Planning Officer responded to comments from the public and explained that it would be unreasonable to require a construction method statement for a development of this size. It was highlighted that many concerns were governed by areas other than Planning which included Environmental Health, Highways, and civil matters. Officers also confirmed that planning legislation and guidance advises against the addition of planning conditions to duplicate other legislation. Such a condition is considered unreasonable in planning terms and should be avoided.

The Planning Officer also explained that Condition 3 in the officer recommendation required the bathroom window to be glazed with obscure glass and permanently fixed shut up to a height of 1.7m in order to ensure that there was no direct overlooking into any neighbouring property.

In the debate that followed, the Committee considered to what extent the proposed conditions and informatives mitigated the concerns raised by members of the public. Some members advocated discourse between the applicants and the community in order to minimise the impact of the proposal on neighbours. The Committee also discussed the importance of the holly tree to the local community and the means of protecting the tree during the construction phase of development.

The Committee noted a discrepancy between the floor plans and the elevation plans. It was considered that this could be clarified by officers and that a deferral was not necessary in this case. It was proposed and seconded to delegate authority to the Area Development Manager to grant planning permission subject to the conditions as set out in the Case Officer's report. An amendment was also accepted with additional conditions relating to drainage,



car parking, and the ancillary nature of the extension in order to address the concerns of the local residents.

**Resolved:**

**To DELEGATE authority to the Area Development Manager to grant planning permission subject to the submission and approval the following:**

- **A plan clearly indicating the Holly Tree's root protection area and means of protection during the construction phase of the development.**
- **Amended rear elevation plans ensuring the windows shown on the floor plans are clearly drawn on the on the elevation plans.**

**And 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 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. **The first floor window in the southwest elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut unless any part which opens is at least 1.7 metres above the internal floor height of the room it serves prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.**

**REASON:** In the interests of residential amenity and privacy.

4. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in either the northeast elevation or southwest elevation of the development hereby permitted.**

**REASON:** In the interests of residential amenity and privacy.

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

**Drawing No's Site Location Plan (1:1250); and B 3044 01, received by the LPA on the 30 April 2015 and validated 6 May 2015.**

Revised Drawing No. B 3044 02 B, received electronically by the LPA on the 29 May 2015.

Drawing No. A 3044 03 A, received electronically by the LPA on the 16 June 2015.

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

6. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Hollybush House, Lower Stanton St Quintin and it shall remain within the same planning unit as the main dwelling.

**REASON:** The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

7. No development shall commence on site until a scheme for the discharge of surface water from the access/driveway, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission. This is required to ensure that the development can be adequately drained.

8. No part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for the parking of motor vehicles associated with the use of the dwelling known as Hollybush House at all times thereafter.

**REASON:** To ensure that adequate provision is made for parking within the site in the interests of highway safety.

9. The development hereby permitted shall not be first occupied until the first three metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety

10. **INFORMATIVE TO APPLICANT:** Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

11. **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 their 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.**

**Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.**

**12. INFORMATIVE TO APPLICANT: The Council encourages the applicant to adopt the approach and recommendations set out in the UKCG Good Neighbour Site Guide with regard to undertaking the construction of the development.**

93 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services, direct line 01225 12681, e-mail [fiona.rae@wiltshire.gov.uk](mailto:fiona.rae@wiltshire.gov.uk).

Press enquiries to Communications, direct line (01225) 713114/713115.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	16 <sup>th</sup> September 2015
<b>Application Number</b>	15/06571/FUL
<b>Site Address</b>	Kennet House Parkers Lane Kington Langley Wiltshire SN15 5PH
<b>Proposal</b>	Proposed Two Storey Side Extension
<b>Applicant</b>	Mr Mark Edwards
<b>Town/Parish Council</b>	KINGTON LANGLEY
<b>Division</b>	KINGTON – Cllr Howard Greenman
<b>Grid Ref</b>	391866 176707
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Amy Houldsworth

### 1. Reason for the application being considered by Committee

The application has been called into committee by the Local Member, Councillor Howard Greenman in order to consider the following,

- Scale of development
- Visual Impact on surrounding area
- Relationship to adjoining properties

### 2. Purpose of Report

To consider the above application and to recommend that the application is REFUSED. Kington Langley Parish Council has raised no objection to the proposal and one letter of support has also been received.

### 3. The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact upon the amenity of existing neighbours
- Impact upon the setting of the neighbouring grade II Listed property

### 4. Site Description

The application site is a large two storey C20 detached dwellinghouse within the settlement of Kington Langley, however, given its status as a small village there is no framework boundary. The property is set back from the highway, with a detached double garage which is currently located to the side of the dwelling and set further back within the plot. The front boundary is partly open grass, with some shrub borders and mature trees along with a low stone boundary wall. The site is located within the Kington Langley Conservation Area and although the application site itself is not Listed it is located next door to a grade II Listed Building known as 'White Mays' (previously known as 'Tally Ho') which has its rear elevation located directly upon the side (South) boundary shared with the application site.

## 5. Planning History

- 14/08903/PREAPP – Proposed two storey extension – Full application would not be supported.

## 6. The Proposal

The application is for the demolition of the existing pitched roofed double garage which is well stepped back within the plot and the erection of a two storey side extension proposed to project approximately 5.7m from the existing side elevation. The new extension would include a bedroom with en-suite at first floor and a double garage at ground floor. Multiple schemes were submitted as part of the application. However, the scheme that has formed the basis of this recommendation is annotated as Scheme 2 upon plan number 1166/04 and 1166/06. The extensions would be constructed of material to match the original dwelling.

## 7. Local Planning Policy

National Planning Policy Framework

Section 7- Requiring good design (paragraphs 14 and 17)

Section 12 - Conserving and enhancing the historic environment

Wiltshire Core Strategy (formally adopted on 20th January 2015):

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58 – Ensuring the conservation of the historic environment

Wiltshire Local Transport Plan: Car Parking Strategy (2011-2026)

## 8. Summary of consultation responses

Kington Langley Parish Council – Support the proposal

Wiltshire Council Highways Officer – No objection has been raised

Conservation – Strongly object, due to the proposed scale and proximity to the neighbouring grade II Listed Property. It is considered that the proposal will have a detrimental impact upon the setting of the property.

## 9. Publicity

Third Party Representations – One letter has been received from the next door neighbour, raising no objection to the proposal.

## 10. Planning Considerations

### Scale and Design

In accordance with Core Policy 57 development should respond positively to the existing site features which include building layout, built form, mass and scale. The scale and position of the proposed extension is not considered to relate well to the historic character of the listed building and its setting. The current spacing between the application property and the adjacent listed building play an important role in providing a visual break between the historic building line and the more modern development in the locality. It is acknowledged that the more modern dwelling to the North of the application site are on less spacious plots than the older properties within the Conservation area. However, at the time when permission was granted for Kennett House great care was taken in ensuring that large spacing between properties, which are key characteristic of the conservation area, were retained.

The existing visual break between this property and the listed building forms part of the overall setting and the relationship within the streetscene. Though some separation will be maintained, the extension is considered to be excessively large which will infill the majority of this spacing between the properties resulting in a cramped form of development which is alien to the conservation area character and setting of the listed building and thus harmful.

In terms of design, there appears to be an error on the submitted plans. The proposed extension is showing as being larger on the elevation drawing than the proposed floor plan, the agent has been contacted regarding this, as this makes it difficult to fully and accurately assess the scheme. Amended plans will be submitted prior to the meeting addressing this error and these will be presented to members as a late item.

### Impact to the listed building and its setting

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced. This is to ensure they continue to make an important contribution to Wiltshire's environment and quality of life.

Paragraph 131 & 132 of the NPPF states that when considering the impact of the proposed development on the significance of a heritage asset, great weight should be given to its conservation. The more important the asset the greater the weight shall be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Under paragraphs 133 & 134 any harm to the significance of a heritage asset needs to be outweighed by the public benefits.

The conservation officer has raised significant concerns regarding the scale and orientation of the proposal. The conservation officer's comments are as follows:

This is a late C20 detached two storey house with detached double garage. The house is situated between a similar late C20 house and a grade II listed building, White Mays (aka Tally Ho). The application property is a similar height to the listed building but is orientated towards the road rather than perpendicular to the road. The listed building has a hipped roof, thereby reducing the visual bulk of the building, whereas Kennet House has a pitched roof without hips and a two storey gable on the front elevation. The detached double garage is set back behind the main body of Kennet House in the space between the house and the boundary to Tally Ho. The front elevation of the existing single storey garage building is roughly in line with the end of the single storey extension on the listed building.

The proposal is to demolish the existing double garage, add a two storey extension on the side of Kennet House, and to use the ground floor of this extension as a double garage. The new extension will have a lower roof line (approx 6.8m high) to the existing building (approx 7.7m high) but will be approximately the same height as the neighbouring listed building. The two storey extension will at its closest, be 2.5m from the rear elevation of the listed building and will be approx 5.7m deep. This will result in harm to the setting by way of the over-bearing scale, bulk and proximity to this listed cottage (as addressed in the report above).

The proposed extension is extremely large and would bring the new building very close to the grade II listed house. Currently, there is at least 8m space between the rear of the listed building and the gable wall of the house. It is acknowledged that there is an existing garage. This garage is single storey, is set well back from both buildings and the sense of space is retained around the listed building. By bringing the garage forward on the plot and creating a two storey extension, the space will be lost and the new building will hem in the listed cottage. The proposals would harm the setting of the heritage assets, would not sustain or enhance the significance of the heritage assets, would not make a positive contribution to local character and distinctiveness, and the less than substantial harm caused to the heritage assets could not be outweighed by any public benefits. Furthermore, the development would not enhance or better reveal the significance of the heritage assets and would be contrary to policies 17(10), 131, 132, 134 and 137 of the NPPF, as well as core policy 58 of the Wiltshire Core Strategy.

#### Impact on the character and appearance of conservation area

Development within the conservation area should protect, conserve and where possible, enhance the historic environment. The character of the conservation area is of modest/large houses that are detached located on spacious plots with reasonable spacing between properties. It is noted that the late 20 Century development to the north of the application site is less spacious. However, great care was taken to ensure that significant spacing was retained between the application site and listed building. This ensured that the distinctive character and appearance of the Conservation Area were preserved. Any outbuildings within the locality are subservient in scale, design and positioning.

It is accepted that the site is stepped back from the highway with the proposed extension being set back from the existing front elevation. It is also acknowledged that the use of matching materials would be sensitive to the location, however, it does not sufficiently reduce the visual intrusion caused by the inappropriate scale of the proposal.

The proposed extension would essentially be infilling this open space with a continuous and unbroken built form creating a cramped and congested appearance from the streetscene, which is currently characteristically open and spacious and therefore, negatively impacting on the unique character and qualities of the area.

#### Impact on the amenity and living conditions of local residents

Due to the position, scale and proximity of the extension the development would be located far closer to the rear elevation of 'White Mays' than the existing relationship. The proposal would also have a significantly stronger presence than the current arrangement. Within the rear elevation are two windows which would be in close proximity to the proposed extension. It is not clear what rooms these windows serve, however, taking into consideration the fact that fencing could be erected on the boundary between these properties without consent, separation between the properties and the numerous windows already serving the property it would be difficult to sustain a reason for refusal on this issue.



## **11. Conclusion**

In consideration of the above it is concluded that by means of its inappropriate scale and position, the proposal is considered to result in a cramped and congested plot which will have a detrimental impact to the historic form and character of the setting of the grade II listed building and will not preserve or enhance the character of the conservation area. The proposal would cause harm to the significance of the designated assets that is not outweighed by any public benefit. As such the development would be contrary to paragraphs 17(10), 131, 132, 134 and 137 of the NPPF. Core Policy 57 and 58 of the Wiltshire Core Strategy as well as paragraphs

## **12. Recommendation**

Planning Permission is REFUSED for the following reason:

The proposal is considered to have an unacceptable detrimental impact to the historic form and character of the setting of the listed building and the surrounding conservation area. The proposal would cause harm to the significance of the designated assets that is not outweighed by any public benefit which is contrary to Section 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to paragraphs 17(10), 131, 132, 134 and 137 of the NPPF, as well as the aims of Core Policy 58 of the Wiltshire Core Strategy.

The proposed development, by reason of its scale, siting and design would result in a cramped and congested plot upon the southern boundary and, therefore, the proposal would have an unacceptable impact on the visual amenities and character of the surrounding area, contrary to Core Policy 57, criteria iii and vi of the Wiltshire Core Strategy and Section 7, paragraph 58 of the National Planning Policy Framework requiring good design.

INFORMATIVE NOTE: The recommendation hereby put forward was made from the following submitted plans: 1166/02B, 1166/05, Scheme 2 upon 1166/04 and 1166/06 dated 03/07/2015.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	16 September 2015
<b>Application Number</b>	15/05938/FUL
<b>Site Address</b>	The Stables Ashes Lane Kington Langley Chippenham Wiltshire SN15 5NP
<b>Proposal</b>	Erection of Extension and Erection of Garage
<b>Applicant</b>	Mr & Mrs Livock
<b>Town/Parish Council</b>	KINGTON LANGLEY
<b>Division</b>	KINGTON – Cllr Howard Greenman
<b>Grid Ref</b>	392229 177315
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charmian Burkey

### Reason for the application being considered by Committee

Councillor Greenman has called the application to Committee to discuss the scale and size of the development; over-development of the site; relationship to the neighbouring properties and the fact that a ditch appears to be being filled in to enable increased garden space which may exacerbate already severe flooding in the area.

#### 1. Purpose of Report

To consider the application and to recommend that planning permission be GRANTED.

#### 2. Main Issues

The main issues in considering this application are:

- The size and scale of the development.
- Impact on neighbouring properties.
- Impact on conservation area.
- Impact on flooding.
- Compliance with Policy CP57 and CP58 and advice in the NPPF.

#### 3. Site Description

The proposal relates to a converted barn close to the equine dentistry business at

Ashes Lane. The barn has recently been granted its own entrance off Ashes Lane and can be occupied separately.

The site lies within the Kington Langley Conservation Area, but has limited public view.

The dwelling known as 4 Ashes Lane backs onto the site and the property is very close to the boundary, although has no first floor windows and is separated by a stone wall.

#### 4. Planning history

N/89/01444/FUL	CONVERSION AND EXTENSION TO EXISTING BARN TO FORM DWELLING
N/04/00294/S73A	TEMPORARY SITING OF MOBILE HOME AND TIMBER CABIN FOR AN EQUESTRIAN WORKER AND STORAGE OF HORSEBOX (RETROSPECTIVE)
N/04/00956/COU	CHANGE OF USE OF COW BYRE TO DWELLING
N/04/02275/FUL	EQUINE DENTISTRY FACILITIES INCLUDING TEACHING, HORSEWALKER AND GENERAL PURPOSE AGRICULTURAL BUILDING
N/04/02616/FUL	REVISIONS TO 04.00956.COU - CONVERSION OF COW BYRE TO DWELLING
N/04/02613/FUL	RETENTION OF MOBILE HOME FOR TEMPORARY PERIOD AND ERECTION OF TEMPORARY BUILDING FOR USE AS AN EQUINE DENTISTRY UNIT
N/05/02382/FUL	Conversion to Dwelling Including Extensions
N/10/04499/FUL	New Double Garage to Replace Existing Temporary Sheds and Construction of Small Porch Extension.
N/11/03928/FUL	Extension to Dwelling & Garage

#### 5. The Proposal

The application seeks consent for an extension to the converted barn and a new garage on the southern boundary. The proposal has been amended since its original submission so that the garage is now as approved under N/11/03928/FUL.

Application N/11/03928/FUL has now lapsed but granted planning permission for an extension the converted barn and a garage. The proposal as submitted is identical to the previous consent but seeks to extend the barn by a further 2.2m.

#### 6. Local Planning Policy

The relevant Planning Policies are CP57 and CP58 of the Wiltshire Core Strategy and sections 7 and 12, in particular, of the NPPF.

#### 7. Summary of consultation responses

Kington Langley Parish Council- Object:

- a) Lack of information on the application – No height has been specified for the proposed garage. It is noted that the proposed garage is in close proximity to a neighbouring property and therefore would over develop the area. Contrary to Wiltshire Core Strategy (WCS) core policy 57. This would not add to the value of the natural conserved environment

- b) The proposed extension would over develop the area which is in a conservation area and therefore would be contrary to:

WCS policy 57(iii) It does not respond to the existing landscape features in terms of layout, built form, height, mass, scale, and does not integrate into the original setting.

Policy 57(vi) Does not make efficient use of land whilst taking account of the characteristics of the local context to deliver appropriate developments. The proposed does not relate effectively to the immediate setting and wider character of the area.

Policy 75(vii) Does not have regard to the compatibility of adjoining buildings and uses or the impact on the amenities of existing occupants. Does not consider privacy or overshadowing.

- c) Is contrary to WCS policy 10.6 – It is noted that a ditch has been filled in to create a garden. This is seen to be a potential risk to flooding especially relating to a neighbouring property . No permission has been granted for this.
- d) Finally, the proposed is in a Conservation Area, therefore Conservation Area Consent would be necessary but has not been applied for.

Highways- No objection

Drainage- No comments received

## **8. Publicity**

The application was advertised by way of site notice and neighbour

letter. 1 neighbour has objected on the following grounds:

- a) The original permission was granted when the property was connected to the business for use by staff and was much smaller.
- b) The site is in the conservation area and will overdevelop the plot.
- c) The garage would loom over their property.
- d) The building has already commenced.

## **9. Planning Considerations**

The proposal relates to a barn converted in approximately 2005 to a residential unit. The unit is closely related to the next door equine dentistry business, but is not tied to it. Permission was granted under N/11/03928/FUL to extend the barn and to build a garage against the southern boundary.

This application seeks consent to make the previously permitted extension to the barn 2.2m longer (originally 10.5m and proposal at 12.7m), using matching materials. The barn conversion is attractive and simple and this additional accommodation, which makes the building L-shaped, is considered appropriate and undamaging to the character of the building and the character of the conservation area.

The garage as originally submitted was a modern building of poor design &

detailing. Negotiations have led to the applicant reverting back to the garage design approved under N/11/03928/FUL. The garage is to be constructed from timber boarding with a brick plinth and plain clay tiles. The garage will now be 1.5m to the rear eaves and 4.1m in height to the ridge which is 3m away from the back of the building. The adjacent property to the south does have a conservatory, which the proposed garage will cut across by approx. 3.5m. (Amended plans are awaited to confirm this). However, because the development is to the north and of modest size, the loss of amenity is not considered to be sufficient to warrant a refusal.

The proposal has limited public view and the impact on the Kington Langley Conservation Area is considered to be acceptable and its character preserved. It is considered that the impact on neighbouring properties is acceptable and that the proposal complies with policies CP57 and CP58 of the Wiltshire Core Strategy and guidance in the NPPF

**RECOMMENDATION: Permission subject to 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 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 3 No external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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



- 4 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans: barn proposed elevations (Drwg 3) dated 17th June 2015 and Drwg 2260/08 dated 23rd July 2015 and Drwg 01A proposed layout plan dated 2nd September 2015

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

- 7 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 8 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 their 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.

- 9 Please note that Council offices do not have the facility to receive materials samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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15/05938/FUL  
The Stables  
Ashes Lane  
Kington Langley  
Chippenham  
SN15 5NP



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