

Date of Meeting	25 November 2015
Application Number	15/09014/FUL
Site Address	4 Brampton Court, Bowerhill Wiltshire SN12 6TH
Proposal	Subdivision of existing dwelling to provide 1no. 3 bed unit and 1no. 2 bed unit. (Resubmission of previous application 15/04347/FUL).
Applicant	ESP Letting Ltd
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT SOUTH – (Cllr Roy While)
Grid Ref	391379 161867
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

This application has been called-in for the consideration of the western area planning committee by Cllr Roy While for the following reason:

“Concerns of the Melksham Without Parish Council and residents relating to the inadequate parking and the proposed conversion to two separate units of accommodation rather than a single family unit. Change in the character of the environment.”

1. Purpose of Report

The purpose of this report is to set out a description of the site; the nature of the proposals; what the relevant planning considerations are, having regard to the local and national policy; and what consultations responses have been received. Within this context, the report will go on to assess the planning merits of the application and reach a justified and balanced recommendation for members to consider before making a decision.

2. Report Summary

The application seeks permission to subdivide a detached 4 bedroom house with an ancillary double garage and 1 bedroom self contained annexe into two dwellings. One dwelling would be a 2-bedroom property broadly limited to the garaging and annexe areas; and the other dwelling would largely comprise the existing 4-bed property with internal alterations to provide a 3-bedroom home. The proposal details the provision of 2 car parking spaces and outdoor amenity space for each unit.

The application has attracted an objection from Melksham Without Parish Council and 7 letters of objection from local residents.

Highway officers raise no objection.

Having had regard for all the comments received and the relevant local and national planning policies, officers submit that the proposal would not cause any significant demonstrable harm to any acknowledged planning interests. Whilst the concerns on car parking levels are understood,

there would be no significant harm created, which cannot be controlled by conditions. Whilst the concern over the impact the development proposal would have on the character of the area (which is characterised by detached 4-bedroom homes) is understood, there would be no significant harm caused given the very limited amount of external alteration being proposed to facilitate the subdivision.

It is considered that the proposal would result in an additional home within an accessible/sustainable residential location. It would add to the mix and variety of homes available within the area and contribute, albeit nominally, to the housing requirements of Melksham and Bowerhill.

Overall, it is assessed that the proposals should be recommended for permission subject to conditions as no demonstrable harm in planning terms would result.

3. Site Description

The application site is a residential property within a residential location of Bowerhill. The site is occupied by a detached property over 2-storeys. The host building comprises a 4-bedroom home supplemented with an attached double garage and self contained annexe above. In total, there are currently 5 bedrooms, 2 lounges, 3 bathrooms (including an en-suite), a study, a dining room, a kitchen, a utility, a WC and a garage.

The dwelling has a dual frontage with principle elevations to the east and the west. The west elevation has pedestrian access only being located within a corner at the end of a cul-de-sac of properties fronting onto a modest area of green public open space. It benefits from a 'front' garden area, circa 4-5 metres deep which extends the full width of the plot. The east elevation has both vehicular and pedestrian access. It currently has space to adequately and formally provide for 2 car parking spaces in addition to a private and enclosed 'rear' garden.

The dwelling dates from the late 1970s, when a number of virtually identical properties were erected in a typical sub-urban cul-de-sac arrangement. The dwelling was subject to a relatively large 2-storey side extension in the early 1980s that provided the attached double garage and annexe accommodation that currently has interconnected doors at ground and first floor level; although it benefits from a separate 'front door'.

It is furthermore necessary to record that in the neighbourhood there are a number of dwellings that have been subject to similarly scaled extensions.

4. Planning History

W/78/0058/HIS – Erection of 28 houses (this is the cul-de-sac) – Permission

W/80/0058/HIS – Extension (this is the existing garage and annexe) – Permission

15/04347/FUL – Two storey extension and conversion of garage to flat – Withdrawn.

5. The Proposal

This is a re-submission of the above referenced withdrawn application. The application has now been amended in order to provide clarity over what has previously been approved and what is now being applied for. Furthermore the application has been amended to exclude any physical extension to the built form, although some alterations are detailed to the access and hard standing in order to facilitate further off-street car parking.

The proposal details the internal subdivision and conversion of the existing built form to create an additional dwelling. This involves the conversion of the garage and minor alterations to the fenestration. The resultant accommodation would include a 2-bedroom dwelling with a bathroom,

and an open plan kitchen-diner-lounge; and a 3-bedroom dwelling with 2 bathrooms including an en-suite, play room, study, kitchen, lounge, dining room and a WC.

The 3-bedroom dwelling would have 2 car parking spaces and a private and enclosed garden.

The 2-bedroom dwelling would have 2 car parking spaces and a modest, relatively private and enclosed garden.

The proposal is therefore to subdivide an existing building that contains one dwelling with a linked annexe that has a total of 5 bedrooms and has 3 car parking spaces including garaging, to create 2 dwellings with a total of 5 bedrooms and 4 car parking spaces.

6. Local Planning Policy

Local context:

Wiltshire Core Strategy (the development plan) Policies: CP1, CP2, CP3, CP15, CP41, CP57, CP60, CP61, CP62, CP64, CP67, and Appendix D 'saved' WWDP 1st Alteration Policy U1a.

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3) Policy PS6.

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)

Wiltshire's Community Infrastructure Levy Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy Regulation 123 List (123 List)

National context:

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

7. Summary of consultation responses

Melksham Without Parish Council: Objects on

"The Council objects to this application on the grounds that this "granny flat" should remain an annexe to the principle dwelling and not separated to create two separate dwellings. As such it wishes to reiterate its previous comments made on 9th June 2015 against the previous application 15/04347/FUL, which read:

The previous alterations to the property under p/a W/80/1426 for a "two storey extension to the side of the property to provide a granny flat" was given permission with the following condition: "In order to define the terms and extent of this permission and enable the Local Planning Authority to ensure that the proposed dwelling extension is not sold, used or let as a separate unit of living accommodation, the property as a whole shall be occupied as a single family unit, with the accommodation hereby permitted occupied as a part of the main dwelling and it shall not be severed there from". The Council feel that this 1980 condition should still apply."

Highways: No objection.

Wiltshire Fire and Rescue Service: No objection.

8. Publicity

Public notification consisted of neighbour letters and the erection of 2 site notices to both principal elevations. 6 letters of objection were received which may be summarised as follows:

- Inadequate off-street parking
- Exacerbate existing on-street parking and associated highway safety issues in close proximity to a scheme, in part caused by restrictions in Halifax Road;

- Cumulative highway impacts with other developments locally including a proposed hair salon within a nearby dwelling and the school;
- Existing car parking is stated as being 6 – this is incorrect;
- Inadequate access;
- The 3-bedroom dwelling is just like all the 4-bedroom homes in the locality save for a space as been annotated as a play room instead;
- Proposal cannot provide for the required minimum residential parking requirements for a 2- and 4-bedroom development.
- The annexe accommodation was allowed conditionally and only on the basis of it being tied /ancillary to the main house – why should this situation change?
- The result is a semi-detached property that is out of keeping with the area; and
- 2 and 3 bedroom properties are out of keeping with the area which is characterised by 4-bedroom homes.

9. Planning Considerations

- Principle of Development:

The application site is located within the limits of development for Bowerhill which within policy CP1 and CP2 means that the principle of further housing development is acceptable. Furthermore, it is noted that there is a residual need for further housing within the area based on the current housing supply data (circa 616 units as at April 2015 Base Date). It should however be appreciated that such figures are not necessarily an upper ceiling to development.

It is noted that the existing arrangement of a dwelling with a linked annexe was approved on the condition that the two should not be let or sold separately. This was reflective of the need to define the terms of the permission and that the scheme was not presented, nor laid out as an application for a separate dwelling i.e. there was no separate parking or amenity space denoted. Furthermore the annexe is linked through internal connecting doors – an arrangement not commensurate with a separate dwelling.

However this site history does not prevent the principle of a scheme for the provision of additional dwellings on the site. Such an application needs to be assessed on its individual merits based on the policies pertaining at the time. As set out above, the extant development plan policies support the principle of this development.

- Highway Safety, Access, Parking:

The existing dwelling with the annexe benefits from hard standing within the 'rear' garden and an attached double garage. The hard standing can adequately provide 2 car parking spaces based on the minimum standards of 2.4 metres by 4.8 metres. Furthermore, the garage, although a double is only adequately sized to provide for only 1 car parking space - based on the Council's car parking standards (for a garage) requiring a minimum width of 3 metres. The applicant's suggestion that the site has 6 spaces is disputed by officers; and instead, officers consider there to be 3 available spaces. However this error is not a reason for refusal. The existing arrangement is in accordance with contemporary minimum standards.

The proposal has been presented as the creation of a 2 and a 3-bedroom home. This generates a minimum residential parking requirement of 4 spaces. The applicant could provide the additional space by widening the existing area of hard standing and widening the existing access to circa 6.6 metres. Highway officers raise no objection to the proposals and it is noted that the proposal, on face value, accords with the minimum residential parking standards. Officers raise no concerns about the size of the spaces or the widening of the access. As such, there is considered to be no highway engineering concerns.

Highway officers and a number of local residents have raised concern though regarding the reality of the proposals in relation to the 3-bedroom dwelling. This unit occupies the original 4-bedroom

space. The plans indicate the removal of an internal partition wall and the blocking up of a doorway so as to provide one of the bedrooms with a play area. It has been explained that this is to suit the needs of the applicant. It could equally suit the desires of other future occupiers as a play area, a dressing area, or an additional en-suite. The scepticism of local residents and the highway officers on this point is fully understood. However it has to be acknowledged that the proposed works to make this unit a 3-bedroom house could be conditioned to allay any concern. On that basis, it would be very difficult to sustain an objection. By conditioning the development, the proposal would satisfy the minimum residential parking standards. Furthermore, the overall number of bedrooms would not be increased (albeit an additional unit is being created) and the number of parking spaces is actually increasing.

Whilst the concerns of local residents are duly noted, and those of the highways officers, it is important to note that highway authority reports no overall objection. On balance, it is assessed that the proposals would not cause such harm to merit refusal of the application, and a condition could be reasonably imposed to mitigate any residual concern / scepticism about the number of bedrooms being created within the larger residential unit.

The proposals would introduce additional on-site parking provision and would improve visibility at the entrance with a wider opening. In terms of safety, there would be an overall improvement over and above the existing arrangements. It is not considered that the proposal would result in any cumulative residual impact with other development in the locality.

- **Design and street scene:**

The proposal involves no significant physical works. Some widening of the existing vehicular opening would be required however these works would not require planning permission. There are examples of similar widening works in the street scene and officers raise no concern. The subdivision of the unit to this end would not demonstrably impact on the character and appearance of the area.

- **Residential Amenity:**

The application does not propose any extension and the proposals do not seek to alter the uses within the upper floor rooms and would not create any new upper floor windows. As such it is assessed that the proposals would have no significant impact on neighbouring residential property.

The proposals would provide the 2-bedroom unit with a private amenity space at the 'front' – however this is a corner that has no active arrangement with the street and is therefore relatively private. It is also, on balance, of a size that adequately provides for the amenity requirements of a modest 2-bedroom property. It is accepted that the proposed arrangement may lead to intensification of activity at this point in the existing garden, in close proximity to a neighbouring property. However, the impacts would not likely to be sufficient to cause demonstrable harm.

The larger 3-bedroom unit would have a garden space commensurate to the original dwelling and there are no concerns raised in this regard.

- **Any Other Material Considerations:**

Drainage: Drainage arrangements would not be affected by the proposals as there are main sewer connections for foul waters.

Sustainable Construction: As this proposal comprises the conversion of an existing building, it would be unreasonable to try and impose any Code for Sustainable Homes' standards, although a planning informative is recommended to achieve energy efficiencies.

Community Infrastructure Levy: This is a likely to be a CIL liable development and the applicant should be advised by a planning informative.

Housing Need: There is a housing need for a variety of accommodation types within Bowerhill. This proposal would create an additional dwelling and enhance the mix of properties available within this particular location. The proposal makes a more efficient use of land without any demonstrable harm. This weighs in favour of the application.

Conditions: In addition to the above mentioned issues to secure adequate on-site parking provision and to define the terms of any permission by approving the plan drawings as submitted (in perpetuity), officers consider it necessary to have a condition requiring the use of matching materials to partially block up the garage door. Furthermore, in order to reflect the limited nature of each resultant plot, it is considered that householder permitted development rights for each dwelling should be removed to prevent further extension or outbuildings being erected (without further control from the planning authority).

No other material considerations are evident following a thorough review of the information provided, completing a number of site inspections and after evaluating the consultation / neighbour notification responses.

10. Conclusion (The Planning Balance)

Whilst restrictions have been imposed in the past preventing the existing annexe to be used as a separate dwelling; this application seeks to replace the annexe and create a 2-bedroom dwelling, and alter the existing accommodation to provide a 3-bedroom dwelling without any extension to the existing dwellinghouse/annexe. The property is located within a sustainable residential location within the defined limits of development at Bowerhill where there is an identified need for further housing. As such the principle of development is not objectionable.

The proposal as submitted meets the minimum residential parking standards and any residual concern regarding the provision of bedrooms and car parking spaces can be addressed by planning condition. The proposal would result in the same number of bedrooms being created as the existing arrangement but increase the on-site parking by 1 space; and no objection is raised by the highways authority.

The proposal would comprise very limited external site works which would improve visibility and access arrangements. The works required to bring about the proposed subdivision would cause no harm to the character and appearance of the area.

Officers therefore conclude that the proposal accords with the development plan and no demonstrable harm to planning interests would result.

RECOMMENDATION: Approve 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. The development hereby permitted shall be carried out in accordance with the following approved plans: 15/103/1 Rev B received on 2 October 2015; 15/103/2 Rev A received on 2 October 2015; 15/103/3 Rev B received on 2 October 2015.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. 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.

4. The internal alterations as detailed by drawing no: 15/103/3 Rev B (in relation to the removal of stud walls and blocking up internal doorways) shall be carried out prior to the first occupation of either dwelling. Thereafter, the resultant layout shall remain in perpetuity.

REASON: In order to define the terms of this permission and to ensure the development satisfies the minimum residential parking standards as set out by policy CP64 of the Wiltshire Core Strategy and Policy PS6 of the LTP3 Car Parking Strategy.

5. The external works as detailed by drawing no: 15/103/1 Rev B (in relation to parking and access to provide 4 car parking spaces) shall be carried out prior to the first occupation of either dwelling. Thereafter, the resultant layout shall remain in perpetuity.

REASON: In order to define the terms of this permission and ensure a development satisfies the minimum residential parking standards as set out under policy CP64 of the Wiltshire Core Strategy and Policy PS6 of the LTP3 Car Parking Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place to the dwellinghouses hereby permitted or within their curtilages.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

PLANNING INFORMATIVES:

1. In accordance with Policy CP41 the applicant is encouraged to incorporate design measures to reduce energy demand within the development initially through energy efficiency enhancement to reduce energy consumption and then the use of renewable technologies.
2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website:

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy