

Date of Meeting	26/05/11		
Application Number:	S/2010/1879		
Site Address:	Land at the front of Fitz Farmhouse Teffont Magna Salisbury		
Proposal:	Construction of a two storey cottage		
Applicant/ Agent:	Castle Architectural Consultants		
Parish:	TEFFONTNADDER/EASTKNOY		
Grid Reference:	398767	132641	
Type of Application:	FULL		
Conservation Area:	TEFFONT MAGNA & EVIAS	LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

The application is made by a close relation of a Wiltshire Councillor and representations objecting to the application have been made. In such instances the Wiltshire Council Scheme of Delegation requires applications to only be determined by the relevant area planning committee.

### 1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

### Neighbourhood Responses

1 letters of representation

### Parish Council response

No objection subject to conditions

### 2. Main Issues

The main issues in the consideration of this application are as follows:

1. The principle of development;
2. Character and appearance of the area;
3. Flood risk;
4. Amenities of adjoining and nearby property;
5. Ecology;
6. Archaeology;
7. Highways considerations;
8. Public recreational open space.

### 3. Site Description

The site relates to part of the front curtilage to Fitz Farmhouse, which fronts onto the street that runs through Teffont Magna. This is situated towards the northern end of the village, just within the limit of the Housing Restraint Area. Fitz Farmhouse is a modern dwelling, set back some distance from the road, although the site is within the Conservation Area where virtually all other dwellings are of a traditional character, typically comprising stone cottages with steeply pitched thatch or clay tiled roofs. Running parallel to the road and to the front edge of the site exists a stream, and the site is accessed by crossing a small bridge. The site is not, however, within the higher flood risk zones (FZ2 or FZ3). In 2008 consent was granted to erect a dwelling within the other half of the front curtilage to Fitz Farmhouse, and this dwelling is currently under construction, and likely to be substantially completed externally by the time this application comes before the Committee.

#### 4. Relevant Planning History

08/0871	Erect new 2 storey dwelling	AC	07.07.08
10/0347	The construction of a two storey cottage	WD	05.05.10
11/0551	Erect dwelling and garage. Amendments to planning application and approval S/08/0871	Undetermined	

#### 5. Proposal

Consent is sought to erect a new detached dwelling. The dwelling would be two stories and constructed of natural Chilmark stone with clay tiled roof.

This proposal follows a recently withdrawn application to develop the site where concerns were raised by Officers over the scale and design of the dwelling proposed.

#### 6. Planning Policy

Local Plan: policies G1, G2, G5, H19, D2, C4, C5, C12, C13, C17, C18, CN8, CN10, CN11, CN21, CN22, TR11, TR14, R2

Central government planning policy: PPS3, PPS5, PPS9, PPS25

#### 7. Consultations

Parish Council	<b>No objection</b> subject to a condition that no additional windows at first floor level or in the roof may be added at a future date on the Edmead (south) side of the proposed property.
Conservation Officer	<b>No objection</b> subject to conditions relating to detailed design
Environment Agency	<b>No objection</b> subject to details contained within FRA being carried out
Ecologist	<b>No objection</b> subject to conditions
Archaeologist	<b>No objection</b> subject to condition requiring archaeological watching brief
Highways Officer	<b>No objection</b> subject to condition requiring access/parking to be constructed in accordance with the submitted details.

#### 8. Publicity

The application was advertised by press notice, site notice and neighbour consultation.

1 letter of representation was received objecting to the application.

Summary of key points raised:

- Proposal should not be considered in isolation of the adjacent development site, and additional information should be submitted to better illustrate the proposal and its relationship with existing features;
- Drainage should be carefully considered so as to prevent pollution of the watercourse;
- French doors to the proposed dining room could overlook Edmead, particularly due to the raised floor level of the dwelling and if existing screen vegetation is removed. The formation of a terrace could have similar affects.
- The new dwelling would erode the openness of the existing street frontage to some extent, and this does not comply with the Housing Restraint Area policy;

## 9. Planning Considerations

### 9.1 The principle of development

The site is within a Housing Restraint Area where policy H19 of the Local plan states that residential development will be acceptable only if the following criteria are met: i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area; ii) there is no loss of an important open space which contributes to the special character of the area; iii) the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and iv) the development will be in keeping with the character of the neighbouring properties.

Policy D2 of the Local Plan states that the design of infill development proposals should respect the character of the area, with particular regard to building lines, scale and height and plot widths.

Policy CN8 states that within Conservation Areas only development which preserves or enhances the character of the area will be permitted.

### 9.2 Character and appearance of the area

The Conservation Officer has previously commented that:

*“The character of this part of the conservation area is of houses set back within their plots, but there are also a number of buildings along the banks of the stream that runs along the roadside. [However]... the frontage should not be too ‘built up’, as this would not be in keeping with the rural character of this part of the conservation area.”*

On the previously proposed design, which was withdrawn, the Conservation Officer commented that:

*“... I would like to raise a potential concern over the scale of what is being proposed, and the impact that this would have on the conservation area... I would also suggest that having mirror image designs in this location would not respect the random and eclectic nature of the cottages in the conservation area, and would convey an inappropriate suburban feel.”*

The dwelling now proposed is of a significantly smaller scale, particularly with regards to its frontage, and now has a distinct design to better reflect the variety that is evident within the locality. It would still be of the general character of a stone cottage, but it would be of more modest proportions than the adjacent new dwelling, and notably would be sited with its end to the road, which is a feature of the existing streetscene which contributes to the ‘eclectic nature’ of cottages in the conservation area. The Conservation Officer is now satisfied that the proposal has overcome the concerns previously identified, and that subject to conditions to control the detail finishes of the dwelling, it would preserve the character of the conservation area.

A third party objector has raised concerns that a dwelling in the location proposed would fail to comply with the Housing Restraint Area policy, in that the development would erode an important open space, particularly when considered in combination with the new dwelling currently under construction. However, the density of development across the site frontage would still be relatively low, with each dwelling separated such that the resulting development would still appear as reasonably spacious. In between the two dwellings would be a 16 metre wide gap, where a significant part of the original front curtilage would be visible as a large open space.

With regards to the objective of the Housing Restraint Area policy in preserving the ‘green’ character of the area, it is noted that the development proposes to remove four trees from the site, although it is not considered that they are of such high amenity value to insist upon their retention. Rather it is considered more appropriate to secure replacement planting of an equal number of trees, of an appropriate native species, and the applicant details that five such

replacements would be sought. This can be secured through a condition requiring the agreement of a detailed landscaping plan.

Consideration has been given to the affect of the raised floor level that has been required for flood risk prevention (see Flood Risk section below). In terms of streetscene appearance, this would result in a comparable ridge height to the new dwelling adjacent, but approximately 1800mm greater than the existing dwelling to the other side known as 'Edmead'. However, it is not considered that such a contrast in height would be harmful in terms of streetscene character, particularly given the relatively narrow frontage of the dwelling and the fact that variety within the streetscene is part of the character of the locality.

### *9.3 Flood risk*

Although the site is outside of the higher risk flood zones, due to its proximity to a watercourse the Environment Agency have sought measures to ensure that the proposed dwelling would not be at adverse risk of flooding. The applicant has confirmed details to the Environment Agency's satisfaction, including confirmation of a raised floor level to the dwelling and the provision of a sealed damp proof membrane and the elevation of electrics within the proposed dwelling.

The applicant has also confirmed that surface water from the development will be discharged to a soak away, rather than to the watercourse, and further details of an appropriate solution will be required to be submitted for further approval as a condition.

### *9.4 Amenities of adjoining and nearby property*

Objections have been received from the occupants of the neighbouring dwelling to the south of the site known as Edmead. Concern has been expressed that the proposed dwelling would result in a loss of privacy.

Only one first floor window within the elevation which faces Edmead is proposed, which would serve an ensuite and a condition would require the fitting of obscure glazing. At ground floor level there would be three facing windows, one serving a WC, one serving a utility room, and French windows serving a dining room. Overlooking views from ground floor windows are generally less acute than at first floor level, particularly due to the fact that typical boundary fences provide a suitable screen. However, in this instance, due to the requirement imposed by the Environment Agency to raise the floor level of the dwelling, the occupants of Edmead are concerned that overlooking, particularly from the French windows and any associated patio area, could be significant.

According to the topographic data provided within the site survey, the ground floor level of the proposed dwelling would be approximately 500mm to 700mm higher than the ground level around the nearest part of Edmead. Beyond the site boundary where the French windows would face onto exists the driveway to Edmead, and within the facing elevation of this neighbouring dwelling exists two ground floor windows and an entrance door, situated approximately 4 to 5 metres from the boundary. In turn the nearest part of the proposed dwelling, including the French windows, would be sited 7.4 metres from the boundary. The existing boundary treatment between the two dwellings comprises reasonably dense vegetation, much of which is well over 2 metres in height. Despite the raised level of the proposed dwelling, it is considered that the appropriate agreement of a detailed landscaping scheme, via a condition of planning consent, could secure adequate privacy between the two properties. This could provide for the appropriate retention of the existing boundary vegetation and its reinforcement where necessary. It is also considered appropriate to require the further agreement of hard landscaping, including alterations to the ground level around the house and the creation of any patios / terraces. This can ensure that any terrace or raised land created between the French windows and neighbouring boundary is not of such a level that privacy to Edmead would be compromised.

With regards to the relationship between the proposed dwelling and the new one currently under construction, it is noted that there would be a degree of overlooking between the two, although due to the greater distances involved and relatively restricted number of mutually overlooking

windows, it is not considered that this relationship would be unacceptable. The proposed and existing dwelling at Fitz Farmhouse would be separated by an even greater distance where it is considered that the relationship would also be acceptable.

### *9.5 Ecology*

The site is potentially sensitive in ecological terms given its proximity to a watercourse. However, the Council's Ecologist raises no objection subject to the receipt of further details in relation to precautionary measures and the submission of further details in relation to ecological enhancement of the site, as recommended within the submitted ecological impact assessment.

### *9.6 Archaeology*

The Council's Archaeologist originally requested that field evaluation was required before the determination of the application, due to the likely significant nature of archaeology within this part of the village. However, further to the receipt of additional information from the applicant, which confirmed that much of the site has been subject to significant ground disturbance in the recent past, the Archaeologist is now satisfied that a watching brief would suffice, whereby investigation can be carried out at the time of ground works being undertaken to construct the dwelling.

### *9.7 Highway considerations*

The site benefits from an existing access onto the public highway which the Highways Officer considered to be satisfactory. No objection is therefore raised in highway terms subject to the appropriate layout of parking and access to the site, as indicated within the submitted plans.

### *9.8 Public recreational open space*

Subject to the motion being carried forward to approve the application, the applicant will be required to enter into a legal agreement to secure the appropriate contribution towards off-site recreational facilities, as required under Local Plan policy R2.

## **10. Conclusion**

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would be safe from flooding and would not harm archaeological or ecological interests.

## **11. Recommendation**

**That subject to the applicant entering into a section 106 legal agreement to secure the appropriate financial contribution towards off-site recreational open space**

**Planning Permission be GRANTED for the following reason:**

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would be safe from flooding and would not harm archaeological or ecological interests. The development would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to saved Local Plan policies G1, G2, G5, H19, D2, C4, C5, C12, C13, C17, C18, CN8, CN10, CN11, CN21, CN22, TR11, TR14, R2 and PPS3, PPS5, PPS9, PPS25.

**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 development shall only be undertaken in accordance with the following approved plans:

Plan Ref....C/719/3...	Date Received....15.12.10....
Plan Ref....C/719/4...	Date Received....15.12.10....
Plan Ref....C/719/6...	Date Received....09.02.11....
Plan Ref....C/719/7...	Date Received....09.02.11....

Reason: For the avoidance of doubt.

- 3) Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: D2, H19, CN8, C5

- 4) Before development is commenced, details of all new windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections and elevations of all new windows shall be submitted to at least 1:5 scale, and detailed sections and elevations of all new doors shall be submitted to at least 1:10 scale. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 5) Before development is commenced, details of all new rainwater goods shall 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: In the interests of the visual amenity of the development.

Policy: CN8

- 6) Before development is commenced, details of the eaves of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections of the eaves shall be submitted to at least 1:2 scale. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;

- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all proposed species, planting sizes and planting densities;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. refuse and other storage units, lighting etc);

Reason: In the interests of the visual amenity of the development, and to ensure the adequate retention of privacy to neighbouring dwellings.

Policy: G2, H19, CN8, C5

- 8) 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. 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: In the interests of the visual amenity of the development, and to ensure the adequate retention of privacy to neighbouring dwellings.

Policy: G2, H19, CN8, C5

- 9) No development shall commence until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: In the interests of recording archaeological artefacts that may be present within the site.

Policy: CN22

- 10) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (dated January 2011) and the following mitigation measures detailed within including:

- Finished floor levels are to be set no lower than 91.7m above Ordnance Datum (AOD).
- Flood-proofing measures related to a sealed damp proof membrane and the elevation of electrics within the proposed dwelling.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

Policy: PPS25

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

Reason: To ensure that the development can be adequately drained.

Policy: G5, PPS25

- 12) Before development is commenced a construction method statement, detailing measures to minimise the risks of pollution to the adjacent watercourse during the construction process, shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include details to show that the stream will be protected by Heras fencing for the entire duration of the construction works. The construction works shall be undertaken in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority

Reason: To avoid pollution of the river system.

Policy: C18, PPS9

- 13) Before development is commenced an ecological mitigation and enhancement plan, showing the location of ecological enhancements and including the species of trees to be planted and the profile of the new pond, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details before the first occupation of the dwelling.

Reason: In the interests of ecology and biodiversity.

Policy: C13, PPS9

- 14) Trees and shrubs shall only be felled or cleared outside the bird breeding season 1<sup>st</sup> March to 31<sup>st</sup> August.

Reason: In the interests of nesting birds.

Policy: C12

- 15) The mature ash tree shall only be felled after a risk assessment for bats, including details of proposed felling methods, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details

Reason: In the interests of bats.

Policy: C12

- 16) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

Policy: G2, H19, CN8

- 17) Before the development hereby permitted is first occupied the en-suite window in the south-east elevation shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing at all times thereafter.

Reason: To ensure the adequate retention of privacy to the neighbouring dwelling.

Policy: G2



18) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0800 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the building.

Reason: In the interests neighbouring amenity.

Policy: G2

INFORMATIVE:

There is a risk that bats may roost in trees due to be felled at the development site. Under the Conservation of Habitats and Species Regulations 2010, it is an offence to harm or disturb any species of bat. Planning permission does not provide a defence against prosecution under these pieces of legislation. If a bat is found during the works, the applicant is advised to stop work and follow advice from their own Ecologist or to contact an Ecologist at Wiltshire Council (01225 718478) before proceeding further.