

## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 February 2021
<b>Application Number</b>	20/10572/FUL
<b>Site Address</b>	Land Adjoining No.39 Craybourne Road, Melksham, SN12 7DJ
<b>Proposal</b>	Proposed 4 Bed Dwelling
<b>Applicant</b>	Mr Raph Dixon
<b>Town/Parish Council</b>	MELKSHAM (TOWN)
<b>Electoral Division</b>	Melksham Central – Ward Member Cllr Hayley Spencer-Illman
<b>Grid Ref</b>	391106 164358
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Verity Giles-Franklin

**Reason for the application being considered by Committee:** Cllr Spencer-Illman has requested that this application be presented to the Western Area Planning Committee if officers are minded to approve the application, so that members can consider: the scale of the proposed development and overdevelopment of the plot; and its relationship with adjoining properties.

### 1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions.

### 2. Report Summary

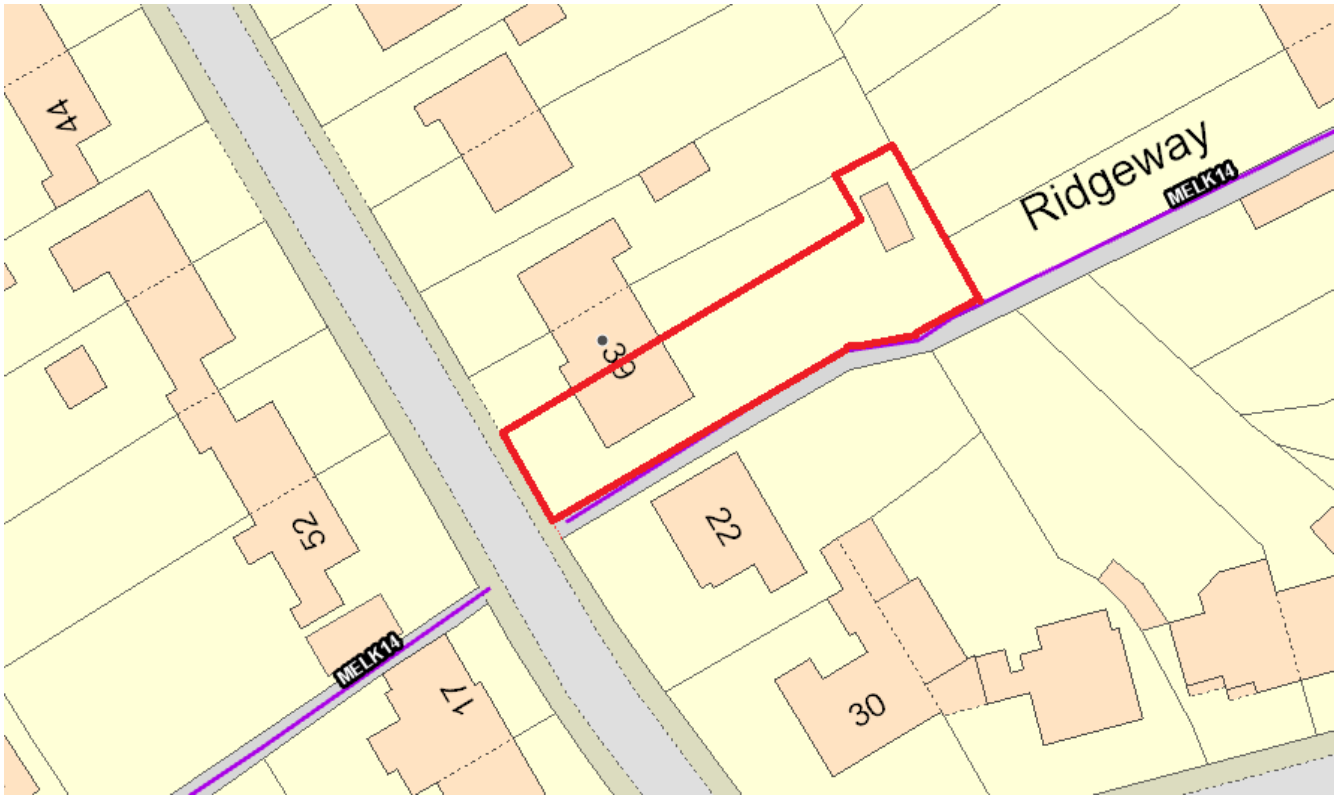
This report appraises the principle of development, the impacts the development would have on the character of the area, as well as the impacts on neighbouring amenity for both existing and future occupiers as well as highway safety.

Melksham Town Council has raised an objection to the application, details of which are provided within section 8 of this report. Two public representations have also been received, which are summarised within section 9 of this report.

### 3. Site Description

The application relates to a 2-storey semi-detached rendered dwelling and its associated curtilage, located within an established residential area of Melksham. The immediate area is characterised predominantly by two-storey semi-detached or link-detached dwellings with some detached properties, which are mostly of red brick or reconstituted stone with rendered finishes.

The host property at 39 Craybourne Road is orientated to face the road, with a vehicular access and driveway for off-road car parking to the front. The subject property previously had a side extension comprising a garage with a room above (as consented under application reference W/87/00542/FUL) however as shown below, that was demolished sometime after March 2017 pursuant to consented application 16/11318/FUL. To the south of the application site, there is a public right of way (PRoW) (a footpath reference: MELK14) with its routing shown on the following page.



**Extract of the Council's mapping system to show the position of the PRow and location of the application site**



**Photograph of application site submitted with application details**

#### 4. Planning History

The following planning history is of the most relevance to this application:

W/87/00542/FUL – Garage and bedroom extension – Approved (under delegated powers) on 26 May 1987

The following site photograph which was taken in 2016 illustrates the garage with upper floor accommodation (now demolished):



16/11318/FUL - Demolition of existing side extension & erection of a detached 3 bed two-storey dwelling with associated landscaping - Approved 02 March 2017 (under delegated powers).

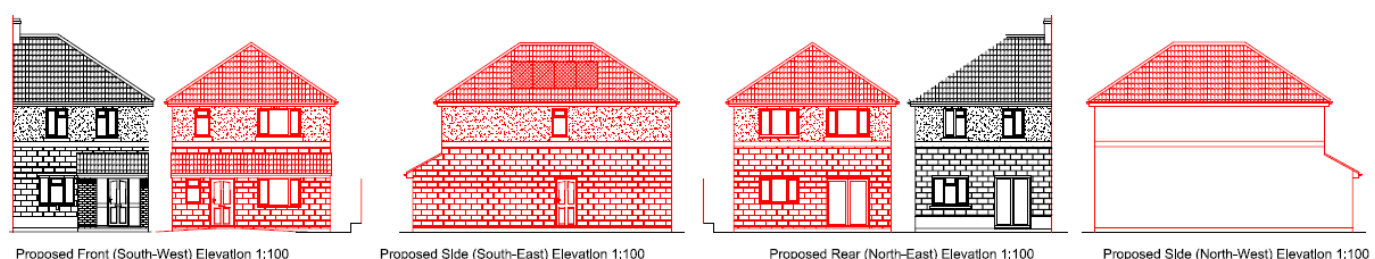
It is important to note that the above application was subject to three 'suspensive' planning conditions relating to surface water drainage, landscape planting details as well as a material samples condition. However, no formal discharge of condition application was received by the Council and the March 2017 permission therefore lapsed.

[Note: The 2016 application did not benefit from the Business and Planning Act 2020 temporary modifications made to the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 in response to the coronavirus pandemic pursuant to temporarily extending the implementation timeframes for consented applications as this only applied to unimplemented development that would otherwise expire between 23 March and 31 December 2020 – until 1 May 2021].

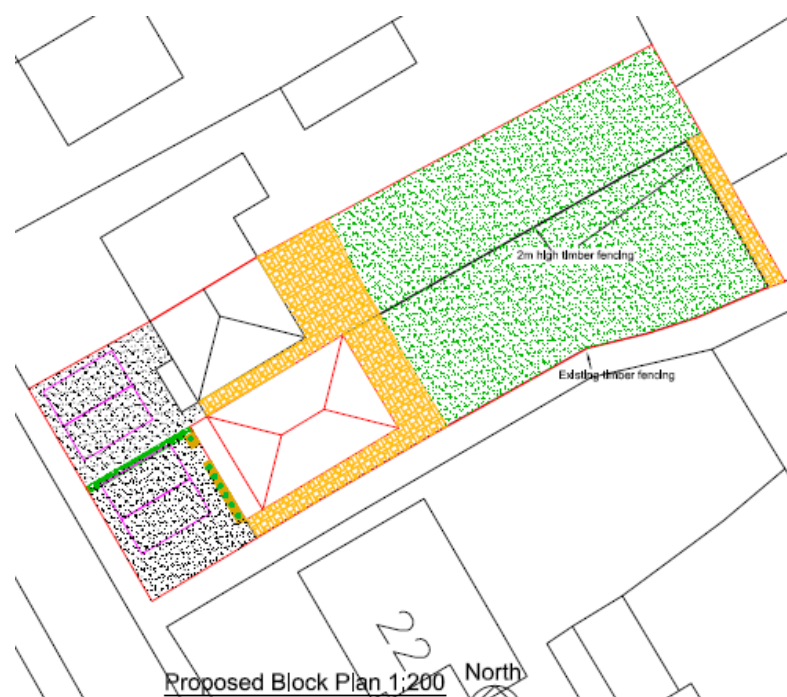
Following the March 2017 approval, the applicant progressed with demolition works and illustrated in the previous site photos, the double garage with a room above no longer exists on the site.

It is also considered worthy of noting that the 2016 application was not subject to any call-in request by the local ward member and Melksham Town Council raised no objections to a detached 3 bed two-storey dwelling back in February 2017. The Council assessed the application against the adopted Wiltshire Core Strategy policies and the NPPF and concluded that the principle of constructing a detached dwelling along with the associated details at this site were policy compliant and, in recognition that the same policies still apply, officers consider the 2017 consented development to be a material planning consideration.

Extracts of the approved elevations and site plan pursuant to the consented 16/11318/FUL application are provided below:



**Approved elevations pursuant to 16/11318/FUL**



**Approved block plan pursuant to 16/11318/FUL**

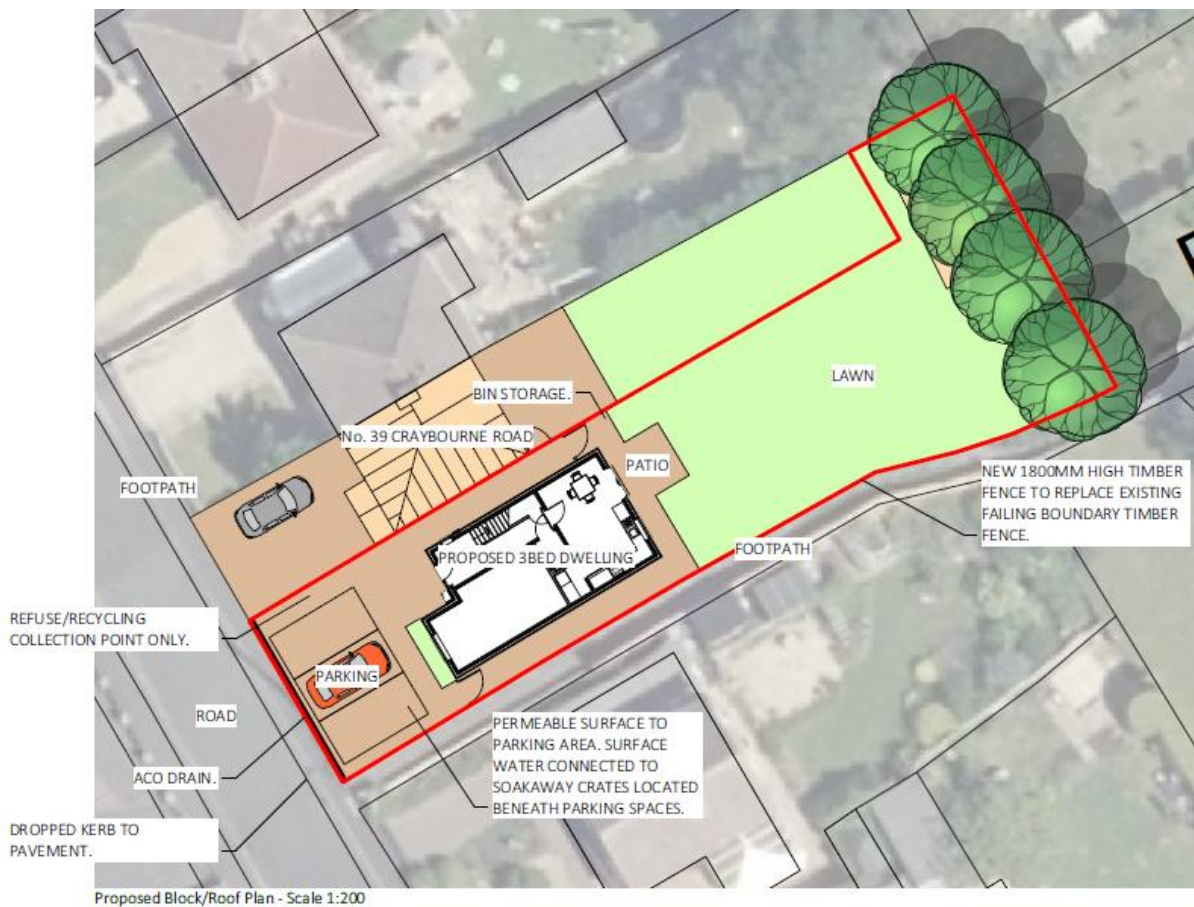
Although there has been no material revisions made to the adopted Wiltshire Core Strategy since March 2017, the Council is not presently able to demonstrate a 5 year housing land supply and in recognition that the site is not exempted by the provisions set within footnote 6 associated to paragraph 11 of the NPPF, the Council must accept that full weight cannot be applied to the Core Strategy at the current time, and that planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole”*.

## 5. The Proposal

This application seeks full planning permission for the construction of a single 4 bed dwelling to the south east of the host property at No. 39 Craybourne Road and within its garden. The proposed dwelling would be red brick with a cream render finish, with a lean-to style porch, under a concrete tiled roof with uPVC fenestration, as detailed by the extracts of the proposed elevations below:



The proposal makes provision for the associated car parking and rear amenity space to serve the proposed dwelling. The plans extract below also reveals the residual rear garden ground and separate car parking that would be retained for No. 39.



**Proposed Site Plan**

## 6. Planning Policy

The adopted Wiltshire Core Strategy (WCS) Core Policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP15 - Spatial Strategy for the Melksham Community Area; CP51 -

Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP60 - Sustainable Transport; CP61 - Transport and New Development; and CP64 - Demand Management

Saved West Wiltshire District Plan 1st Alteration 2004 Policy U1a - Foul Water Disposal

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

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also of material relevance to this application.

The emerging joint Melksham Neighbourhood Plan (at Reg 16 stage) has been subject to a public consultation since early December, and following the consultation, comments received will be passed to an independent examiner, to be appointed by Wiltshire Council, who will be asked to consider the representations and determine if the plan should be put to a community referendum. No material weight can be applied to this emerging plan at this stage.

## **7. Summary of Consultation Responses**

Melksham Town Council: Objects on the basis of overdevelopment of the site.

Wiltshire Council Highways: No objection subject to conditions – The highway officer wishes to be assured that the existing telegraph pole would be relocated following the necessary permissions, which has been subsequently confirmed.

## **8. Publicity**

Two representations were received raising the following summarised concerns:

- Highway safety and increased traffic
- The nearby footpath is well used including children
- The existing telegraph pole is not shown on the plans
- The footprint of the proposed dwelling would be larger than other dwellings
- Overshadowing impacts to No. 39

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of the Development: The application site lies within the settlement boundary of Melksham, which is defined in CP1 and CP15 of the adopted WCS as a Market Town that have the *“potential for significant development that will increase the jobs and homes... in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities”*.

9.2 The application site is located within the settlement boundary for Melksham, where there is a presumption in favour of sustainable development. The principle of developing this site for windfall housing provision therefore complies with CP1, CP2 and CP15 of the adopted WCS.

9.3 Impact on the Character and the Appearance of the Area: CP57 requires all new development to be of a high standard of design and is expected to create a strong sense of place through drawing on the local context. Part iii of CP57 requires proposals to respond positively to *“the existing townscape and landscape features in terms of building layouts, built*

*form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting”.*

9.4 Craybourne Road and the neighbouring properties found at St. Margaret’s Gardens are characterised by a mix of housing styles and materials. St. Margaret’s Gardens comprise of brick built two-storey gable fronted dwellings under pitched roofs with single storey garages to the side, while Craybourne Road is predominantly characterised by hipped roof semi-detached pairs, finished in a mixture of brick, reconstituted stone and render.



9.5 Within very close proximity to the site at 39 Craybourne Road, separate planning permission was granted and implemented for the property on the other side of the road at 52 Craybourne Road (see above insert) under application reference 18/02770/FUL for a detached dwelling finished in a cream render finish above red brick, with a lean to style porch on the principal elevation, and abuts the same MELK14 footpath as illustrated by the following extracts – with the consented dwelling being shown in the centre. The construction of a detached dwelling to the side of the existing dwelling No. 52 was considered acceptable and has been built (and is now No. 54 Craybourne Road).



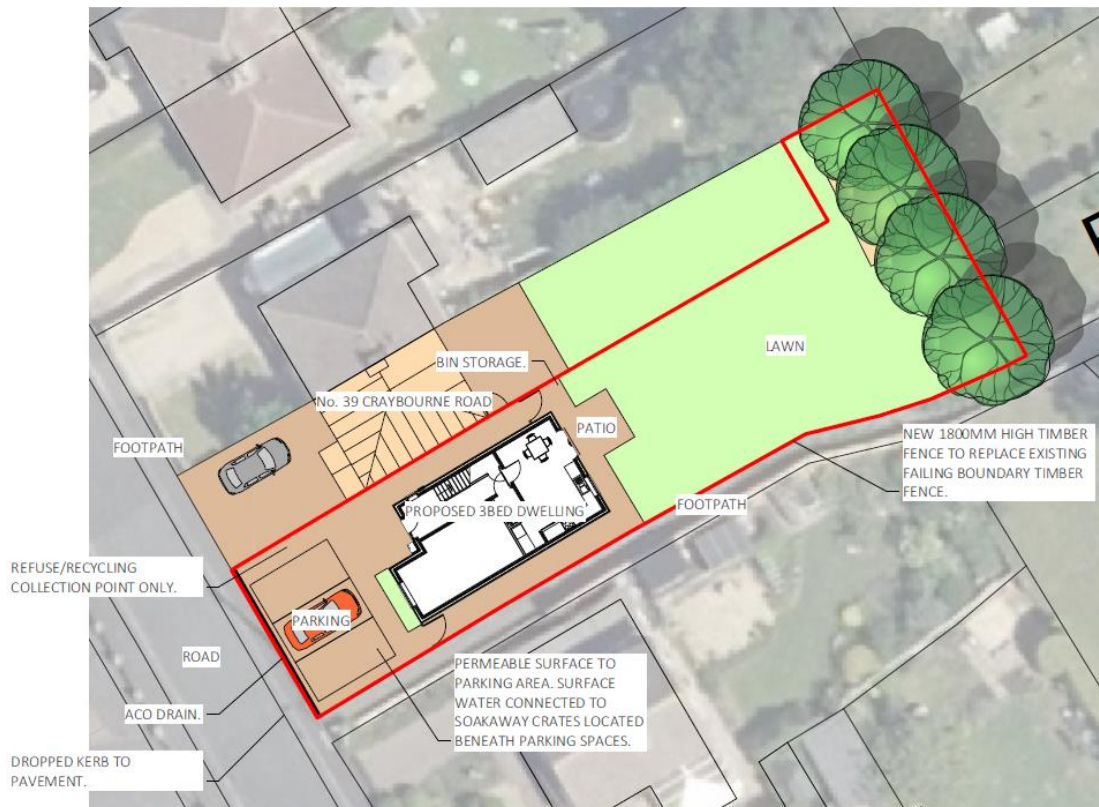
**Approved front elevation drawing pursuant to 18/02770/FUL**



54 Craybourne Road

Image of the built No. 54 taken from the property's sales particulars

9.6 The new house above adds further variety in terms of house type, style and use of materials within the immediate neighbourhood, which is not considered out of keeping or overdevelopment. The proposed design and finish for the new dwelling opposite No. 54 at No. 39 Craybourne Road, is also considered acceptable, and would not appear discordant or out of keeping with the character of the area.

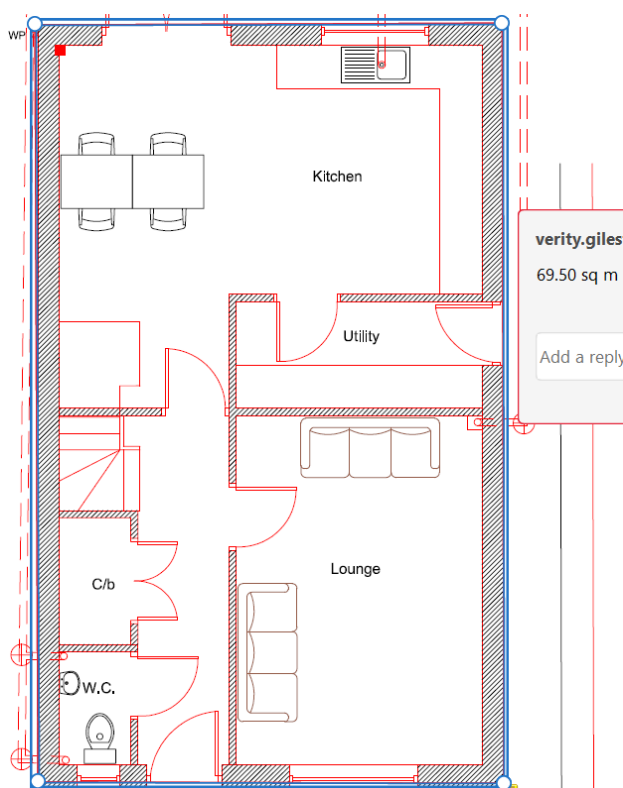




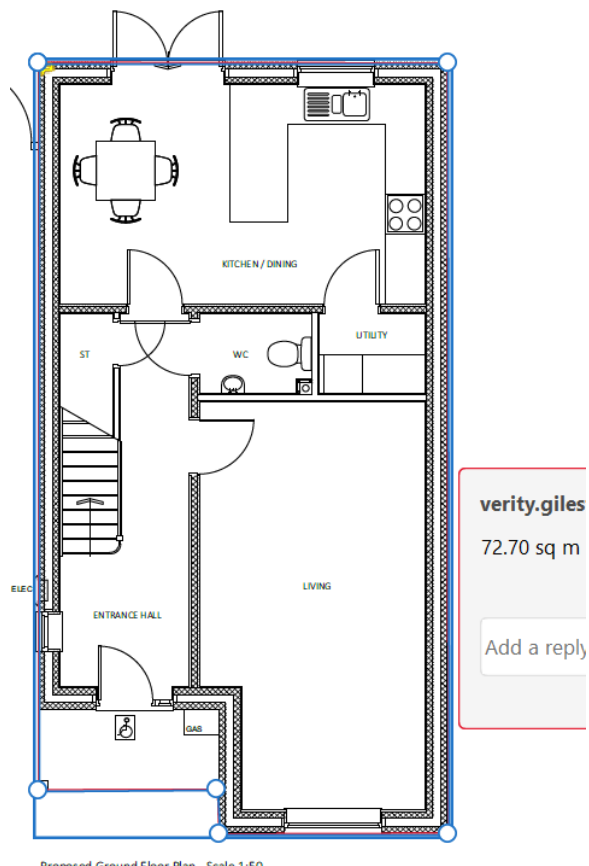
9.7 Officers acknowledge that the proposed dwelling at No.39 would extend further back than the existing dwelling by just over 3m. However, the plot is of a sufficient size to accommodate it as the above plan extract reveals. The proposed dwelling would be sited detached from other properties leaving a commensurate separation similar to that found between many other properties along Craybourne Road. In addition, officers have calculated that the proposed dwelling would have a footprint of just under 73sq.m including the covered porch and be accommodated on a plot extending to 435sq.m – equating to under 17% of the plot, which is not overdevelopment.

9.8 Officers submit that the proposed dwelling would be sited and designed that would complement the existing building line. The proposed dwelling would be set back from the boundary to No. 39, to provide site access to the proposed rear garden and to the rear garden of No. 39. The proposal granted under application reference 16/11318/FUL consented a dwelling positioned against the shared boundary. The proposal before the committee would provide further separation between the two dwellings, and an overall betterment.

9.9 The previously consented 16/11318/FUL proposal comprised a new detached dwelling with a footprint of just over 69sq.m (4sq.m less than what is proposed now). Officers do not raise any objection to such a marginal footprint increase, and it would have no discernible material impact on the streetscene compared to what was previously consented. The two footprint plans for the consented 16/11318/FUL application and the current application are shown below left and right respectively.



**Footprint of consented dwelling - 16/11318/FUL**



**Footprint of proposed dwelling - 20/10572/FUL**

9.10 In both applications, the detached dwelling would project beyond the existing rear wall of the host property at No. 39 Craybourne Road. However, no harm was previously identified and the same applies to the current submission. Officers therefore submit that the proposal complies

with the requirements of CP57 of the adopted WCS, by reason of the satisfactory design, layout and choice of materials.

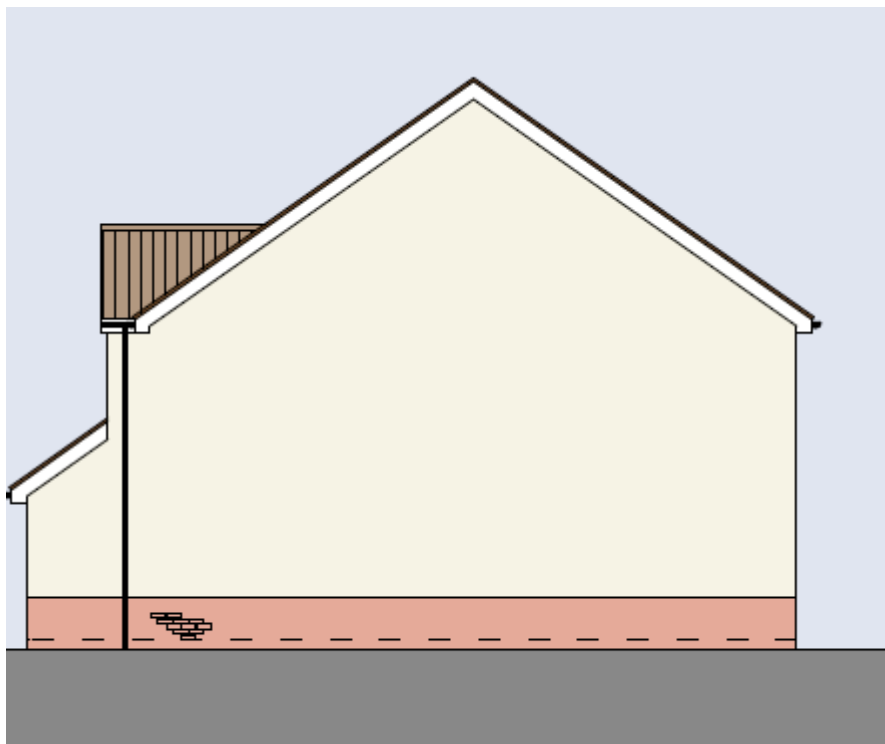
9.11 Impact on Neighbouring Amenity for Existing and Future Occupiers: In addition to the abovementioned criteria, CP57 of the adopted WCS requires development proposals to have regard *“to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)”*.

9.12 A distance of c.1.4m would exist between the existing dwelling and the proposed dwelling, but this would not have an adverse impact on the living conditions of the neighbouring occupiers. This is due to the orientation of the properties, with any overshadowing to No. 39 being predominately limited to the afternoon hours and during the winter months. There are no gable wall windows at No.39 to be cast in shadow, and no flank wall openings are proposed for the new house, and as such, the current and future living conditions of the neighbouring occupiers would not be significantly impacted in terms of loss of light, overshadowing, overlooking or overbearing impacts.



9.13 To the rear of the plot, an existing row of trees would be retained. These trees would continue to provide a natural boundary separation between the proposed plot and No. 39 and the properties of Heathcote Road beyond. To the rear, a separation distance exceeding 21 metres would exist between the proposed rear elevation of the new dwelling and the plot

boundary with Nos 7-9 Heathcote Road, which is considered an adequate distance to prevent any harmful overlooking or loss of privacy. No flank wall openings are proposed on the south east elevation that face the PRow and 22 St Margaret's Gardens beyond (which can be seen in the following google street view photograph). Officers therefore submit that the proposed dwelling would not have an adverse impact on the amenity of neighbouring occupiers, due to its location, fenestration arrangement and design.



Proposed South East (Side) Elevation - Scale 1:100

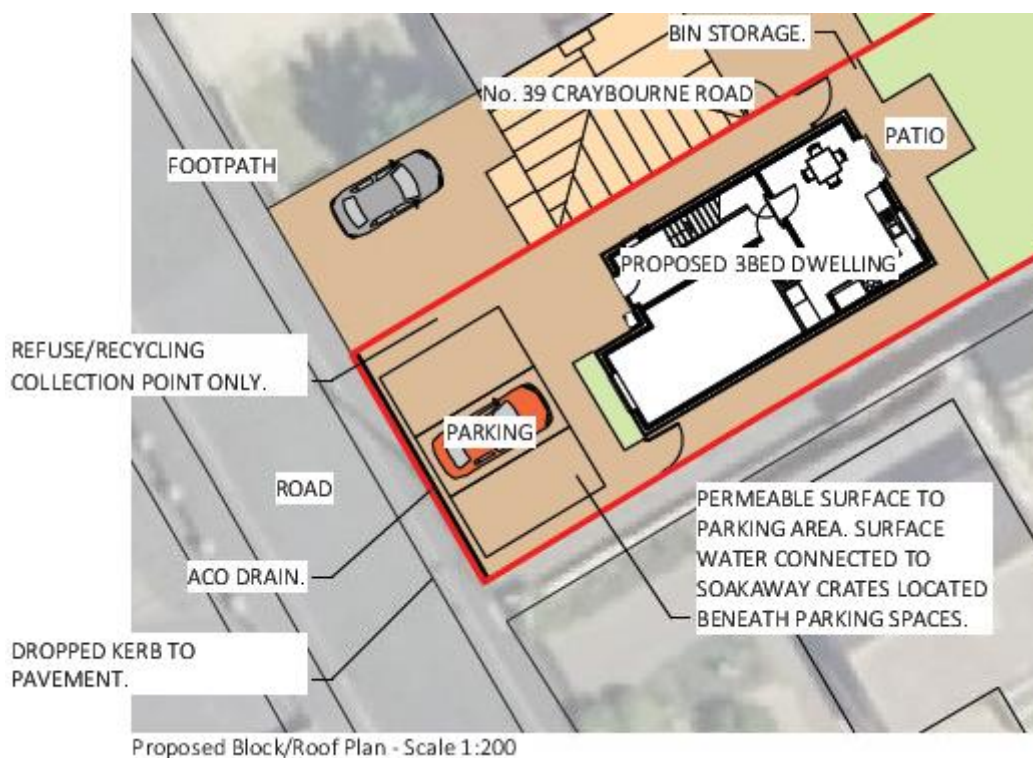
9.14 Whilst Wiltshire Council does not have a prescribed garden size standard or policy, the Building for Life 12 publication sets out an industry standard for the design of new housing development and recommends as a general 'rule of thumb' that the extent of outside amenity space should be, as a minimum, at least equal to the size of the ground floor footprint of the dwelling. In this instance, the garden area to be retained for No. 39 and that proposed to serve the new dwelling would both exceed that basic requirement, with the rear gardens for No. 39

having an excess of c.107.9m<sup>2</sup> and the garden for the proposed dwelling having c.260m<sup>2</sup>. As such, officers are satisfied that both properties would benefit from adequate private rear amenity space.

9.15 The proposed dwelling would also meet the nationally described space standards set out within the Technical Housing Standards guidance based on between 5-6 people sharing, which would ensure that the proposed dwelling would be of an adequate size internally to be capable of family occupation.

9.16 In light of the above assessment, officers consider the proposed dwelling to be of an adequate size and to be served by a suitably sized rear garden, with the retaining garden space for No. 39 to provide an acceptable rear amenity space for the occupiers of the existing dwelling. Therefore, the proposal would not have an adverse impact on the existing occupiers or future occupiers of the proposed dwelling. As such, officers are satisfied that the proposal would comply with the requirements of CP57 and there would be no conflict with the NPPF.

9.17 Highway Matters: Criterion xiv of CP57 of the adopted WCS requires new housing development to meet the requirements of CP61. CP61 requires new development to be capable of being served by a safe access to the highway network. This proposal seeks to utilise an existing access to provide access and off-road car parking for both the existing and proposed dwelling. The submitted site plan illustrates that on-site car parking provision would be available for both the existing dwelling and the proposed dwelling to the front of the respective dwellings.



9.18 In this instance, the proposal includes the provision of three on-site car parking spaces to serve the proposed dwelling, which complies with the requirements of CP64 and the Council's adopted car parking strategy, which requires 3 on-site car parking spaces to be provided for dwellings with 4+ bedrooms.

9.19 The concerns raised within the submitted representations are duly noted, however in this instance the required car parking provision would be satisfied for both No. 39 and the proposed

dwelling. Although the development would likely introduce additional traffic accessing and leaving the site, the access has appropriate levels of visibility and the provision of one additional house within the town would not lead to demonstrable highway harm and the impacts on the road network would not be severe – which are the leading considerations as set out by paragraph 109 of the NPPF.

9.20 The Council's highways department raise no objections subject to conditions and an informative. The applicant's agent has confirmed that the street signage and telegraph pole at the front of No. 39 would be relocated, and that would require separate consent and agreement via the utility company (and as a statutory undertaker, such work can be undertaken without planning permission). Also, it is proposed that the existing fence along the boundary with the PRow would be reduced in height to improve intervisibility between oncoming vehicles using Craybourne Road and pedestrians. These matters can be secured by imposing planning conditions and informatives.

9.21 Community Infrastructure Levy (CIL): This development would be liable to CiL and prior to any on site commencement the applicant would be required to complete the necessary CiL liability forms and pay the requisite CiL contributions of circa £5,000 with 15% of the total sum going to the parish council until they have a made Neighbourhood Plan in place (which would return a 25% CiL receipt).

**10. Conclusion (The Planning Balance):** The proposed development is considered to comply with the requirements of the adopted Wiltshire Core Strategy in particular CP1, CP2, CP15, CP57, CP60 and CP61 as well as the NPPF. As such, it is considered that planning permission should be granted subject to conditions.

**RECOMMENDATION:** Approve 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:

Drawing No. 188/101, Site Location Plan, Existing Block/Roof Plan, Proposed Block/Roof Plan, Proposed Floor Plans, Proposed Elevations and Material Details, as received on 27 November 2020

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

3 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 the north-west or south-east (side) elevations above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

4. No development above ground floor slab level shall commence on site until a scheme for the discharge of surface water from the site (including 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: To ensure that the development can be adequately drained.

5. No development above ground floor slab level 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: -

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- means of enclosure including details and elevations of the fence bordering MELK14
- car park layouts;
- other vehicle and pedestrian access and circulation areas; and
- all hard and soft surfacing materials.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. 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.

7. The dwelling hereby approved shall not be occupied until the telegraph pole at the site frontage has been relocated to enable unrestricted vehicular access to the car parking spaces for the new dwelling as shown on approved plan drawing no. 188/101 and for this car parking area to be consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

#### **INFORMATIVES TO APPLICANT:**

1. The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and

Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

2. 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.

3. The application may involve the need for a new dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will 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. Please contact our Vehicle Crossing Team on: [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.

4. The relocation of the telegraph pole and street name signage would require the relevant prior consent of the appropriate utilities' undertaker and the Council.