

Date of Meeting	16/06/11		
Application Number:	S/2011/0628		
Site Address:	Jesolo Wyllye Road Hanging Langford Salisbury SP3 4NN		
Proposal:	Resubmission of S/2010/0926 to replace existing dwelling with 2 x 4-bed dwellings and 1 x detached garage		
Applicant/ Agent:	Barclay & Phillips Ltd		
Parish:	Steeple Langford		
Grid Reference:	403155.046 136988.984		
Type of Application:	OL		
Conservation Area:	Hanging Langford	LB Grade:	
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

Reason for the application being considered by Committee

Cllr Ian West wishes the following issues to be considered:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design- bulk, height, general appearance

1. Purpose of report

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

2. Report summary

- Ownership
- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on Highway safety
- Loss of Trees

3. Site Description

The site relates to a plot of land which is occupied by a bungalow known as 'Jesolo' and its curtilage. The plot is located at the end of a private track shared with 2 other bungalows, behind the established building line of Wyllye Road. The gardens slope up the hill towards the railway line at the rear.

The Housing Policy Boundary of Hanging Langford dissects the site, with the majority of the rear gardens sited outside the boundary.

4. Relevant Planning History		
Application Number	Proposal	Decision

S/2010/0926	Outline application to replace existing dwelling with 2 x 4-bed dwellings and 1 x detached garage	Withdrawn (after land ownership dispute)
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5. Proposal

The proposal is to replace the existing bungalow with 2 detached 4-bed dwellings. This is an outline application seeking approval for the layout, access and scale of development only. However, the applicant has also submitted indicative elevations of the dwellings within the plot.

6. Planning Policy

Local Plan policies G1, G2, D2, H16, C4, C5, CN8, CN11

PPS1 (Sustainable Development), PPS3 (Housing) (Including recent government updates)

7. Consultations

Highways Whilst it is acknowledged that visibility is restricted at the site access/ Wylve Road junction, given the advice and guidance in Manual for Streets 2, I would not wish to maintain a highway objection to the proposed development and therefore recommend that no highway objection be raised to it.

Environmental Health Construction work shall not begin until a scheme for protecting the proposed residential development from noise from the adjacent railway line has been submitted to and approved by the Local Planning Authority. It is recommended that an acoustic consultant should contact Environmental Health directly.

Conservation The entrance to the site lies on the edge of the Hanging Langford conservation area, and the access drive serves several properties to the rear. The existing dwelling consists of a bungalow with a detached garage. It is not visible from the road or from general views within the conservation area. Therefore, the proposal to demolish the existing bungalow and replace it with two two-storey detached dwellings would not, in my opinion, have any impact on the character or appearance of the conservation area.

8. Publicity

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

Third-Party Representations-
points of

12 letters of objection have been received, with the main
objection summarised as follows:

- Development is in close proximity to adjacent dwellings, and will overlook the properties at the front and sides
- Overshadowing to either side
- Access track is too narrow
- Ownership of the access track is still in dispute
- The height, scale and building line of the new dwellings will have an adverse impact on the character of the area, and will be overbearing.
- Sloping gradient of land will accentuate overlooking impact
- Impact on protected species
- Rubbish bins obstructing vehicles
- A precedent may be set
- Dominant aspect of proposal when viewed from side
- Out of keeping with predominantly single storey character of area
- Not in keeping with low density of Village
- Development will spoil the outlook from nearby dwellings
- Development may pose highway safety hazard/conflict
- Overdevelopment
- Incorrect plans- missing dimensions/ heights on elevations

Parish Council:

Object for the following reasons:

- Oversized buildings in small area because of housing boundary
- Shoehorning extra housing into the village
- Proximity to neighbouring bungalow is unacceptable
- Site is only suitable for bungalows
- Loss of light and privacy
- Extra traffic will be detrimental to highway safety
- Overlooking to front and sides
- Obstruction from bins
- Surface-water run-off along track
- Incorrect plans

9. Planning Considerations

9.1 Ownership

A previous application was withdrawn in 2010 after it was realised that part of the application site (ie- a section of the access track) was not owned by the applicant. This revised scheme now shows the correct site boundaries and 'Notice has been served' on any landowners of the track (ie- Robins Rest and Downland). In planning terms, it is considered that the consultation process has been adhered to.

Whilst Members should be aware of the ongoing land-ownership dispute between the neighbouring properties and the applicant (in regard to the rights of way over the track), it should be noted that land ownership disputes are regarded as civil matters and cannot be

considered as a material planning considerations, although the impact of a new access on highway safety can be material.

9.2 Principle of Housing Development

The site is within the Housing Policy Boundary (HPB) where the principle of new residential development is acceptable, subject to the criteria as set out in Policy H16 of the Salisbury District Local Plan. Of particular importance is that the proposal should not constitute inappropriate backland development and should not result in the loss of an open space, which contributes to the character of the area.

Policy D2 states that proposals should respect or enhance the character or appearance of the area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

PPS3 and PPS1 gives clear guidance to the Government's objective and commitment to promoting the efficient use of land, however, this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and should not be allowed if it would be out of character or harmful to its locality.

It is recognised that the new Government has revised its guidance to make 'garden grabbing' more difficult. It has achieved this by revising PPS3's definition of previously developed land, to exclude residential curtilages, and removing indicative density levels. This means that the current garden to Jesolo, which would have been considered as previously developed land under the previous Government's definition, is now considered 'greenfield'.

However, it must be stressed that even if none of the site is now 'previously developed land', the built form of the proposed dwellings are still within the Housing Policy Boundary and therefore development is still acceptable in principle, despite the change to PPS3. The acceptability of development within HPBs remains as it did before the change to PPS3 came into force. Only until such time as the Core Strategy (and its associated Development Plan Documents) replaces the current Local Plan's HPBs will the situation change.

Therefore, given the siting of the proposed dwellings within the designated HPB, it is not considered that there is an objection in principle to development. This does not make development automatically acceptable, however. Policy H16 still contains criteria that have to be assessed, as do the other planning policies set out above.

Considering the proposal against current local plan policy, a proposal for new residential development within the curtilage of Jesolo is not considered unacceptable in principle, provided that it can demonstrate an appropriate scale, design and a minimal impact upon the character of the area, residential amenity, highway safety and other considerations outlined below.

9.3 Impact on character and appearance of area

Siting

It is considered that the plot is sufficient in size to accommodate 2 dwellings side-by-side without appearing cramped. Although the dwellings will be set slightly further back into the plot than the existing bungalow 'Jesolo', their footprints will remain comparable to 'Robins

Nest' and 'Downlands' to the west, with their built-forms sited within the Housing Policy Boundary.

The site is of sufficient width (approx 24 metres) to allow the subdivision of the garden without resulting in uncharacteristically narrow plot widths when compared to the surrounding properties, there will be little/ no encroachment of the built-form into the spacious rear gardens outside the Housing Policy Boundary and it is considered that the open space between the village and railway line will be maintained.

The proposed dwellings are sited away from the Conservation Area to the north and there will be minimal impact on the historic character of Hanging Langford. The Conservation Officer has raised no objections to the proposal.

It should be noted that the width and length of each proposed dwelling is clearly shown on the scale site- plan and therefore the footprints cannot be changed in any Reserved Matters application submitted.

Scale

The dwellings in the surrounding area consist of a mixture of styles and sizes, including bungalows, cottages and detached dwellings. The proposal to replace the existing bungalow with two detached two-storey houses would therefore not be unacceptable in principle or out of keeping with the surrounding area.

The scale of the two-storey dwellings would be similar to the nearby properties to the east (in 'The Hollow') and although the dwellings will be 1-storey higher than 'Robins Nest' (adjacent), the scheme will not appear oppressive or overbearing in design terms.

Specifically, the proposed dwelling to the east will have a ridge height of 7.2 metres above Jesolo's floor level. The dwelling to the west will have a split ridge height of 7.2/ 6.8 respectively. These heights/floor levels can be conditioned accordingly.

It is considered that the plans submitted clearly show the scale, height, siting and site levels for the properties and also how they relate the adjoining properties. A topography survey is not required due to the high-level of information submitted with this outline application.

Design

The exact design of the dwellings will be dealt with at the reserved matters stage, with a condition requiring floor levels and ridge heights to be agreed. In Officer's opinion, it should be possible to design two detached houses with the main elevations to the front and rear, without having an adverse impact on the character of the area. Materials, design features and fenestration can all be agreed at the reserved matters stage.

9.4 Impact on Residential Amenity

Overlooking

The indicative design of the dwellings shows their principle elevations to the front and rear, with first-floor windows expected to be at the front and rear only. It is considered that the careful design at the Reserved Matters stage of the application would prevent significant overlooking to the neighbouring dwellings to the sides (east and west), with any oblique overlooking from the rear windows (east and west) unlikely to be significantly harmful to residential amenity to warrant refusal.

Towards the front of the site, the introduction of first-floor windows will be visible/ noticeable from 'The Cobbles' at the bottom of the hill and also the rear gardens of 'Acremans and Michaelmas Cottage', with the sloping gradient of the land accentuating any new window's prominence.

However, on balance it is judged that overlooking will not increase to a significant degree to warrant refusal. There will be approximately 50 metres distance between the proposed development and the built-form of 'The Cobbles', which is considered a sufficient distance to ensure that privacy and 'the *perception*' of privacy will be maintained.

Whilst the rear gardens of 'The Cobbles, Acremans and Michaelmas Cottage' will be sited close to the proposed first-floor windows, overlooking is not considered to result in a significant loss of privacy, due to the levels of boundary screening and the orientation of the proposed windows (which would face towards the rearmost-section of the gardens only, and not towards the most heavily used amenity areas; ie- closer to the back walls of the properties).

The valid concerns of the local residents about loss of privacy have been carefully considered as part of this application, but overall it is judged that given the distance between properties, the orientation of the plots and boundary screening, overlooking will not be harmful.

Overshadowing/ Overdominance

During the site visit, the relationship between the application site and the neighbouring properties was carefully assessed. It was considered that the proposed dwellings will be sited a sufficient distance away from the boundary to ensure that additional harmful overshadowing/ overdominance will not occur to the neighbouring properties.

To the east, the main body of the property will be sited approximately 4 metres away from the boundary. Although a two-storey blank gable-end elevation will be visible from this perspective, the demonstrable harm in terms of overdominance/ overshadowing will not be significantly harmful to residential amenity.

To the west, the indicative elevations show the roofline of the proposed dwelling sloping away from the boundary to its highest point, with the indicative design attempting to reduce any overshadowing/ overdominance. In the Case Officer's opinion, any adverse impact on residential amenity from 'Robins Nest' can be mitigated at the reserved matters stage, with a condition requiring floor levels and ridge height to be agreed.

Noise and Disturbance

The driveway leading to the site will be used by one extra dwelling only, and it is considered that harmful noise/ disturbance will not occur. The amount of new traffic/ pedestrian activity generated by one extra dwelling will be relatively small, and when taking into account the layout of the shared-access and the suitable turning/ manoeuvring space available for both properties, it is considered that impact on residential amenity will not be significant.

9.5 Impact on Highway Safety

The scheme includes parking spaces for each dwelling, a turning space for each dwelling and adequate visibility at the bottom of the access track adjoining Wylde Road. The Highways Team have visited the site during pre-application discussions and conclude that highway safety will be maintained. The concerns of neighbours have been fully noted, but it

is considered that it would be difficult to defend the impact on highway safety at appeal without the backing of the Highways Team.

9.6 Loss of Trees

When submitting planning applications, the Local Planning Authority must be satisfied that a suitable tree survey has been submitted so that they can fully assess the landscape impacts of an application. During the site visit, it was noted that there are no significant trees within the site worthy of protection on their own merits. Furthermore, the introduction of a dividing fence in the rear gardens is unlikely to result in the loss of many trees.

However, the trees add to the attractive character of the area, and therefore a condition should be placed on any approval requesting further details of the landscaping/ boundary treatments/ planting schemes to be submitted to and approved by this Authority at the reserved matters stage, in the interests of visual amenity.

9.7 Protected Species

In regard to the impact of the development on protected species, the applicant has confirmed (in part 13 of the application form) that no protected species are present within the site.

In response to this, it is noted that the application site is located within a residential area and is sited away from designated wildlife protection areas/ rivers/ large woodlands. The building to be demolished has habitable rooms which are unlikely to provide suitable habitat for protected species, and the footprint of the proposed development is very similar to the existing, with minimal disruption caused to the remaining plot. Furthermore, during the site visit, no visible evidence of protected species was observed. Therefore in this case, it is considered that a protected species survey is not required. It should also be noted that as the site is not within the Conservation Area, the removal of trees could be carried out within any further consent from this Authority.

However, the applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, newts, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted.

10. Conclusion

It is considered that replacing the existing bungalow with two dwellings could be accommodated on the site without having an adverse impact on the character of the area or the nearby conservation area, and would not result in any significant overshadowing, overdominance or overlooking to the neighbouring properties, or any harm to highway safety. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to Local Plan policies G2, H16 and D2 and the advice contained within PPS3.

It is recommended that planning permission be granted for the following reasons

It is considered that the replacement of the existing bungalow with two dwellings could be accommodated on the site without having an adverse impact on the character of the area or the nearby conservation area, and would not result in any significant overshadowing, overdominance or overlooking to the neighbouring properties, or any harm to highway safety. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to Local Plan policies G2, H16 and D2 and the advice contained within PPS3.

Subject to the following conditions:-

1. Approval of the details of the design and external appearance of the building and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

5. The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced.

Reason: To ensure the exact finished floor levels of the buildings- Policy G2

6. No development shall take place until details of provision for recreational open space in accordance with policy R2 of the Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy R2 of the Salisbury District Local Plan.

7. No development hereby approved shall commence until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of

such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to 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 H16, D2

8. No development shall take place until details of the treatment of the boundaries of the site and landscaping within the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the buildings.

Reason: In the interests of the amenity and the environment of the development- Policy D2, H16

9. No development shall commence until details of 2 parking spaces to serve each property have been submitted to and approved in writing by the local planning authority and the spaces have been provided in accordance with the details submitted. No occupation of the new dwelling shall take place until a minimum of 2 parking spaces has been provided for the benefit of each dwelling. The minimum of 4 parking spaces in total shall not be used other than for the parking of vehicles thereafter.

Reason: In the interests of highway safety and to ensure sufficient off street parking for each dwelling in accordance with saved policies G2 and TR11 of the adopted Salisbury District Local Plan.

10. No development 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 brought-into use until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To prevent the discharge of water onto the highway, in the interests of highway safety- Policy G2

11. The layout of the development shall be in accordance with the submitted site plan drawing deposited with the Local Planning Authority on 20/04/11, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

12. No building on any part of the development hereby permitted shall exceed 7.2 metres in height, as measure from the existing floor level of Jesolo.

Reason: In the interests of amenity having regard to the characteristics of the site and surrounding development- Policy D2

INFORMATIVE: - R2

The applicant is advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 can be discussed.

INFORMATIVES:- WESSEX WATER

The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal.

INFORMATIVE:

Notwithstanding the indicative elevations shown on the submitted plans detailing elevations and floorplans, the council will consider the appearance of the dwelling at the detailed application stage, and the approval of this application does not necessarily indicate the Council's opinion on the design of the dwelling, and is without prejudice to any formal decision taken in respect of development of the above site at the detailed application stage.

INFORMATIVE:

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.