

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	3 rd November 2011
Application Number	E/2011/0965/FUL
Site Address	Red Hone Cottage Townsend Urchfont Devizes Wiltshire SN10 4RR
Proposal	Erection of dwelling and garage.
Applicant	Mr Paul Clark
Town/Parish Council	URCHFONT
Grid Ref	404183 156957
Type of application	Full Planning
Case Officer	April Waterman

Reason for the application being considered by Committee

This application has been brought before the Committee at the request of the Division Member, Cllr Grundy.

1. Purpose of Report

To consider the recommendation that the application for planning permission be refused.

2. Report Summary

The main issues in this case are the principle of residential development at this location with regard to the policies of the development plan, national policy and other material considerations, covering:

- a) Grain and density of development in the locality
- b) Impact on heritage assets
- c) Trees and landscaping
- d) Impact on residential amenity of neighbouring property
- e) Archaeology
- f) Highway, access and parking matters

3. Site Description

The site lies at the south eastern edge of the settlement, with its southern boundary marked by a green lane which defines the Limits of Development for Urchfont set out in the Local Plan.

Red Hone Cottage is a Grade II Listed Building. The property is not within the Conservation Area for the village. A Tree Preservation Order, made in 1995, gives protection to a number of trees on the site.

Development around the site comprises various forms of residential units – houses and bungalows of a variety of sizes, in detached, linked and terraced forms. To the east of the site the buildings are predominantly arranged in a uniform, rectilinear terraced format, (The Croft: a mid/late C20 development of bungalows and houses). In contrast, to the west of the

site the pattern of development is more organic, with a mix of detached units set in irregularly shaped plots, and of a span of build periods covering the last three hundred years. Many of the most recent buildings are set in plots where the definition of the large grounds of traditional houses has been lost by multiple sub-divisions.

Red Hone Cottage and its immediate neighbour Croft Cottage are traditional road-facing houses, largely filling the width of their narrow frontage onto the street. Red Hone Cottage alone has retained the full depth of its historic curtilage, with its land running from Townsend all the way back to the green lane definition to the south.

The site comprises the rear half of the long back garden of Red Hone Cottage, together with the drive running next to the cottage, its garden and garage, along its western edge.

The principal part of the application site comprises a level lawned garden. The driveway access rises in level from its junction with Townsend, gaining an estimated 3 - 4 metres in height between the Red Hone Cottage road frontage and the main lawned area of the site.

The eastern boundary of the site is split into two parts – that which defines the access (shared with Red Hone Cottage) and that bounding the main development area of the proposal, to accommodate the new house, garage, its exclusive drive and garden areas. To the east of the access stands the existing Red Hone Cottage, its garage and rear garden, defined from the site (progressively, from the road southwards) by the side wall of the cottage itself, a retaining brick wall with timber close-boarded fence and hedging above, side wall of the garage and the edge of its hard-surfaced turning area. The proposal shows the planting of a hedge with gates let into it along this final section of boundary with the garden to be retained with Red Hone Cottage. The second part of the eastern boundary of the site borders a number of rear gardens, serving predominantly single storey dwellings on The Croft, which are separated from the site by a 1 – 1.2 metre high timber post and rail fence, with some hedge plants and mature trees. These gardens lie at generally the same level as that of the application site. The rear elevations of 5 of these bungalows stand between 8 and 10 metres from this boundary, while the gable side of another bungalow is approximately 2 metres from the fence. A pedestrian gate gives access from the site to The Croft.

To the west of the site again the boundary is split into two parts: that defining the access and that bounding the main development site. Stretching from the road junction of the access drive, the side and rear gardens of two storey properties on Bulldog Lane, including Bulldog Cottage, are separated from the land by a low brick wall with shrub border, trees, fence and hedge above, and then by a combination of timber panel and post and rail fencing, with hedging on the access drive side. The closest corner of Bulldog Cottage, which stands at an angle to the boundary, is some 3 or 4 metres from it. The wider part of the application site is separated from the rear garden of Redhorn Court (a two storey house) by hedging, with a number of trees close to this western edge. The back wall of the large garage building serving Redhorn Court runs parallel with and hard by this hedged boundary. The gable end of this house is estimated to be about 8 – 9 metres from this boundary.

The north boundary of the site is currently undefined, but it is proposed to erect a 2 metre fence and plant a hedge along this new division.

“16. At the west end of Red Hone Cottage there is a C20 extension set at an angle to the main cottage and adjacent to its driveway. Following refusal of the current proposal, Listed Building Consent was granted for the blocking up of windows in the elevation facing the driveway. It is your contention that the activities associated with the proposed bungalow could not now cause disturbance to the occupants of Red Hone Cottage at that end of the property. Whilst these alterations may well improve the sound insulation of the cottage, I do not consider that it would, by itself, remove the potential problem of noise and nuisance generated by the proposed bungalow.

17. The driveway slopes upwards as it passes Red Hone Cottage to the garage at the rear. There is a garden wall along the east side of the driveway separating Red Hone Cottage and its garden from the driveway. The wall is approximately 1.5 metres high at the cottage end, but, on account of the slope, diminishes to almost nothing at the garage end. Above this there is a conifer hedge. The rear garden of the cottage would be separated from the curtilage of the proposed bungalow by way of a recently built garage and garden fence. It is your contention that the wall, the hedge and the fence would protect the occupants in the reduced rear garden of Red Hone Cottage from noise and disturbance generated by activity in the driveway or the adjacent garden of the proposed bungalow. However, I consider that these elements would primarily serve as a visual barrier and problems would ensue.

18. Notwithstanding the comments of the present occupant of Red Hone Cottage, my overall conclusion on the first issue is that the appeal proposal would impinge upon the living conditions of the occupiers of the existing dwelling and its setting with regard to privacy, noise and disturbance, both to the side and the rear, in an unacceptable manner.”

5. The Proposal

Full planning permission is sought for the erection of a 4 bedroom two storey house, detached double garage, garden store and shed. One tree subject of a TPO is indicated for felling, while all others are marked for retention. New hedge and tree planting is also proposed.

Vehicular and pedestrian access to the house is proposed to be via the existing driveway running next to the cottage along the western edge of the property. New fencing and hedging, with gates, are proposed to separate the new curtilage from that part of the garden to be retained with Red Hone Cottage. An existing pedestrian gate opening through the eastern boundary of the site to The Croft is also to be retained.





Front (North)



Side (East)



Rear (South)



Side (West)



Ground Floor Plan



First Floor Plan



6. Planning Policy

Kennet Local Plan: - Policy PD1 Development and design; Policy HC22 Villages with a range of facilities; Policy AT1 Transport appraisal process

7. Consultations

Urchfont Parish Council – Supports this application.

*Urchfont Parish Council voted unanimously to positively **SUPPORT** application E/2011/0965/FUL, for a proposed dwelling & Garage at Red Hone Cottage, Townsend, Urchfont, SN10 4RR, for the following reasons:*

- *UPC undertook a site visit at Red Hone Cottage and marked out corners of the proposed house to assess any effect on the amenity of adjoining dwellings and felt the effect was acceptable.*
- *The visual and traffic effect on Bulldog Cottage (outlined in the previous refusal) has been minimized by the planting of a new hedge. Fencing has also been installed between the driveway and Red Hone.*
- *UPC believe any traffic concerns to be negligible, as 3 cars could comfortably wait off- road to allow traffic leaving the site to pass the “pinch point” in the driveway. In addition sight lines are good at the roadside.*
- *The distance between Inglefield (Listed) and the property behind it (built some 5 years ago) is less than half the distance between Red Hone and the proposed dwelling.*
- *The distance between the proposed house and Red Hone Cottage is 100 metres, which is over twice the distance between Carina Cottage (Listed) and a proposed house which was turned down at Eastern Area Planning Committee by only 1 vote.*
- *The proposed dwelling is over 100m² smaller and 0.9m lower than the dwelling previously refused and, in our opinion, a much “better architectural fit”, in the general area, than the refused dwelling.*

- *The integral garage is now 'free standing' and sensibly re-sited on the approximate location of a formerly planned, now withdrawn, Boat Store.*
- *Additional tree planting between the dwellings on the parcel of land will further screen Red Hone.*
- *UPC positively approve the size and style of the proposed house and highly commend the Applicant on his excellent liaison/dialogue with all neighbours in the vicinity. Also for the enormous effort made by himself and his Agent to meet the concerns of the Area Planning Committee.*

Wiltshire Council Highways

The proposed dwelling will use the existing access from the main road. Visibility from the access to the east passes over the existing garden and will need to be secured by condition to prevent its obstruction by future planting.

I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:-

No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.0 metres back from the edge of the carriageway, measure along the centre line of the access, to a point to the east where the site boundary meets the highway boundary. The splay shall thereafter be permanently maintained free from obstruction to vision above a height of 1.0 metre above the level of the adjacent carriageway.

Wiltshire Council Archaeologist

Following the assessment of an archaeological evaluation of the site, no objection.

Wiltshire Council Conservation Officer

It appears to that the proposed development will be out of character with historic development in the area by virtue of its scale, mass, design and siting. The proposal will have an adverse impact on the amenity of the listed building and lead to the substantial loss of the rural character of the plot.

Overall, the proposals could not be said to preserve this significant element within the setting of both the designated building and conservation area. I am unaware of any mitigating public benefit in this case and must therefore recommend refusal of the application.

Wiltshire Council Arboricultural Officer

No objection to the proposed scheme, although more details are required in relation to the protection of existing trees.

8. Publicity

The application was publicised by site notice, press noticed and neighbour notification.

Letters from six households have been received, which raise the following points:

Support (3)

- no objection to the plans
- no reason to object to one residence in keeping with the area
- scheme will provide a good balance of family housing in the locality

Qualified support (1)

- no objection but concerned that new house will mean more cars parking on road outside the site: can on-street parking be restricted?

Objection (2)

- no change to Listed Building or principle of development since the dismissal of the appeal
- no change in building position between this and the last refusal
- no meaningful change in scale, height and footprint of building between this and the last refusal
- vegetation can be cut back, so no guarantee of screening being effective
- a solid gate for the driveway is not enough to offset the impact of the development on the setting of the Listed Building
- proposal will not fit with the grain of development in the area, which is of close knit groups with green spaces between them
- information supplied by the applicant is misleading – only 2 houses have been built since the appeal, and the inspector was aware of all other planning permissions granted at the time of the appeal.

9. Planning Considerations

9.1 Policy considerations and the principle of development.

The site lies within the Limits of Development of Urchfont as defined in the Kennet Local Plan 2011. Policy HC22 states that limited additional housing development, including infilling, will be permitted within certain settlements provided that the development is in harmony with the village in terms of its scale and character. It also requires conformity with other policy criteria set out in, among others, policy PD1. Policy PD1 sets out 10 criteria against which all development needs to be measured.

- 1) Sustainable design issues. The application does not present any information relating to sustainable construction methods. The use of local materials (stock red multi brick and plain clay roof tiles) is noted. The Design and Access Statement asserts that the use of this 0.56 acre site for the erection of one dwelling is an effective and efficient use of the land.
- 2) Scale, height, massing and density of the development. The scheme shows revisions of the designs for the house and outbuilding that were refused in 2010, dropping the ridge height and slightly reducing the overall mass of the building. Pre-application advice given to the applicant indicated acceptance of the design.
- 3) Townscape and landscape context. The site is at the point of change in the grain of development in this part of the village: dense, attached, rectilinear development to the east, and irregular individual plots to the west. Conformity with either pattern could be described as in keeping or conflicting with the prevailing townscape, therefore. The historic nature of the existing undeveloped site (similar to a burgage plot) stands against both patterns (which is not to concede that change is required, but that the diversity itself is part of the settlement character.).
- 4) Layout, servicing, access and road safety. The site is landlocked to vehicles except for the proposed access drive. Development of the site is dependent upon the acceptance of the disturbance that the increased use of the access would cause. No objection to the proposal has been raised by the Council's Highways Officer, subject to the provision and maintenance of a visibility splay at the access onto the public road. The land required to provide this splay is not within the application site, but is understood to be within the applicant's control, so the requirement could reasonably be met.
- 5) Creation of well used, attractive and safe environment. The scheme appears to

have no impact in this regard.

- 6) Landscape proposals. The scheme's shortcomings in terms of landscaping information (as identified by the Council's Arboricultural Officer) may be addressed by the additional details being submitted and approved in advance of any development taking place.
- 7) Relationship to historic features. The applicant has been advised that the impact of the development on the setting of the Listed Building relates mainly to the disturbance caused by the use of the driveway as access to the development, and the loss of the historic curtilage of the building. The survival of this long, narrow undeveloped plot within the village is remarkable, and its rarity was noted by the Inspector in her dismissal of the appeal in 1996. However, pre-application advice given to the applicant has indicated that this loss is not likely to be an impediment to the scheme. Concerns raised by the Council's Archaeologist have been addressed (see consultation response).
- 8) Elevational treatment. The proposed appearance of the application buildings comprises a fairly standard treatment of element proportions, fenestration and materials, similar to those seen on nearby recent constructions, and others throughout the County.
- 9) Building materials, colour and detailing. Again, these treatments are considered to be similar to other recent constructions nearby and within the County.
- 10) The impact on residential amenity, including that caused by reason of noise and disturbance. As a result of the shape of the application site, the route for all traffic for any new residential development would have to run immediately next to the building and private garden of the existing Red Hone Cottage. It would also immediately adjoin the garden of Bulldog Cottage, and be within a very short distance of that building (estimated at about 3 – 4 metres). As the Inspector noted, the movements of traffic associated with the new dwelling could not be restricted in terms of volume, frequency or time of day/night, and in principle, therefore, were considered to be unacceptable. The size of unit under consideration at the time of the appeal was no larger than that now subject of application (i.e. a 3 – 4 bedroom bungalow in 1996, compared to a 4 bedroom house today). Average car ownership levels have not diminished in the last 15 years, nor so have home delivery levels in general, so at least the same level of disturbance could be expected now as would have been considered unacceptable by the Inspector in 1996. No significant development of Red Hone Cottage or its boundary treatments has taken place that would mitigate or obviate the disturbance that would be caused by an additional dwelling's traffic. Instead, the sensitivity of the location to noise disturbance has increased, as the number of recipient dwellings that would be affected by such disturbance has doubled by the construction of Bulldog Cottage. The application does not satisfy criteria 10) of policy PD1.

The applicant has stated that any new occupiers of Red Hone Cottage would be made aware of the use of the access driveway by vehicles associated with the new house, and would therefore have made their decision to live with any such disturbance at the time of buying the property. (This choice is not available to the present occupiers of Bulldog Cottage.) However, acceptance of disturbance by present or future occupiers is not the basis upon which decisions by the Council should be made. The Local Planning Authority is tasked with acting on behalf of the public interest, which includes the interests of any new occupier of Red Hone Cottage, in addition to the interests of the occupiers of other dwellings nearby (such as Bulldog Cottage). This is the premise upon which Policy PD1 of the Kennet Local Plan was adopted, to ensure that development is of an acceptable standard of environmental quality, and to promote compatibility between adjoining land uses.

9.2 Other material considerations

The planning history of the site itself and of the development sites surrounding the property are material in the assessment of this scheme. While it is acknowledged that to a degree the physical context in which the proposal is now to be determined is different from that pertaining to the case at appeal in 1996, these differences do not change the facts of the existence of Red Hone Cottage as a recipient of disturbance from the traffic of an additional dwelling in its rear garden. The changes in built development around the site increase the sensitivity of the area to such disturbance, rather than dilute any such effect.

10. Conclusion

For many of the issues raised as refusal reasons in relation to previous development schemes, progressive design amendments, the submission of additional information or an acceptance that matters can be dealt with by condition have meant that these issues are no longer considered to present reasons for the refusal of planning permission for the current scheme.

However, the single issue that has not been resolved and cannot be overcome is the impact on Red Hone Cottage itself of the access driveway use by an additional dwelling. Indeed, this issue has been worsened by the existence of a second disturbance receptor – Bulldog Cottage. The grant of planning permission by the Council for this new property was not at fault: at the point of its approval there was no permission for a new dwelling in the rear garden of Red Hone Cottage, and the prevailing planning history and policy for the area then indicated (and still does) that no such dwelling would be approved.

The relationship between the driveway and the garden and built form of Red Hone Cottage is fundamentally as before when the Inspector dismissed an appeal for a smaller dwelling on the same site. Regardless of the other matters that have been addressed above, the application for permission should therefore follow the decision of the Inspector in 1996 on this issue.

RECOMMENDATION

That planning permission is refused for the following reason

The proposed creation of a new residential unit on land to the rear of Red Hone Cottage, served by a vehicular and pedestrian driveway passing in immediate proximity to the building and private garden of Red Hone Cottage, would cause an unacceptable level of disturbance to occupiers of the cottage, to the detriment of the property's residential amenity, as confirmed by the Planning Inspector in the previous planning appeal for a new dwelling on this site. The proposal would also cause disturbance to the occupiers of residential units to the west of the site. As a result, the proposed development would not satisfy the criteria set out in Policy PD1 of the Kennet Local Plan 2011, relating to its impact on the amenity of nearby residential property, and, consequently, would not satisfy the requirements of policy HC22 of the Kennet Local Plan 2011.