

Application Number:	S/2010/0381		
Deadline	11/05/10		
Site Address:	LAND ADJ TO BIRCHLEA BARNES PLACE MERE WARMINSTER BA126DD		
Proposal:	ERECT HOUSE, MAKE ALTERATIONS TO EXISTING VEHICULAR ACCESS, MAKE ALTERATIONS TO JUNCTION OF BARNES PLACE WITH BOAR STREET		
Applicant/ Agent:	BRIMBLE LEA & PARTNERS		
Parish:	MERE		
Grid Reference:	381338.8 132333.3		
Type of Application:	FULL		
Conservation Area:	MERE	LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

Reason for the application being considered by Committee

Councillor Jeans has requested that this item be determined by Committee due to the balance of considerations, particularly in relation to highway safety

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

2. Main Issues

The main issues to consider are:

- The principle of development
- The impact on living conditions of nearby properties
- The impact on highway safety
- The impact on the character and appearance of the Conservation Area
- Other factors

3. Site Description

The site consists of garden and residential curtilage to Birchlea, a two-storey stone and tile cottage fronting Boar Street in Mere. To the south of the site is a pair of semi-detached dwellings (1 and 2 Barnes Place), with 11 and 12 Barnes Place to the west and Sportsman's Lodge and Chafyns to the east. The application also includes land to the front

The site is close to the centre of Mere with its range of services, facilities and access to public transport.

In planning terms the site lies within Mere's Housing Policy, and the boundary between the application site and 1/2 Barnes Place forms the boundary of Mere's Conservation Area (within which the site lies).

4. Planning History

Application number	Proposal	Decision
S/2009/0655	Proposed dwelling including alterations to existing vehicular access	<p>Refused on 2nd July 2009 for the following reasons:</p> <p><i>(1) The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width and junctions, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent. In this respect the proposal would be contrary to saved policy G2 of the Adopted Salisbury District Local Plan</i></p> <p><i>(2) The proposed dwelling, by reason of its height, size and design, and the resultant loss of an area of garden that contributes to the area's character, would fail to preserve or enhance the character or appearance of this part of Mere's Conservation Area. In this respect the proposal would be contrary to saved policies CN8, D2, H16 and CN10 of the Adopted Salisbury District Local Plan</i></p>

5. The Proposal

The application proposes the erection of a three bedroom dwelling, to be constructed of natural stone with brick chimneys with plain clay tiles. Windows would be painted flush casement timber.

The dwelling would have a height of 8.25m (to the ridge), with an eaves height of 4.6m. The overall height compares with 7m (Birchlea) and 7.7m (1/2 Barnes Place). The form of the proposed building is essentially rectangular, with an additional projection to the north and a bay window fronting the road. Primary windows would face north/south.

6. Planning Policy

The following policies are considered relevant to this proposal:

H16	Development within Housing Policy Boundaries
G1, G2	General Development Criteria
D2	Infill Development
CN8	Development within Conservation Areas
CN10	Open Spaces etc with Conservation Areas

7. Consultations

Town/ Parish Council

Support the application

Highways

I reiterate the comments and objection made previously and recommend this application be refused for the following reason:-

The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width and junctions, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent.

Environmental Health

No objection subject to a condition regarding hours of construction.

Conservation

Object on grounds of the impact of on the character and appearance of the Conservation Area, resulting from both a dwelling on this site, the demolition of a section of wall at the front and the erection of the new walling.

Archaeology

Recommend that a programme of archaeological works, in the form of an archaeological watching brief, is carried out during construction.

Civic Society

If a new house here is considered acceptable, the walling material proposed is Purbeck stone and there is a potentially better alternative available - the use of Midhurst stone, approval for which was given last year for work in Mere (S/2009/0550) should be explored as this is closer in character to Mere stone than is Purbeck. The general use of the latter for new buildings in recent years is eroding the unique character which Mere has derived from the use of its own stone, unfortunately no longer available.

Arboriculturalist

Commenting on previous application - no objection to the above application. However, I recommend that a Tree Protection Plan is requested by condition.

8. Publicity

The application was advertised by site notice, press notice and by neighbour notification with an expiry date of 22nd April 2010.

4 letters of representations have been received. The following points have been raised:

- Previous reasons for refusal have not been addressed;
- Overpowering position of the dwelling and will not match others in the street scene;
- The current garden area provides a pleasant natural space;
- Impact on Conservation Area from dwelling and entrance widening;
- Street parking/safety issues with potential access problems for emergency vehicles;
- Barnes Lane is narrow with difficult vehicular access;
- Impact and liability from construction vehicles and excavations and need to repair damaged sections of road;
- Loss of light and privacy;
- Site used by wildlife and birds;
- The proposed dwelling cannot be considered a positive enhancement;
- Impact on highway safety from an additional dwelling;
- Noise, disturbance and smells from new dwelling;
- Need for an archaeological investigation;
- The existing access to the site from Barnes Place has only occasionally been used;
- If this application is approved, likely to be others (eg behind the post office)

9. Planning Considerations

9.1 The principle of development

The site lies within Mere's Housing Policy Boundary, on previously-developed land, in a relatively sustainable location.

In principle, policy H16 permits additional dwellings, but subject to criteria advising against inappropriate tandem/backland development; against development which results in a loss of important open space and against development which is not designed acceptably. Whether the proposal satisfies these criteria, and other normal planning considerations, is considered below.

9.2 The impact on living conditions of nearby properties

The site is located in a built-up area, with dwellings surrounding the site. An important consideration is whether the proposal would unduly conflict with or overlook these properties (policy G2).

The proposed dwelling would have first floor, habitable room windows (serving bedrooms)

facing towards the existing dwellings at Birchlea and 1/2 Barnes Place. The proposed windows would be some 19.4m from the rear windows of Birchlea and 19m from the front windows of 1 and 2 Barnes Place.

In terms of overlooking, as a general rule, a separation of 20m is required between opposing habitable-room windows, and the distances here would fall slightly below that limit. However, the dwelling would be located within a relatively built-up area where a degree of cross-overlooking is to be expected.

Concerns have also been expressed regarding loss of light and dominance. Again, however, the distances involved mean that, although there may be a degree of light lost to the side garden of number 12 Barnes Place in the early morning, and similarly to the rear garden of Sportsmans Lodge in the late evening, it is not considered that this would cause harm significant enough to warrant refusal.

It is therefore considered that the proposal would not result in harm to the living conditions of neighbouring properties such that a refusal could be successfully defended at appeal.

9.3 The impact on highway safety

The Highways department has expressed concern in relation to the narrowness of Barnes Lane and the potential for this to result in vehicles reversing into Boar Street, to the detriment of highway (including pedestrian) safety. This formed a reason for refusal of the previous application.

In this proposal, the applicants have tried to overcome the concerns of the Highway Department by improving visibility to the front Birchlea, by removing a section of existing wall and hedging. The Highways Department has considered this improvement, and the argument that the existing dwelling already has two accesses, but takes the view that these do not overcome their concerns.

Subsequently the applicant submitted further amended plans illustrating a 4m radius at the eastern splay of the junction of Barnes Place with Boar Street and a visibility splay of 2.4m by 25m in the eastern direction.

However, the suggested improvements were considered marginal and would not overcome the underlying concerns regarding the suitability of Barnes Place serving an additional dwelling. The Highway Department commented specifically that:-

'The junction of Barnes Place with Boar Street is substandard and therefore requires vehicles to use the whole width of the access when turning into Barnes Close. For the access radii to be of a suitable standard to accommodate an increase in traffic that the proposed development would generate, I would insist the junction has a minimum of 6m radii together with any additional widening to allow two vehicles to pass.

Barnes Place is of restricted width and in most places does not allow two vehicles to pass; therefore, this could result in a vehicle conflict at the junction of Barnes Place with Boar Street and vehicles having to reverse onto Boar Street, at a point where there is a level of pedestrian activity and at a point where vehicles are parked along Boar Street; this will cause a highway safety concern to all users of the highway.

The improvement offered to the junction radii and visibility to the easterly direction of the

junction is below Manual for Streets guidance for 30mph roads and although this could potentially benefit the existing residents of Barnes Place, this development would still increase the use of a substandard access.

I can confirm for your information that there has been no recorded accidents at the junction of Barnes Place with Boar Street in the last 5 years.'

The Highways Department notes that within the Design and Access Statement of this current application that it is suggested that vehicles are not travelling at the 30mph speed limit along Boar Street; if this was evident by way of Traffic Strip Speed Monitoring, there may be a reduction in the visibility requirement.

They also note that the Statement illustrates that the occupiers of Birchlea are able to use the existing access directly onto Boar Street and their access onto Barnes Place, and it is suggested that the additional traffic envisaged, subject to this application, would occur in any event. However, the Highway Authority takes the view that the primary access serving Birchlea is taken from Boar Street and the access from Barnes Place is secondary and it is evident from the condition of the access from Barnes Place that it is not used frequently and therefore the proposed dwelling would increase the use of Barnes Place.

The recently submitted plans do not overcome the previous planning refusal and it is therefore considered that the previous reason for refusal has not been overcome, and that the proposal remains contrary to Local Plan policy G2.

9.4 The impact on the character and appearance of the Conservation Area (including trees)

The site lies within the Mere Conservation Area. There is therefore a requirement that special attention be given to the desirability of preserving its character and appearance. The boundary of the Conservation Area has been drawn to include the garden area subject to this application, and to include 11 and 12 Barnes Lane (opposite), but to exclude numbers 1 and 2 Barnes Lane and the rest of the development to the north.

The site currently consists of garden to Birchlea House. The Conservation Officer has expressed concerns that the proposed dwelling would substantially change the 'quiet' and largely undeveloped character of this part of Mere, which consists of garden and 'backland'.

Whether or not the proposed dwelling would harm, or preserve, this part of Mere's Conservation Area is somewhat balanced. The garden area provides a degree of openness and green space, although the fence boundary and the existing outbuildings however detract from this character to some extent.

The Council's arboriculturalist has not objected to the potential impact on trees but the erection of a relatively large two storey dwelling would clearly result in the loss of some of the open character of this part of the Conservation Area and it is difficult to accept that this would not be harmful, at least to some extent.

Furthermore, in what is essentially a 'backland' location the erection of a dwelling that would be relatively large, somewhat higher than those dwellings either side of it, and with a relatively expansive width, would also appear out of place.

The design of the dwelling also raises concern. The Design and Access Statement describes

the design only as being one that 'reflects the character of Mere using narrow gables and steeply pitched roofs in a simple cottage form'. It does not justify the plan form of the dwelling with a central relatively tall two-storey projection. Nor does the D&A statement satisfactorily justify the roof pitch. The height of the eaves relative to the ridge is described as 'reflecting the majority of two storey dwellings in Mere', but no detail is given and the proposed pitch does not (for example) reflect that of the 'host' property, Birchlea itself. The materials could be varied by condition, however.

These concerns resulted in the previous application being refused. The current application is identical to the refused application, other than the inclusion of land to the front of Birchlea, and the removal of hedging and a section of wall to try to improve visibility.

The Conservation Officer has re-iterated his previous concerns and also expressed concern at the loss of the existing section of wall and the proposed additional sections of walling, which would be prominent and are unlikely to be constructed of suitable materials.

In particular the Conservation Officer is concerned that demolition of some historic boundary walling is proposed, although it is impossible to determine how much from the drawings provided. No application for Conservation Area Consent accompanies the application and it would be necessary to seek this. The policy which controls demolition in CAs allows for the possibility of 'overriding safety reasons'. This is not considered to be a situation requiring such intervention: there is no requirement for a new dwelling, and therefore the works are not essential or 'overriding' the public interest in the character of the conservation area; it should be retained for providing an historic enclosure of the street.

The Conservation Officer also considered that proposed new wall at the front seems to be unnecessary, and while at first glance appears to be innocuous, the availability of materials to make it work has to be considered. In the Conservation Officer's view, the only stone which should be used for a wall in this sensitive location (also near to several listed buildings) is the local Mere stone, but as supplies of this are effectively impossible to obtain (unless through demolition elsewhere, which wouldn't be encouraged), and the closest matching stone, Midhurst, is still not identical. Midhurst would appear to be a better choice for the house and its quiet location (see above) does at least mean that its different appearance wouldn't be so conspicuous.

It is considered that these concerns only add to the adverse impact on the Conservation Area that would result from the development as a whole. The proposed development would conflict with policies CN8, D2, H16 and CN10 by reason of the size, height, design and the loss of the existing garden area resulting from the dwelling, and from the impact of the changes to the street frontage.

9.5 Other factors

Local residents have expressed concern about loss of wildlife but no specific detail of species is given. The applicants have stated that there are no protected or priority species on or adjacent to the site, and there is little evidence to suggest a reasonable likelihood of protected species being present.

Conditions could be used, as suggested, in relation to environmental health and archaeological concerns. The impact of construction vehicles on the private road is a civil matter between the respective owners.

A public recreational open space contribution has been not been secured through a unilateral agreement, although this was provided with the previous application. While there is no reason to doubt that an agreement would be forthcoming again, in its absence this must also form a reason for refusal.

10. Conclusion

Although the proposal would not unacceptably harm the amenities or nearby properties, it is considered that an additional dwelling would harm highway safety, and would fail to preserve or enhance the character or appearance of the Conservation Area.

Recommendation

It is recommended that permission is REFUSED for the following reasons:

(1) The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width and junctions, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent. In this respect the proposal would be contrary to saved policy G2 of the Adopted Salisbury District Local Plan.

(2) The proposed dwelling, by reason of its height, size and design, and the resultant loss of an area of garden that contributes to the area's character, would fail to preserve or enhance the character or appearance of this part of Mere's Conservation Area. Furthermore, the proposal would result in the removal of a section of existing wall (the extent of which is unclear), while the erection of new walling to the front of Birchlea is unlikely to use acceptable materials. These changes would further detract from the Conservation Area's character and appearance. In these respects the proposed development would be contrary to saved policies CN8, D2, H16 and CN10 of the Adopted Salisbury District Local Plan.

(3) The proposed development, in that it does not make adequate provision for public recreational open space, would be contrary to saved policy R2 of the Adopted Salisbury District Local Plan.

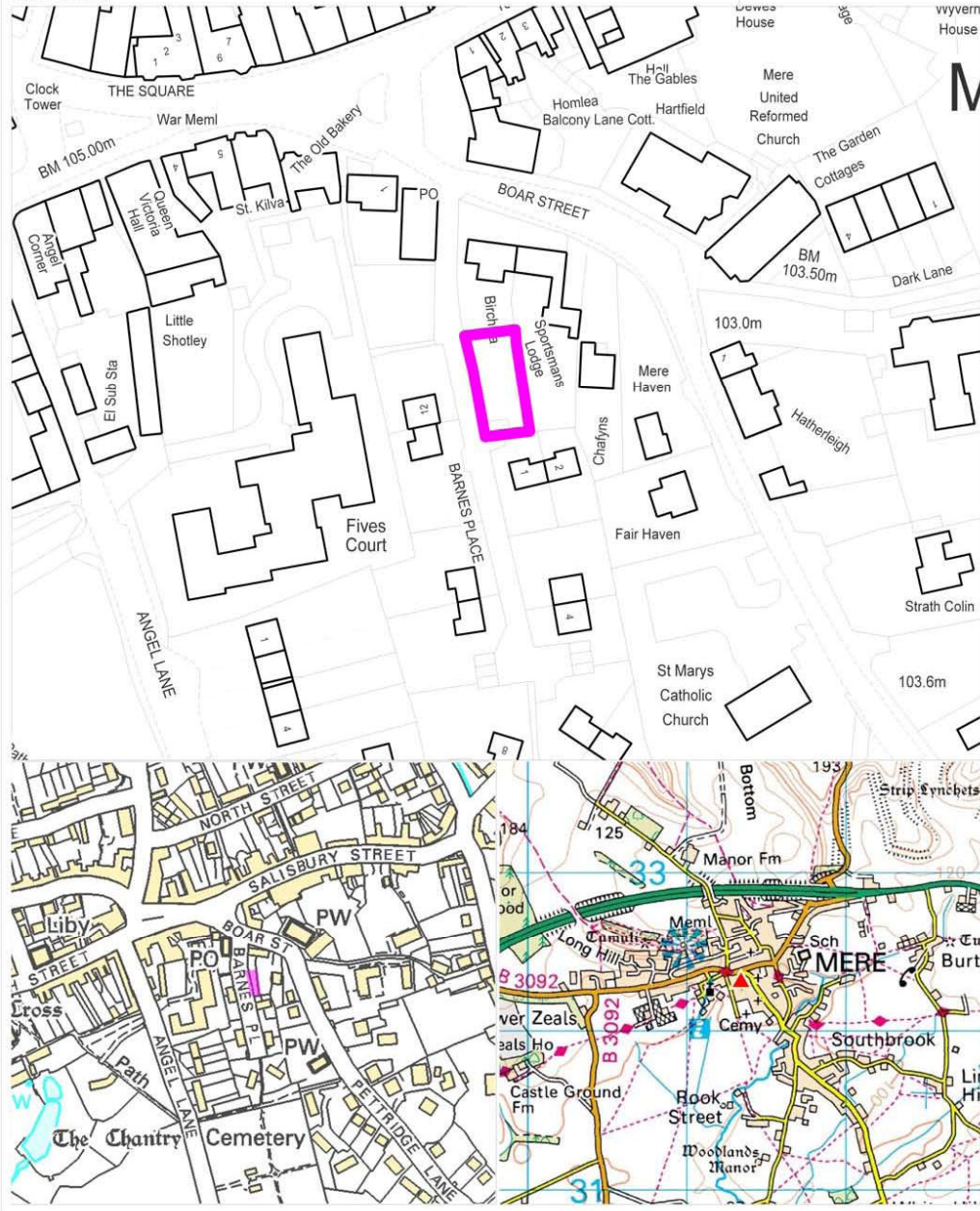
Appendices:	None
--------------------	------

Background Documents Used in the Preparation of this Report:	Plan reference 09022-1A, received 16 th March 2010 Plan reference 09022-2B, received 16 th March 2010 Plan reference 09022-3, received 16 th March 2010 Plan reference 09022-5, received 16 th March 2010 Plan reference 09022-6, received 16 th March 2010 Plan reference 09022 - 7, received 23 rd April 2010
---	--

ERECT HOUSE, MAKE ALTERATIONS TO EXISTING VEHICULAR ACCESS, MAKE ALTERATIONS TO JUNCTION OF BARNES PLACE WITH BOAR STREET

S/2010/381

Site Visit:



Wiltshire Council
Where everybody matters

BIRCHLEA BARNES PLACE MERE, BA126DD

SCALE: NTS DATE: 04/05/2010 14:40:49
Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100049050, Wiltshire Council 2009