

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/12/01720/FUL		
Site Address	Land North West Of 2 The Uplands Warminster Wiltshire		
Proposal	Proposed dwelling		
Applicant	Mr M Sharpe		
Town/Parish Council	Warminster		
Electoral Division	Warminster Copheap And Wylve	Unitary Member:	Christopher Newbury
Grid Ref	388180 145476		
Type of application	Full Plan		
Case Officer	Jemma Boustead	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Newbury has requested that the application be called to the Planning Committee if recommended for approval or refusal for the following reasons:

Scale of development, visual impact on surrounding area, relationship to existing properties and design

1. Purpose of Report

To consider the above application and to recommend refusal

Neighbourhood Responses – 4 letters of objection

Warminster Town Council - object

2. Report Summary

The main issues to consider are:

- principle of development
- design issues
- impact upon the immediate area
- impact on amenity
- highway and access considerations

3. Site Description

Uplands is a cul-de-sac of large properties in large spacious gardens. The dwellings are of differing designs and are at different levels. The dwelling of Number 2 has been cut in to the existing landscape and as such part of the garden is on much higher ground.

4. Relevant Planning History

W/11/00640/FUL – Detached Bungalow – Refused for the following reasons

1) The proposed development, by reason of its size, location, design and relationship with adjoining properties would result in a cramped form of overdevelopment which would be out of keeping with the character of the area contrary to the requirements of policies H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004, the principles of the Council's supplementary planning guidance and Government advice in Planning Policy Statement 3.

2) The proposed development, by reason of its size, location, design and relationship with the existing dwelling and site boundaries, would result in overdominance, overshadowing, loss of light and privacy and reduction in general amenity for occupants of both existing and proposed properties contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

03/00812/FUL – Demolition of double garage and construction of detached retirement bungalow including alteration to access drive and construction of replacement garage – Refused 02/07/03 for the following reasons:

1) The proposed development, by reason of its siting, form, massing, and proximity to the adjacent dwelling scale would be poorly related to number 2 The Uplands, resulting in a cramped form of overdevelopment which would be detrimental to the setting of the host building and the amenities of future occupiers of that dwelling, and also to the character of the surrounding area. This would be contrary to the provisions of Policy H1 of the West Wiltshire District Plan and Policies H1 and C31A of the West Wiltshire District Plan - 1st Alteration (Revised Deposit including Pre-Inquiry Changes).

This decision was upheld at a Planning Appeal in 2004.

93/0645 – Outline for Two Dwellings - Refused 10/08/1993 for the following reason:

1) Having regard to the scale and general character of the existing adjoining development the erection of two dwellings on this limited site is considered to constitute overdevelopment, with the dwellings having an unsatisfactory relationship to each other and inadequate space around them, thereby resulting in a form of development out of keeping with the area

OTHER RELEVANT PLANNING HISTORY

02/00698/FUL – Shed at 4 The Uplands – Approved

01/01358/FUL – Conversion of garage into domestic annexe at 4 The Uplands - Approved

90/01168/FUL – Double garage and playroom at 3 The Uplands – Approved

5. Proposal

The proposal is to divide the plot of number 2, demolish the existing garage and replace with a parking and turning area and a new two storey two-bedroom property.

It is important to note that the applicant has now served notice on the neighbours who own the road that is within the red line of the application.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 - C1 Countryside Protection; C31a Design; C38 Nuisance

H1 Further Housing Development within Towns

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy
National Planning Policy Framework (NPPF)

7. Consultations

Town Council – Object on the grounds of overdevelopment with the site being too small and near to neighbouring properties.

Highways officer – No Objection but recommend a condition requiring parking and turning areas

Wessex Water - New water supply and waste water connections will be required to serve the proposed development. New regulations also require all new sewer connections serving more than

one dwelling to be subject to a signed adoption agreement with Wessex Water before the connection can be made.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 16th November 2012

Summary of points raised:

Four letters of objection from the public with the following concerns:

- In 1983 Wiltshire Council granted planning permission for a development limited to only four dwellings served by a private drive. In August 1993 on an adjacent site two dwellings were refused on the basis that it constituted overdevelopment. Also two previous applications on this site have also been refused.
- The site levels change in height (some four feet). Increase in traffic is unacceptable and would cause subsidence and erosion to neighbouring dwellings particularly in wet weather.
- The proposal is not in keeping, is overdevelopment and would be an eyesore.
- At no point has the developer requested permission to use the private road and they do not own it. Increase risk of safety to children who play outside the house.
- Increase in noise and pollution.
- The proposed house would result in loss of privacy and impact upon the peaceful enjoyment of garden as due to the levels the site will be on much higher ground so will cause overshadowing.
- The applicant makes reference to an annexe at Number 3 – however this is actually a double garage and a playroom and is not used as a separate dwelling.
- The amenities of the existing occupiers will be significantly reduced through the loss of a garage, smaller garden.
- There are existing concerns with surface water at Uplands.
- The site is outside the Warminster boundary.

The applicant has responded to these objections with the following comments:

The original consent for four dwellings was some 27 years ago and should not be viewed as cast stone. It is normal to demolish some properties and redevelop the site. Neighbours have raised concern regarding the proposal being cramped but I would like you to refer to the site of the Downlands which is immediately adjacent to Uplands. Increase in traffic will be minimal for a 2 bedroom property. Despite ownership it is impossible to prevent anyone from accessing the private road. The deeds for number 2 clearly state that they have a right of way at all times and for all purposes. The plans show very clearly that there will be no windows on the north east side and as such no overlooking will occur to number 3 either front or rear gardens. It is also not possible to see into their gardens due to an existing hedge and as such would not overshadow the rear garden. The annexe to number 3 was used by their eldest son as normal living accommodation for several years before the property was sold to the new owners. A large window on this annexe overlooks part of the gardens of number 2 which would cease to apply if planning permission were granted. Planning permission has been granted for a flat above the garage to number 4. Surface water will be dealt with via a soakaway. The division of the garden area for the host building and the proposed new house is flexible and can be mutually agreed with the planning officer. Objections are based on inaccurate facts. We also invite all members of the Planning Committee to visit the site

9. Planning Considerations

It is important to highlight the differences between the previously refused application and the current application. These differences include:

Location – the previous application was located to the north west of the existing dwelling and is now proposed north east of the existing dwelling.

Design – the previous application saw a single storey dwelling and is now proposed to be two storey
Access – the previous application saw a vehicular access to the west of the existing dwelling and it is now proposed to be located to the east.

9.1 PRINCIPLE OF DEVELOPMENT

The site is located outside of the town boundary limit, which in theory places it in the open countryside. However, it has to be recognised that this cul-de-sac is a built-up area and has a suburban appearance and it is not considered reasonable in these circumstances to argue that the development would harm the appearance of 'countryside'.

9.2 DESIGN ISSUES AND IMPACT UPON THE WIDER AREA

Saved Policy C31a states that proposals for new development should respect or enhance: townscape and landscape features and views, existing patterns of movement, activity and permeability, the quality of architecture of surrounding building and historic layout and spatial characteristics.

Saved Policy H1 states that new development should be in keeping with the character of the area and not create backland or tandem development.

The National Planning Policy Framework attaches great importance to the design of the built environment. It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The character of the immediate vicinity (The Uplands) is of very low density with large properties that face onto private drives with spacious undeveloped gardens. The existing dwellings are clustered around a narrow curving private drive.

In dismissing the appeal in 2004, the Inspector referred to the site "being constrained by the siting of the existing house and the boundary of the neighbouring property" and noted that "the site is narrow in comparison with others in the area and that the proposed building would be located uncharacteristically close to the boundary with its neighbours"

The application site is still significantly smaller than those plots surrounding it and the location of the dwelling is set deep into the plot which measures approximately 4.5 metres from the rear boundary and 2 metres from the neighbouring boundary. This pattern of development (so close to the rear and neighbouring boundaries and it being a small plot) is not currently found in The Uplands.

Neighbouring properties do have garages/annexes located in similar locations, however these appear incidental to the main planning unit.

A new two storey dwelling by reason of its location would appear to be out of keeping with the existing built form, would result in inappropriate backland development and would appear cramped due to the gap between the existing residential properties being removed.

The proposal sees a dwelling which is dug into the ground so it appears two storey from the front elevation but single storey at the rear and side. It will be built with facing brick and concrete render which would be similar to number 2 The Uplands.

The existing dwellings in The Uplands are of differing designs but are all large 4 bedroom properties. The proposed dwelling which is a small (when compared to those existing) two bed property is considered to be out of keeping with the character of The Uplands.

It is considered that the proposal has not overcome the first previous reason for refusal.

9.3 IMPACT UPON AMENITY

The proposed dwelling has only one window proposed on the north east elevation which will serve a bathroom and as such could be conditioned to be obscure glazed.

The proposed dwelling also sees a window and French doors on the north west elevation which would be at ground floor level and as such would not overlook 2 The Uplands due to a proposed 2 metre high fence. The dwelling would also have windows on the southern elevation at both ground floor and first floor level which by reason of their location would overlook the proposed parking and turning area, but would not overlook the rear garden of number 3 The Uplands or the garden of Number 1 The Uplands.

It is also considered that the proposed dwelling would not overshadow its immediate neighbours due to the siting of the dwelling, it being dug into the ground, its height and the differing levels that currently exist. It could be considered that a 2 metre high fence on top of the high wall that would form the boundary between the proposed dwelling and the existing dwelling could be overdominant, however the owners could erect a fence in the same location under permitted development rights and it would not be appropriate to use this as a reason to refuse the application.

Due to the single storey nature of the dwelling above existing ground level and its location north east of the existing dwelling, the proposal has overcome the second previous reason of refusal.

9.4 ACCESS AND HIGHWAYS

It is considered that the proposal would not have an adverse impact upon highway safety as the proposal provides adequate turning and parking facilities for both the existing and proposed dwelling. The existing junction is also considered to be adequate and the proposal is considered to comply with the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy and the NPPF.

It is noted that concerns from the public include ownership of the road, however the correct certificate has now been served and if planning permission is granted, the applicant would still require permission from those who own the road but this is a civil matter and as such the Local Planning Authority would have no involvement.

10. CONCLUSION

It is considered that the proposal would still be an inappropriate form of development that would be out of character with the area and would have an adverse impact on the appearance of this cul-de-sac. Accordingly, it is recommended for refusal.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed development, by reason of its size, location, design and relationship with adjoining properties would result in a cramped form of overdevelopment which would be out of keeping with the character of the area contrary to the requirements of Saved Policies H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained in the National Planning Policy Framework

Informative(s):

- 0 This decision relates to drawing numbers MS/01 MS/02, MS/03, MS/04 and drawing annotated as Site and Location Plans received on 12th September 2012.

Reason: For the avoidance of doubt and in the interests of proper planning

Appendices:	
Background Documents Used in the Preparation of this Report:	

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