

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	6 November 2013		
Application Number	13/02904/FUL		
Site Address	17 Chalford, Westbury, Wiltshire, BA13 3RG		
Proposal	Alterations to existing garages to form studio workshop including dormer windows.		
Applicant	Mr Graham Dobson		
Town/Parish Council	WESTBURY		
Electoral Division	Westbury East	Unitary Member	Cllr Gordon King
Grid Ref	386943 150232		
Type of application	Full Planning		
Case Officer	Matthew Perks		

Reason for the application being considered by Committee :

Cllr Gordon King has requested that this application be submitted to Committee for consideration of the scale of the development, the relationship to neighbouring properties, and where there is an inadequate description of works, no design or access statement has been provided and it is likely that development will lead to increase of traffic and residential use of building contrary to Inspectors advice.

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

- principle of development; and
- design issues and impact upon the neighbouring amenity.

3. Site Description

The application site is part of the established residential curtilage of 17 Chalford, Westbury. This is a fairly substantial dwelling with an extensive rear garden.

The garage building it is proposed to convert has been built but not fully in accordance with the approved plans (W/10/00340/FUL) in that additional openings have been provided and drainage systems appear to be in place. At the time of the site visit the roof tiling had not been completed, leaving openings in positions where dormers are proposed on the plans now submitted. The footprint to the building is 13 m by 7 m. The height to eaves of is 2.5m, with a height to the ridge of 5.6 m.

To the south of the garages is the garden of the host dwelling; to the east is the extended curtilage of that property. To the west of the garage site is the only neighbour in close proximity, No. 18 Chalford. To the north there is higher land, understood to be MOD property.

Access to the site is from the A350 on an existing access drive which has a steep gradient up to the application site.

4. Planning History

04/01425/OUT - Detached dwelling house : Refusal : 17.09.2004

W/10/00340/FUL - Proposed domestic garage building : Permission : 30.04.2010

W/11/02939/FUL : Change of use from garages to dwelling : Refused : 21.12.2011

W/12/00726/FUL : Change of use from garages to dwelling : Refused : 25.06.2012 and appeal dismissed on 27.06.2013

5. The Proposal

The proposal is for alterations to the existing garage building to form a studio at ground floor level, with a store, wc and workshop to the roofspace, including dormer windows. Half of the ground floor area would be retained as a garage.

Following Town Council, neighbour and highway comments, the applicant was requested to provide additional information on the use of the spaces in the building. He advised that the ground floor is to provide garaging space for classic cars and motorbikes with room for a small maintenance area, and an open area for gym equipment and a hobby area. The glazed doors are to provide light and to open out on to the garden. The upper floor would provide an area to store a music collection and auto memorabilia, with room for seating. It would also house a hobby area for painting. The proposed dormer windows in the south elevation are proposed to provide natural light and fresh air into the two areas upstairs.

The applicant advises that the garage is for his sole use and at no time will it be used for residential accommodation nor industrial or employment use. "Nor will it be rented out. There will also be no increased vehicle use of the drive by myself or third parties." The objections received do not reflect the actual intentions. The applicant advises that conditions ensuring the use as above are wholly acceptable.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

National Planning Policy Framework (NPPF)

7. Consultations

WESTBURY TOWN COUNCIL

Objects to the proposal on grounds that:-

- The “Highway objection which led to a previous appeal being dismissed relates equally to this proposal and warrants the same decision as nothing has changed”;
- Traffic generation whether the building is for business or residential use; and
- Overlooking of neighbours property, affecting amenity.

WILTSHIRE COUNCIL HIGHWAY OFFICER

Notes the history of the site including the dismissed appeal. The Highways Officer observes that it is not clear from the application form as to whether the proposed studio will be for the private use of 17 Chalford or rented as a business premise. “If the use is as a business premise I would object on highway safety grounds due to the increase use of the sub-standard access.” However, if the studio is for sole use of 17 Chalford, it would be difficult to substantiate a refusal reason and there would be no highway objection subject to a condition preventing the conversion of the studio to habitable accommodation and to restricting the use to the applicant only.

8. Publicity

The application was advertised by way of site notice and letters to neighbours.

Two letters of objection were received. The neighbour at No. 18 highlights WWDP policy on nuisance to neighbours and design (Policies C38 and C31a respectively). The neighbour is of the view that the dormers would result in an overbearing effect and unacceptable overshadowing on No. 18. And that the addition to the existing building would significantly reduce light to the living room. “Negotiations with the neighbour to fit roof lights instead of dormers have failed, presumably because the developer wants more floor space to the roof rooms.” The visual impact of the dormers would also be unacceptable. The design is not in keeping with the area, and the rendered finish would not accord with development in the surrounding area. There is also an objection insofar as potential industry that may be carried out in the garage/workshop/studio or if it is separately rented out with resultant increase in visits to the site. The increased usage of the existing sub-standard access to the A350 would be prejudicial to road safety. Finally there are questions on the precise nature of the use, what is to be stored and potential noise.

A second objector notes the history including the appeal. No Design & Access Statement has been submitted and it is not clear what precisely is proposed. The description of the current application "Alterations to existing garages to form studio workshop including dormer windows" is vague, and no or other commentary has been submitted with it to elucidate further what is proposed. “There is no indication that what is proposed is in any way to be ancillary to the existing dwelling, and from its position (at a distance from the existing dwelling) and its extended planning history, it appears that the proposal is intended to be free-standing and functionally separate (either at once or at some stage).” Whatever is proposed there is the potential for traffic generation, whether from residential or employment use. The proposal should be refused on the same grounds as the appeal dismissed on 27 June 2013.

9. Planning Considerations

The NPPF requires development that is sustainable and in accordance with the policies of the development plan to be approved, unless material considerations indicate otherwise.

Whilst noting the Westbury Town Council and neighbour objections on the use of the building, the application has been submitted and a fee paid for a "Householder" planning application, by definition for works in association with a dwelling/residential use. No application is being made for a change of use class or development of a new planning unit. The proposed use to the rooms within the building would, again by definition in terms of the nature of the application, be ancillary to the residential use on the site. Design and Access statements are not required in respect of householder applications.

In this instance the proposals relate to changes to the internal spaces to the garage to provide for the studio, store, wc and workshop whilst retaining a portion of floor space for garaging.

These changes, ancillary to the residential use on the property, could take place in the absence of planning permission, under permitted development rights and also where no prohibitive condition is in place under Permission reference W/10/00340/FUL preventing such change.

The principle of the change of function of the internal space is therefore accepted.

The only element of the proposals that requires planning permission is the installation of the dormers to the roof. A key consideration therefore is whether or not the addition of the dormers to the roof would give rise to unacceptable harm to the appearance of the building and/or to neighbouring amenity.

The building already approved on site is a garage of standard materials which is set in the context of modern residential development in the immediate surrounds. In the proximity including along Warminster Road, older development of varying forms and finishes exists. There is a building with rendered finish immediately to the west of No. 18 Chalford, as well as other examples on Warminster Road.

The proposed dormer ridges are set below the ridge line to the building and are of relatively small size seen in the context of the overall width of the roof. The dormers would not face onto any street frontage and are not prominent to view in the wider public realm. No habitable rooms are proposed and the windows would be orientated to face over the private garden space belonging to the host dwelling. It is therefore considered that the dormers would be acceptable elements as additions to this building in terms of its existing setting and design, and as part of an ancillary outbuilding.

With regard to neighbouring amenity, the property to the west at No 18 Chalford is nearest neighbour to the garage building. Initial site plans were inaccurate and revisions showing the true as-built location were requested and provided. The garage sits at a slight angle relative to the boundary line. The corrected plan shows that the separation distance between the nearest rear-facing openings to the neighbouring dwelling and the garage building is at least 22m, with open garden space of approximately 14m in depth to the rear of No 18. The garage is situated a minimum of 6m beyond the rear boundary.

In noting the neighbour comments in relation to impacts on No 18, the issues of dominance and loss of light can be assessed by way of the rule of thumb guide of the 25° angle above horizontal, measured from the middle of potentially affected windows, as the maximum which can be accepted (this is not a Policy criterion, but a generally accepted approach in assessing acceptable open sky visibility). The garage is set on lower ground

than the dwelling. From the windows to the rear extremity of No 18 the angle from ground floor facing windows to the ridge of the new dormers would be less than 8 °, at a distance of a minimum of 25m. The approved ridge line to the garage as it exists is slightly higher, but still below 10° above the horizontal. The garage is located to the east of No. 18 thus not impacting in terms of affecting light from the southerly aspect either. There is a backdrop of large trees to the MOD property behind and to the north of the line of sight to the garage which have a greater overall impact in terms of open sky than the building itself.

In further considering neighbouring impact, it must be noted that there was no reason for refusal relating to amenity in the refused application W/12/00726/FUL for the conversion to a dwelling of the garage (including dormers). The reason for refusal related solely to highways, and the Inspector, in his decision dismissing the appeal, did not raise this as an issue either. It is therefore considered that the limited additional impact of the dormers does not make it reasonable to introduce new amenity issues at this point.

10. Conclusion

Provided that appropriate conditions are put in place to ensure that the use of the building remains ancillary to the residential dwelling on site and also does not become a self-contained “annex”, permission is recommended.

RECOMMENDATION

Permission, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage, studio, store and workshop hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

3. The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Chalford, Westbury and shall not be separately let or sold.

REASON: The building is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a non-residential use, in particular in relation to traffic generation at the access point onto Warminster Road.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 13712 - 1 received on the 17 October 2013;
Drawing number 13712 - 2 received on the 9 August 2013; and
Drawing number 13712 - 3 received on the 9 August 2013.

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

Appendices:

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