

**REPORT TO THE AREA HUB PLANNING
COMMITTEE**

Report No 3

Date of Meeting	18 th December 2013
Application Number	13/04478/FUL
Site Address	Land East Of 73 Ruskin Drive Warminster Wiltshire
Proposal	Proposed 3 bedroom dwelling on land adjoining 73 Ruskin Drive Warminster
Applicant	Mr M Webb
Town/Parish Council	WARMINSTER
Grid Ref	385765 144761
Type of application	Full Planning
Case Officer	Steve Vellance

Reason for the application being considered by Committee :

Cllr. Pip Ridout has requested that this application be submitted to Committee for consideration of the relationship to neighbouring properties and for general discussion by the Committee Members, as she has received a lot of attention regarding this application.

1. Purpose of Report

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

Public responses – four letters of objection from 3 individual residents for the reasons cited within section 8 below.

Warminster Town Council – object for the reasons cited in section 7 below.

2. Report Summary

The main issues to consider are:

- principle of development,
- highways
- design issues and impact upon the neighbouring amenity; and
- overcoming the previous reasons for refusal within 11/02302/FUL.

3. Site Description

The application site is located within an established residential area of Warminster. The proposal would be sited within the established residential curtilage of 73 Ruskin Drive,

Warminster. The dwelling is one of a pair of semi detached properties and has a substantial garden area.

The proposed new dwelling would be attached to the applicant's property and the scheme would alter the buildings to a rank of three terraced dwellings.

4. Planning History

11/02302/FUL Proposed 3 bedroom dwelling on land adjoining 73 Ruskin Drive Warminster. Refused. 24.01.2012. Appeal (Ref: APP/Y3940/A/12/2175175) Dismissed on 12.09.2012.

5. The Proposal

The proposal is for the creation of a new attached dwelling, which would be sited within the grounds of 73 Ruskin Drive and attached to the applicant's dwelling. The proposal is designed to appear as an extension to the existing pair of semi's, to form a terrace of three dwellings of near identical proportions.

To achieve a sense of visual symmetry the newbuild's footprint would match that of number 73's, as would its eaves and ridge height. Dormer windows are a characteristic feature of houses within the vicinity, with number 73 having such dormers to the front and rear, the proposal would utilise this feature to match those as existing. In terms of materials, the new dwelling would be constructed from matching materials, consisting of brick, with rendered ground floor elevations and matching concrete tiled roof.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

H1 Housing

C31a Design

C38 Nuisance

National Planning Policy Framework (NPPF)

7. Consultations

Warminster Town Council:

Objects to the proposal on the grounds that:-

- The proposal would create a terrace causing a loss of amenity for the neighbouring semi detached property; and
- The scheme would comprise over development.

Highways Officer:

Consultations with the Highways section of the Council initially raised no objections subject to the imposition of four planning conditions and one informative. One of the conditions related to the use of the existing garage as a car parking space for the proposal, which had to comply with stipulated Highway dimensions, however, the applicant's garage fell short of the length requirement by 0.5 metre and therefore, the Highways Officer recommended refusal of the scheme for inadequate parking provision. In order to achieve the provision of two parking spaces the Highways Officer

recommended the demolition of the garage.

Wessex Water:

No objections and comment on water supply and waste connections.

Wiltshire Fire & Rescue:

No objection but request a financial contribution.

8. Publicity

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

Four letters/emails of objection were received and raise the following points:

- The proposal would be detrimental to the character of the existing building.
- Proposed terrace of three would not be in keeping.
- Scheme would not maintain building line.
- Proposal would result in the loss of number 73's garage.
- The scheme would create parking problems.
- Proposed dormer windows would not extend to their full width, possible issues relating to their cladding.
- Proposed boundary treatment not in keeping.
- Loss of the visual gap, by the reduction of the 'set back'.
- Resultant small sized garden areas.
- Loss of light to number 71 Ruskin Drive.
- Foul sewage issues/problems to the area.
- Land ownership issues relating to the corner land area at number 73.
- Possible inaccuracies within the planning application form.

9. Planning Considerations

The proposal seeks full planning permission for the construction of a new dwelling on land to the side of number 73 Ruskin Drive. The site lies within the Warminster Town policy limits, whereby the principle for new development is accepted, if the submitted scheme complies with Policy H1 criteria. The proposed building would follow the distinct building line, as set out by numbers 73 and 75, with the finished build having the appearance of a terrace of three properties. The scheme would create its own access and would also provide a comfortable area of recreational amenity land for both the proposed dwelling and number 73.

A material consideration with this current application is that of whether or not the applicant has overcome the two previous reasons for refusal within 11/02303 and addressed any comments made by the Planning Inspector in relation to this appeal, which was subsequently dismissed.

The reasons for refusal were:

1. The proposed dwelling, by reason of its size, siting, proportion and form would constitute an overdevelopment of the site, detrimental to the appearance and character of the area, contrary to the provisions of Policy H1 and C31a of the West Wiltshire District Plan, as adopted 2004.

2. The proposed development, by reason of its size and siting, would be detrimental to the residential amenities of the existing dwelling and to current and future occupiers thereof, contrary to the provisions of Policy C38 of the West Wiltshire District Plan, as adopted 2004.

In considering these reasons, the Appeal Inspector made the following observations:

- The proposed detached dwelling would harm the character and appearance of the area.
- The proposed dwelling would have a poor level of external amenity space.
- The proposal does not satisfy policy criteria.

The current application is considered to have overcome the previous two reasons for refusal and addressed the Inspectors observations. This has been achieved by the reduction in size and scale of the submission and its adherence to a building line, thereby making the scheme wholly acceptable. The siting, layout and design are satisfactory and in keeping with the character of the area, as the proposal would mirror that as existing with number 73. With regard to the provision of garden amenity land, the current proposal provides more amenity land for the new-build. The size of the proposed redefined garden land for number 73 is also considered to be acceptable, which would be of the same dimensions as proposed within the previous submission, in relation to this, the Planning Inspector for the previous application noted that "The amenities of the occupiers of 73 would not be harmed" by this proposed garden size and is therefore considered to be acceptable.

With regard to the issue relating to the loss of an open area or visual gap, which is important for visual amenity purposes, it is considered that the current scheme has effectively overcome the previous concerns by moving and reducing the width of the proposed build and thereby increasing the amount of remaining corner land. Whilst this corner area of land would be reduced, it is considered that the remaining area would be sufficient to preserve and maintain the openness of the visual gap. The remaining corner area of land would approximately be the same as that located opposite at number 82 Ruskin Drive.

The neighbour consultation process raised the concern that, some of the corner area of land, which would be utilised for this development, may not belong to the applicant. In response to this, the application is not for a change of use of land, but for the provision of a further dwelling. Furthermore, the Local Planning Authority has to accept information largely at face value whereby it is evident from the maturity of the Leylandii boundary treatment that the land has been used as a garden for many years. Importantly, both the red line and certificate A (within the application form) indicates the applicant as the owner of this land.

Consultations with the Highways section of the Council initially raised no objections subject to the imposition of four planning conditions and one informative. One of the conditions related to the use of the existing garage as a car parking space for the proposal, which had to comply with stipulated Highway dimensions. The applicant's garage fell short of the length requirement by 0.5 metres, with the Highways Officer recommending refusal of the scheme for inadequate parking provision. The Officer recommended demolition of the garage in order for the provision of two car parking spaces to be achieved.

The Highways Officer commented that in order for an existing garage to be considered as a parking space it must have measurements of 6m by 3m or a floor area of 18 square

metres. As previously stated, the garage is 500mm short of the 6 metres length, however when compared to other garages within the vicinity, the applicant's garage visually matches and is fully functional, as currently utilised by the applicant. It is considered that to impose a condition requiring the applicant's half of the garage to be extended by 500mm or demolished is unreasonable and would be development that may ultimately harm the street scene. Instead a planning condition linking the existing garage to the new dwelling in perpetuity has been applied, which is considered to be reasonable.

The occupants of number 71 Ruskin Drive have commented that the proposed development would overlook their property. The Council takes the view that because the two dwellings would be separated by a distance of 13 metres and because there is a small staircase window on the north elevation of number 71 which is a non habitable room, there would be no significant harm created. Importantly, within the previous application, the Planning Inspector did not raise this issue as a concern.

Neighbour comments relating to inadequacies of the sewage system have also been received, with Wessex Water being the relevant authority to deal with such matters; they have not raised any objections and advised that the applicant contact them for mains water and foul sewage connection.

10. Conclusion

The submitted scheme is considered to have overcome the previous reasons for refusal, planning permission is recommended, with conditions and informatives as attached.

RECOMMENDATION: Approve with conditions as attached:

- 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3 The development hereby permitted shall not be occupied until the first three metres of the accesses, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 4 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level.

That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 5 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 2.4 metres back from the edge of the carriageway, measured along the centre line of the access to the junction to the North and 43 metres to the South from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 6 The development hereby approved shall not be occupied until sufficient provision for the parking of two vehicles has been provided for, in accordance with details as shown on plan reference 820/2 received on the 01 October 2013. The garage shall remain as a permanent parking facility for the new dwelling and shall not be separately let or sold but retained in perpetuity for the provision of car parking.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety

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

Drawing number 820/1 received on the 01 October 2013

Drawing number 820/2 received on the 01 October 2013

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

- 8 **INFORMATIVE:** The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

- 9 **INFORMATIVE:** The applicant is advised to contact Wessex Water direct on 01225 526 000 with regard to the connection of water and waste supplies for this proposed development.

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