

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.5

Date of Meeting	5 th February 2013
Application Number	13/05406/FUL
Site Address	2 The Downlands Warminster Wilts BA12 0BD
Proposal	Two-storey timber clad structure to enclose pool and provide a playroom on the floor over.
Applicant	Mr & Mrs M Turner
Town/Parish Council	WARMINSTER
Grid Ref	388021 145336
Type of application	Full Planning
Case Officer	Steve Vellance

Reason for the application being considered by Committee :

Cllr Newbury has requested this application be submitted to Committee for consideration of the scale of the development, its relationship to neighbouring properties, the proposal's design, bulk, height, general appearance and to consider whether the application complies with development plan policy.

1. Purpose of Report

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

Neighbourhood Responses – Nine letters and emails of objection were received.

Parish Council Response – Object to the application on the grounds that the scheme represents overdevelopment, causes a loss of amenity and is out of keeping with the area.

2. Report Summary

The main issues to consider are:

- Design.
- Impact upon the neighbouring residential amenity.
- Visual impact.

3. Site Description

The application site is number 2 The Downlands, Warminster, it is an established residential development accessed off Copheap Lane. The principal building is a fairly substantial dwelling with a large sized rear garden.

The application relates to the rear garden area, where the existing swimming pool is located, which would be renovated and reduced in size. In connection with these renovation works a pool building is proposed to cover the swimming pool with a children's playroom at first floor level.

4. Relevant Planning History

W/10/03875/FUL – Extensions and alterations Permission 27.01.2011

5. The Proposal

The proposal is for the construction of a swimming pool building that would completely cover the swimming pool area, it would be timber clad with a mansard style roof covered in grey fibre glass. The structure would also have a children's playroom at first floor level.

Fenestration at ground floor level would consist of two windows and double entrance doors, whilst at first floor level there would be three small sized roof lights.

The proposed dimensions would be 13.7metres (length) by 8.3metres (width) with a total roof height of 5.1metres.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

National Planning Policy Framework (NPPF)

7. Consultations

Warminster Town Council objects to the proposal on grounds that:-

-Overdevelopment of the site.

-Loss of amenity.

-Out of keeping for the area

Wiltshire Council Environmental Health:

No objections raised, request that a planning condition be attached relating to the swimming pool pump enclosure, requesting the submission of details for approval prior to use.

8. Publicity

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

Nine letters and emails of objection were received, with some people writing in more than once, the following points were raised:

-The Downlands has a Restrictive Deed of Covenant in place, restricting development on this residential estate.

-Plans do not give numerical values of measurements.

-Proposal is over development of the site and is not in keeping with character of neighbouring properties.

-Building process, deliveries and traffic would inconvenience residents.

-Pool facility would attract family and friends and create parking problems.

-Concern that the pool building could be converted to other uses.

-Overbearing impact to neighbour at no.1, due to slightly higher land levels at the application site.

-Overbearing and overlooking of neighbour at no.3 due to high level side window.

-Children's noise from the playroom would impact on amenities of neighbours.

-Query as to why a second playroom is required, as the main dwelling has a playroom.

-Description inaccurate should reflect that of a two storey building.

9. Planning Considerations

The application concerns No. 2 The Downlands, which is a detached house which is set within a row of dwellings along this particular stretch of the Downlands. The property sits within a good sized plot and has substantial boundary treatments in place. Access to the property is from the front, where there is ample car parking.

The current application proposes the construction of a swimming pool building that would completely cover the swimming pool area, it would be timber clad with a Mansard style roof covered in grey fibre glass. The structure would also have a children's playroom at first floor level. The proposed fenestration at ground floor level would consist of two windows and double entrance doors, whilst at first floor level there would be three small sized roof lights facing towards the principal dwelling.

9.1 Design/Impact

The size of the proposed swimming pool building is considered on balance appropriate in scale to the existing dwelling and the application site as a whole. The building would be set away from the dwelling and sited to the rear of the garden where it would cover the existing pool, which would be renovated and reduced in size. The footprint of the building would be slightly less than the current dimensions of the pool and the maximum pitched height of the building would be 5.1 metres, which when compared to the 7.1 metre height of the dwelling would be a subservient addition.

The proposal would not be visible from the public realm due to it being sited within an enclosed rear garden area; thus there would not be any significant material harm to the visual amenity of the area or street scene.

Taking into consideration the above points, the proposal is considered to conform to policy C31a of the District Plan.

9.2 Residential Amenity

The two properties likely to be affected by the proposal would be numbers 1 and 3 The Downlands, whereby the pool building would be sited 6metres and 9.5metres away from the boundaries of these two properties. In terms of minimum distances to the closest points of the neighbouring buildings themselves, these would be approximately 36metres to number 3 and 37metres to number 1.

These distances are significant because they indicate the pool building would be set away from both of the boundaries and the neighbouring dwellings, thereby ensuring there would be minimal visual impact from the proposal. The first floor side window initially indicated within the plans, has now been removed, thereby ensuring there would be no overlooking of number 3. It is recognised that the rear garden land levels within number 1 are slightly lower than those within the rear garden of the application site, any such differences are considered to be offset by the distances as detailed above and the existing boundary treatments, ensuring that there would be no direct impact as such.

In terms of existing trees within the garden offering screening of the proposed building, there are a number of existing trees which would be retained, these consist of Hazel, Cherry and Espalier, of which photographs have been supplied.

The boundary treatment to number 3 consists of a block wall and fencing with a height of 2.3 metres. Likewise, the boundary treatment to the neighbour at number 1 also consists of a high level concrete block wall, with high level Hazel trees (6-7 metres tall) located within the south west corner of the applicant's garden offering further screening.

The orientation of the pool building is in itself significant, in that it has been designed to not directly face or overlook numbers 1 and 3. The proposed high level roof lights would all be located on the

inclined slope of the roof, facing in towards the host building, the cumulative net effect of these design features would be to remove or mitigate the perception of being overlooked. To ensure no overlooking occurs in the future, a condition is attached ensuring that no openings can be constructed at first floor level, without the need for planning permission.

Therefore, whilst visible, it is considered the visual impact of the proposal would be minimal to the two neighbouring properties, for the above stated reasons. No other neighbours would be affected by the proposed development.

In terms of noise impact from the proposal, the Environmental Health Team have been consulted, and raised no objections, requesting that a planning condition be attached relating to the swimming pool pump enclosure, for the submission of details and subsequent approval prior to its' use. A condition has been attached, together with an informative.

Taking into full consideration the above points, the application is considered to meet the requirements of Policy C38 of the District Plan, which aims to protect neighbour amenity.

9.3 Other Matters.

The planning consultation process raised a number of points, one of which relates to a restrictive deed of covenant in force at The Downlands. Whilst understood, any such covenant cannot be taken into consideration within the planning process because such matters are private civil issues and not planning related.

There is also concern from the neighbours that the pool building could be converted to a different use in the future. Such concerns are understood, however the building and in particular the top first floor may be used by the household for any purpose that is ancillary to the general domestic use of the main house. This could include an ancillary office use to enable working from home to take place, or as described in this instance a children's playroom which will also be used a home gym. If there was any intention to use the building for any purpose not ancillary to the main dwelling house, then this proposed use would need to be the subject of a planning application whereby the planning merits of the scheme would be fully tested. In order to safeguard and tie the use of the pool building to the main dwelling at number 2, a planning condition to this effect has been attached.

Concern has been raised by the neighbours relating to possible disturbances caused by the building process, such as traffic and noise from the building process. The proposed works are relatively small and should be short lived.

Concern has also been raised relating to the use of the building itself by family and friends and possible noise issues being created. This is an aspect which the planning process cannot control and any such noise related nuisance should be reported to the Environmental Health section of the Council who would investigate accordingly.

10. Conclusion

The primary consideration in determining a planning application is the Development Plan, whereby in this case the relevant policies are C31a and C38. Taking the above into full account, the application is not considered contrary to these policies, as it does not cause any significant harm that would justify a refusal of planning permission.

RECOMMENDATION: Planning permission be granted with the attached 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 The materials to be utilised within this development shall accord with the schedule of materials as described within the planning application form, dated 28 October 2013.

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

- 3 The swimming pool building shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area.

- 4 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 2 The Downlands, Warminster and shall not be separately let or sold.

REASON: To safeguard the amenities and character of the area.

- 5 No windows, doors or other form of openings other than those shown on the approved plans, shall be inserted at first floor level of the building hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 6 No development shall commence on site until a scheme of works for the attenuation of noise from the pool pump room shown on the approved plans, has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved noise attenuation scheme shall be completed in full in accordance with the approved details, prior to the pool pump being brought into use and shall be maintained in accordance with the approved details at all times thereafter.

REASON: In the interests of residential amenity.

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

Drawing number 201/01B received on the 20 November 2013

Drawing number 201/02 received on the 20 November 2013

Drawing number 201/03 received on the 20 November 2013

Drawing number 201/04B received on the 06 January 2014

Land levels received on the 06 January 2014

Sectional drawing received on the 06 January 2014

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

- 8 INFORMATIVE: The scheme submitted pursuant to condition 6 above, should demonstrate that the pool pump room will be acoustically insulated such that the rating level of noise emitted from the pump does not exceed the existing background noise levels. For the purposes of preparing the scheme, the background noise level should be determined at the nearest noise sensitive premises and the measurement and assessment should be made in accordance with BS4142.1997.

