

<b>Date of Meeting</b>	19 March 2014
<b>Application Number</b>	14/00096/FUL
<b>Site Address</b>	145 Chantry Gardens Southwick Trowbridge BA14 9QP
<b>Proposal</b>	Demolition of existing garage & erection of three bed detached dwelling in existing garden.
<b>Applicant</b>	Mr Roger Boor
<b>Town/Parish Council</b>	SOUTHWICK
<b>Ward</b>	SOUTHWICK
<b>Grid Ref</b>	383904 155457
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

#### **Reason for the application being considered by Committee**

Cllr Horace Prickett has requested that this application is considered by Committee in the event that permission is recommended, for the following reasons:

- the scale of development,
- visual impact upon the surrounding area,
- relationship to adjoining properties,
- design (bulk, height, general appearance),
- highway impact and car parking.

The application was heard previously at the Western Area Planning Committee held 19 March 2014, and was deferred by the Committee subject to a site visit on the 9 April 2014.

#### **1. Purpose of Report**

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

Advertising Responses - one neighbour objection was received.

Southwick Parish Council – objects on grounds of overdevelopment of the site and highway concerns.

#### **2. Report Summary**

This is essentially a revision to similar proposals refused under application reference W/12/01232/FUL. The key issue is therefore whether or not the reasons for refusal of W/12/01232/FUL have been overcome. A further consideration is whether or not there have been any other changes to circumstances that warrant a re-visiting of that decision.

### **3. Site Description**

The application site is part of the garden area of No. 145 Chantry Gardens, a double storey semi-detached property located on a corner plot at the intersection with Frome Road, Southwick. The garden space includes a garage, attached to the dwelling, which would be demolished as part of the proposed development.

The site is laid to lawn mixed with concrete paving and is enclosed by typical residential boundary features of hedging and fencing between brick pillars. The site is relatively flat.

To the south east there is a residential property. To the rear/south west is a dwelling and its associated rear garden area. Frome Road lies to the North West, and Chantry Gardens to the north east.

The application site lies within the village policy limits of Southwick.

### **4. Planning History**

The parent property was the subject of a planning application Ref: 08/00222/FUL for the conversion and extension to the existing dwelling to form 4 one bedroom flats. Although initially refused, Permission was granted on Appeal on 11 November 2008, but was not implemented.

A subsequent application (W/12/01232/FUL) for the demolition of existing garage and the erection of detached dwelling was refused for the following reasons:-

1 *The proposed development, because of its location, layout and relationship with the existing dwelling and site boundaries, would give rise to an unacceptable reduction of private amenity space to the existing family house resulting in a cramped form of development harmful to the general amenity for occupants of the existing property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.*

2 *The proposed development, because of its location and relationship with the existing dwelling and site boundaries, would give rise to an unacceptable loss of light and an overbearing presence to side facing windows, in particular that to "Bedroom 2" in the existing family dwelling harmful to the amenity of occupants of the existing property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.*

3 *The proposed development, because of its relationship with the existing dwelling, in particular the side facing window to "Bedroom 3" in the existing dwelling, would give rise to an unacceptable lack of privacy harmful to the general amenity for future occupants of the proposed property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.*

A further application for the demolition of the garage and the conversions of the existing dwelling into two 1 bed flats and extension to provide an additional 3 bed dwelling (W/12/02327/FUL) was withdrawn.

## **5. The Proposal**

This is a full application for the erection of a detached 3-bedroom two-storey dwelling to replace an existing garage which is to be demolished. Alterations, largely to the interior, are also proposed to the existing dwelling on the site. The proposals revise those refused under application W/12/01232/FUL.

Two parking spaces for each of the existing and proposed dwellings are proposed on-site.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C31a Design; C38 Nuisance; H17 Village Policy Limits

National guidance

National Planning Policy Framework 2012

Technical Guidance to the National Planning Policy Framework

Emerging Core Strategy.

## **7. Consultations**

### Southwick Parish Council

Objects: "It is overdevelopment of the site. It is detrimental to the street scene. Access is dangerous and compromises highway safety. The proposed development is in close proximity to the junction with Frome Road. The proposed development is at the corner of the only entrance/exit in a cul-de-sac that comprises some 300 properties. Since 2008 a number of areas nearby have been subject to development e.g. Swan Court and The Mowlems and this has resulted in significantly increased traffic and increasing difficulty in entering Chantry Gardens. Street parking in the immediate vicinity of the proposed development is also a problem. Parking at the proposed development will mean vehicles having to reverse into a busy road thereby exacerbating the problem at this junction.

### Wiltshire Fire and Rescue

Recommends a contribution in relation to fire and rescue services.

### Wiltshire Council Ecologist

Demolition of garage would have a low risk for bats. No objection raised or conditions recommended.

### Wessex Water

No comment, but did not object to previous application.

#### Wiltshire Council Highways Officer

Initial objection, but the officer discussed the matter with a second officer who had dealt with the previous application, and had raised no objections. The previous recommendation was based on Chantry Gardens not being a classified Road and that the junction, having a wide enough splay to allow good visibility for vehicles entering Chantry Gardens, would allow traffic to see any vehicles manoeuvring into or out of the proposed parking areas. Following these discussions the objection was withdrawn.

#### **8. Publicity**

One neighbour response was received. Objections are on the grounds of parking, traffic congestion, highway safety, visibility and drainage.

#### **9. Planning Considerations**

The proposal is being considered in the same Policy context as W/12/01232/FUL (i.e. The West Wiltshire District Plan, 1<sup>st</sup> Alteration 2004 and the National Planning Policy Framework). The emerging Core Strategy has progressed significantly, but has not been adopted. The Core Strategy nevertheless carried through the concept of settlement boundaries, with Southwick categorised as a “Large Village”. The principle of further development of the site has been established by virtue of the Appeal decision under planning reference 08/00222/FUL, which allowed for a total of four one bedroom flats under extended building on the site. The permission under the 08/00222/FUL application has lapsed but the history remains a planning consideration.

The revisions to the application from the previously refused proposals under reference W/12/01232/FUL are:

- The Blocking up of a window serving a 1st floor bedroom (“Bedroom 1”) in the existing dwelling, which previously faced directly onto the side elevation of the new dwelling at a separation distance of approximately 1m;
- The removal of an internal wall to make a single large bedroom out of two existing bedrooms, to enable an existing side facing window to serve the enlarged “Bedroom 1”;
- A change to the footprint of the proposed new dwelling, providing for a ground floor dining room with bedroom above to the southern elevation;
- Following discussions, a new design to the Chantry Gardens-facing frontage providing for fenestration that relates more closely to the existing dwelling on the site was provided; and
- An enlargement of the curtilage to the existing dwelling from that proposed in the previous scheme by approximately 14m<sup>2</sup> to provide for a total outdoor space of approximately 34m<sup>2</sup>

The revised proposals resolve the issue of the loss of amenity to the first floor bedroom in the existing dwelling by creating a single extended bedroom with a window not immediately obstructed by the new dwelling. The change would effectively also reduce the existing accommodation to two bedrooms plus a study at first floor level which, combined with the additional outdoor space, would result in an amenity space of acceptable size. A rear extension to the proposed dwelling would in turn provide an effective screen to the garden space on the new property, allowing for privacy to the future occupants. It is considered that the amendments to the scheme overcome the previous reasons for refusal.

The Parish comments are noted, especially in respect of changed circumstances since 2008. It is acknowledged that the "Mowlems" development in particular will have increased overall traffic within the area. However, given the Appeal History and taking account of the advice from highways officers, it is considered that a highway safety/parking reason for refusal would not be sustainable. The four parking spaces would be on site, in positions no closer to the junction than the existing site access. There is an issue of vehicles reversing onto or off of the site, but highway officers are of the view that adequate visibility exists. Further, the refusal of W/12/01232/FUL did not include any highway/parking reason, and it would not therefore now be reasonable to introduce one where no changes to access or parking arrangements are proposed relative to that scheme.

Further, the Inspector's observations on the traffic/parking issues in the decision for 08/00222/FUL Appeal were as follows:

*"Chantry Gardens is an unclassified residential road and therefore on-site turning heads are unnecessary for new vehicle accesses onto the highway. Moreover, vehicles manoeuvring in or out of parking spaces would be no closer to the junction than they are now. At the time of my visit, two cars were parked in close proximity to the appeal site, but a widened access would discourage casual parking near the junction because vehicles would no longer be likely to park in front of the spaces on the approach to the junction.*

*The scheme would probably give rise to only modest additional vehicle movements near the junction and the impact on safety would not be significant; it would not compromise the safe movement and free flow of traffic. In these circumstances, it cannot be a credible argument that the likely increase in traffic arising from the scheme would add significantly to congestion, inconvenience to existing households through increased on-road parking or displace parking further into Chantry Gardens, sufficient to materially harm residential amenity. I therefore intend to allow the appeal."*

With regard to issues of design and the appearance in the street scene, the new building would be located along the same "building line" that is established on this side of Chantry Gardens. It would be set back relative to the "building line" of the existing dwellings to the south west facing onto Frome Road, on a footprint not significantly dissimilar to that of the flats extension permitted under the 08/00222/FUL appeal. The ridge height would match the existing dwelling and fenestration and finishes would accord with those in the vicinity. No new rear-facing windows to habitable rooms (only a bathroom window is proposed, which would be obscure glazed) would impact on the neighbouring properties to the south west, and therefore no new issues of privacy loss or unacceptable overshadowing would arise.

With regard to the contribution request from Wiltshire Fire and Rescue there is at this point no adopted policy that enables Council to require this.

In summary, the principle of additional residential development on the site has been established by virtue of previous permission granted on appeal, and prevailing policy also supports that principle. The design of the revised scheme has addressed the previous reasons for refusal, and the changes would not introduce any new issues affecting the street scene or neighbouring properties. Highway officers have considered the parking and highway concerns raised by the Parish and the neighbouring objector, but have not objected.

## **10. Conclusion**

In view of the above considerations Permission is recommended.

## **RECOMMENDATION**

Permission is recommended 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        No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
  
          REASON: In the interests of visual amenity and the character and appearance of the area.
  
- 3        No part of the development hereby permitted shall be occupied until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.  
  
          REASON: In the interests of highway safety.
  
- 4        No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.  
  
          REASON: To ensure that the development can be adequately drained.
  
- 5        Details of the cycle storage facilities shall be submitted to and approved by the Local Planning Authority before installation on the site. The development shall

subsequently be carried out before occupation of the new dwelling in accordance with the approved details

REASON: In the interests of amenity

- 6 The first floor window serving the bathroom in the south west elevation to the new dwelling shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy

- 7 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:

DWG 01 received on 06/01/2014; DWG 02 received on 06/01/2014;

DWG 10A received on 26/02/2014; DWG 11B received on 26/02/2014;

And DWG 12A received on 26/02/2014

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.