

Date of Meeting	30 April 2014
Application Number	13/05954/FUL
Site Address	Cress Cottage 11 Sherrington Warminster BA12 0SN
Proposal	Remove existing flat roof dormer to bathroom at rear of Cress Cottage and replace with new dormer extension with thatched roof. Demolish existing annexe outbuilding which is in a poor state of repair and replace with new outbuilding
Applicant	Mr Roel Huismann
Town/Parish Council	SHERRINGTON
Ward	WARMINSTER COPHEAP AND WYLYE
Grid Ref	395993 139114
Type of application	Full Planning
Case Officer	Russell Brown

Reason for the application being considered by Committee

The application has been called to committee by Councillor Christopher Newbury in the event that this case is recommended for approval for the following reasons:

Scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design – bulk, height, general appearance and called in in support of local objections, 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 is granted.

2. Report Summary

The original proposal of a replacement dormer extension to the listed building and a replacement outbuilding raised local concerns. The plans were then revised accordingly with the intention of overcoming those objections. However, a Parish Council objection was then received to the revised plans objecting to the dormer windows and giving concerns over the size and mass of the outbuilding. Further revised plans were submitted to remove the dormer windows. It is considered by officers that the revised plans have overcome the objections by lowering the outbuilding and removing the north facing rooflights and the dormer windows on the south slope. The revised design would sit comfortably within the

setting of the listed building, the Conservation Area and the wider village and would not result in visual harm to the surroundings. The outbuilding would not have a significant impact on neighbouring amenity.

3. Site Description

The site is a relatively flat residential plot in the village of Sherrington beside the cress beds or village pond, at the junction of Sutton Hill and Church Lane. The dwelling on the site is a Grade II listed thatched cottage with a modern flat roofed extension. There is an existing detached flat roofed annexe building of no architectural merit.

4. Planning History

13/06133/LBC Remove existing flat roof dormer to bathroom at rear of Cress Cottage and replace with new dormer extension with thatched roof.
Enlargement of first floor window on East elevation. (Running parallel and on this Committee agenda).

5. The Proposal

The proposal is in two parts. Firstly, the removal of the modern flat roofed dormer extension from the listed building and the replacement with a more traditional form of dormer extension with a thatched roof. Secondly, to remove the existing annexe and replace it with a new outbuilding of traditional pitched roof design.

6. Planning Policy

C18, C28, C31a, C38 – West Wiltshire District Plan (2004)
National Planning Policy Framework
Core Policy 58 – Emerging Core Strategy

7. Consultations

Parish Council – Objects, making the following points (to the original proposals):

- Concerns over the design, size, scale and materials of the annexe.
- Concerns that the north facing rooflights would result in overlooking.
- Did the existing annexe ever have planning permission for change of use to an annexe?
- Concerns about proximity to neighbouring oil tank.
- Concerns over errors in the Design Statement.
- Concludes that “Clearly the size, design and impact of the proposed annexe would materially impact on local visual amenity on multiple aspects of the village, impact on a Grade 2 listed property, materially impact on privacy and light of a neighbouring property. The overall impact would be detrimental and should not be supported for development.”

Following revised plans, the Parish Council objected to the south facing dormer windows in the outbuilding, and expressed concern over the size and mass of the outbuilding.

Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty – No objection.

8. Publicity

Seven letters have been received from the publicity process, to the original submission, making the following points:

- Concerns over the height of the proposed annexe and the impact that would have on the neighbouring properties, the village as a whole and the AONB.
- Concerns over the design and materials of the annexe, being out of character with the local area and listed building.
- Concerns of overlooking from north facing rooflights.
- Concerns over loss of light to the property to the north.
- Concerns over the use of the site as a whole, and the potential creation of a separate dwelling or holiday let.
- Concerns over potential for flooding.
- Concerns that this will create an increase in traffic generation and parking need.
- Concerns that the oil tank will need to be moved.
- Concerns that no vegetation screening is possible.
- Did the existing annexe ever have planning permission for change of use to an annexe?
- Concerns over the design of the projecting dormer extension to the listed building.
- No objections regarding the works to the listed building.
- Notes errors in the submission documents.

5 letters have been received to the revised plans, making the following points:

- The revisions represent a reasonable compromise and previous objection is withdrawn.
- The revised plans do not change the impact that this two storey house will have on the existing listed cottage – it will still overpower the existing cottage and completely change the character of the cottage and the village. Original objections stand.
- The second floor proposed is more than storage space – with 4 windows.
- The floor space and height is sufficient to allow living accommodation and the layout and number of windows suggested support this. For storage space a much lower roof and removal of the large dormers and floor to ceiling window will enable to the owner to have significant storage facilities. A major reduction in the height of the roof would reduce the impact that this building has on the neighbouring listed cottage and its surroundings.
- The existing flat roofed building is barely visible from the road and village focal points. The replacement with a wooden structure would be completely out of keeping with the area. The revised building is not 'subserviant' in structure as quoted in the revised plans – it is wood chalet type house being erected in the garden of a listed cottage.
- A legal agreement to confirm the annexe cannot be sold or let separately could be changed as a later date. The garden could be divided to facilitate a separate residence.
- This structure will be quite clearly visible from all scenic viewpoints in this AONB – including from the pond and from the small church.
- The new annexe is virtually the same footprint as the existing house.
- The development of a garage into a separate dwelling should not be permitted.
- An increase in the houses, indeed on a site where historically there has not been a house, will not only spoil these views but also set a precedent for further in-filling in the future.
- Loss of light and privacy concerns restated.
- The reduction in size agreed by the applicant seems a very reasonable compromise, especially as it hides No. 15 behind.
- There is another sizeable extension being built at the other end of the cress beds which would make a refusal in this case rather hypocritical.
- Not everyone in Sherrington village is against the amended planning application for Cress Cottage.

- The roof line has been lowered and we do not believe that the building would unduly dominate the setting.
- A significant number of properties in Sherrington have either been improved or extended over the years, and we do not believe it is fair or reasonable to deny the owner of Cress cottage his opportunity to upgrade his property, especially in view of the changes that he has made.

Wiltshire and Swindon Biological Records Centre – Otter recorded within c. 135m (2003). Inland water body within 100m.

Wiltshire Fire and Rescue Service – recommends compliance with the Building Regulations, a domestic sprinkler system and that the thatch is properly maintained.

9. Planning Considerations

Dormer extension to the main listed building:

Impact on character of listed building

The removal of the flat roofed rear dormer from the listed building would be a positive benefit to the listed building as the current arrangement is unsympathetic and harmful to the character of the listed building. The thatched dormer would project out at first floor level on timber posts, there would be no additional ground floor space created.

Whilst the proposed dormer extension would project further into the garden the traditional detailing would enhance the character of the listed building and is therefore considered to be acceptable.

Impact on special character and appearance of the Conservation Area

Similar to the above reasoning, the proposed traditional thatched dormer would result in the enhancement of the special character and appearance of the Conservation Area as the feature would be more in keeping with the historic character of the Conservation Area.

Impact on neighbouring amenity

The new dormer would reinstate a window facing the same direction as the existing window, but would be further into the garden and therefore closer to the northern neighbour. However, the neighbouring building would remain at a reasonable distance of over 20 metres away to prevent overlooking. In any case it would be a bathroom window. A bathroom is not a 'habitable room' and therefore overlooking, perceived or actual, would be minimal. Consequently there would be no significant change in the relationship between this and neighbouring dwellings with regard to neighbouring amenity. Notwithstanding this, the window should be maintained as an obscure glazed window to prevent overlooking.

Replacement outbuilding:

Impact on the setting of the listed building

The existing outbuilding, which measures 12.5 metres by 6.5 metres and contains a double garage and an annexe room with WC, is a poor quality flat roofed structure of no architectural or historic merit and is in poor condition. This actively harms the setting of the listed building because of these reasons. Therefore its demolition is considered to be acceptable.

The proposed replacement is proposed to be a three bay traditional outbuilding, comprising an open parking bay and an annexe room, with low eaves and a pitched roof containing storage space. Its footprint would measure 11.5 metres by 5.96 metres. The height of the building would be 4.935 metres from the existing ground level to the ridge when viewed from the north (due to the building being dug into the ground, it would be 5.575 metres from the new ground level to the ridge when viewed from the south).

Following comments from the local residents and the Parish Council, the design has been revised to lower the outbuilding a further 120mm into the ground, to a total of 570mm, and to reduce the ridge height by 525mm. This would give the building a much more subservient appearance in relation to Cress Cottage both from within and outside of the site.

In addition, the scheme has been revised further in that the dormer windows proposed for the south roofslope have been removed from the proposal to overcome the latest Parish Council objection and other public comments.

It is considered that the setting of the listed building would be enhanced by this building when compared to the existing flat roofed annexe structure. The proposed outbuilding would be more visible than the current flat roofed annexe from longer views within the village, however it is the natural clay tile roof that would be seen, which is a complementary material to the surrounding buildings, and therefore would be suitable within this historic context.

Impact on special character and appearance of the Conservation Area

Although the roof of this outbuilding would be visible from the village it would have a neutral impact as the traditional building would not look out of place. The natural clay tiled traditional pitched roof would sit subserviently next to the listed building and would therefore present a traditional visual arrangement to the wider village.

Accordingly, the special character and appearance of the Conservation Area would not be harmed by this proposed outbuilding.

Impact on neighbouring amenity

There are now no rooflights proposed on the north roofslope of the outbuilding. These were proposed originally but have been omitted due to comments from local residents. There would be no north facing windows in the roof and therefore again there would be no overlooking in that direction.

The current proposal includes a window in the east and west elevations. There are no neighbouring properties to the east or west that would be affected by these windows.

In terms of the effect on loss of light to the northern neighbour, the building has been reduced in height and is over 20 metres away from the neighbouring property. It is considered by officers that there will be minimal impact regarding loss of light from the southern part of the garden of the neighbouring property, but this is not considered to constitute a significant loss of amenity to warrant a refusal.

Impact on the Area of Outstanding Natural Beauty

This site is contained within a central location in the village and as such does not have a prominent position in the wider landscape. The proposed outbuilding would be of a traditional form and natural materials. Its scale would be in keeping with the surrounding buildings. Consequently, it is considered that the outbuilding would have minimal impact on the AONB.

Impact on ecology

This is a replacement of an existing building and therefore would not have an impact on the stated ecological records of otters 135m away and the body of water within 100m. If species are found during dismantling or construction then the protected species legislation would apply.

To address points raised from the publicity process and the Parish Council:

In order to address the comments the agent has revised the scheme to present a lower profile and a more subservient building with no northern facing rooflights or southern facing dormer windows. As shown above, it is considered that the revised scheme has overcome the concerns raised regarding design and scale.

The proposal is not a 'two storey house', but is a single storey ancillary outbuilding with storage space within the roof.

There was a concern raised over increased flooding potential. The site is not in a flood plain and in terms of lowering the building into the ground the building would need to be built to the latest standard of building regulations. The footprint of the new outbuilding would be smaller than the existing and the drainage and rainwater arrangements would remain as existing.

The issue of the use of the house and outbuilding has been raised. The applicant has written a statement to clarify that the site would be used for family residential use, the outbuilding providing space for visiting relatives. Habitation patterns are not a matter that planning can control, other than when a material change of use occurs, such as in the creation of a holiday let or a separate dwelling. In this case, neither a holiday let nor a new dwelling has been applied for, this application is for an ancillary outbuilding only. However, a condition should be imposed to link the use of the outbuilding to the main house as ancillary domestic use only.

The existing outbuilding did not require planning permission for use as an annexe, as an annexe is an ancillary residential use that, if used in connection with the main dwelling, does not require planning permission for that use.

There would be no effect on parking or increased traffic generation as the existing outbuilding is an annexe, and this replacement would remain an annexe on a smaller footprint.

The oil tank is not proposed to be moved and does not form part of this application. The proposed outbuilding would be sited within the footprint of the existing and therefore would not be any closer to the neighbouring oil tank.

The question of errors in the submission documents has been considered and it is felt that there is nothing that would invalidate this application as the decision must be made on the planning merits of the drawn scheme and not on statements, some of which are opinion, made in the supporting documents.

Other material considerations:

Regarding the comments from the Fire Service, there are no planning policies to substantiate these requests. Consequently, these are advisory notes and do not form a material planning consideration in terms of assessing the planning merits of the case.

10. Conclusion

There has been local objection to the original proposals, which was for a higher building with rooflights and dormer windows. The scheme was revised in order to overcome the local objections in that the building is now proposed to be lower and with no rooflights or dormer windows. It is considered that these revisions have been successful and are enough to overcome those objections in that the impact on the setting of the listed building, the Conservation Area and the AONB would be minimal. In addition, neighbouring amenity would not be significantly harmed.

RECOMMENDATION

That Planning Permission be APPROVED 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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

**1140/1/001, 1140/1/002, 1140/1/005 received on 21st November 2013
1140/1/003 Rev A, 1140/1/004 Rev A received on 24th March 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.

3. 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 and to protect the setting of the listed building.

4. No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Conservation Area and the setting of the listed building.

5. Before the development hereby permitted is first occupied the first floor window in the north elevation of the approved dormer extension shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Cress Cottage and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation 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 wholly separate dwelling.

Appendices: None

Background Documents Used in the Preparation of this Report: The application submission documents and plans, the publicity and consultee responses, the National Planning Policy Framework, the West Wiltshire District Plan (2004), the emerging Wiltshire Core Strategy.