

<b>Date of Meeting</b>	11 June 2014
<b>Application Number</b>	14/04344/FUL
<b>Site Address</b>	Land North West 6 Holmleaze Steeple Ashton
<b>Proposal</b>	Change of format approved under application W/13/00152/FUL from a 2 bedroom bungalow to a 3 bedroom bungalow with garage
<b>Applicant</b>	Mr Eugene Niemira
<b>Town/Parish Council</b>	STEEPLE ASHTON
<b>Ward</b>	SUMMERHAM AND SEEND
<b>Grid Ref</b>	390253 157382
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jemma Boustead

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

Councillor Jonathon Seed has requested that the application be considered by the Planning Committee for the following reasons:

- Scale of Development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact

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

To consider the application and recommend approval

### **2. Report Summary**

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways

As the site already has planning permission for a bungalow, the key issue is whether the increased size of the dwelling is acceptable in this location.

### **3. Site Description**

The application site comprises a parcel of land which was formerly part of the garden of Number 6 Holmlease. The site is located within the village policy limits of Steeple Ashton and the surrounding area is predominantly residential. There is a public footpath running to the north of the site.

### **4. Planning History**

W/13/00152/FUL – Erection of a two bed detached bungalow, formation of new vehicular access, provision of on-site parking spaces and boundary works. – Approved at Western Planning Committee on 22<sup>nd</sup> May 2013. As part of this permission, permitted development rights were removed for further alterations to the dwelling to enable the Council to consider any further applications.

### **5. The Proposal**

The application seeks to amend the existing permission by raising the roof by 1 metre to allow the roof space to be used for a third bedroom and study, lit by rooflights on the north west roofslope; and to install solar panels on the south eastern roofslope. The proposal also sees the addition of a single storey extension to the north western elevation to increase the size of a bedroom and the construction of a single storey garage and a 2 metre high fence along the northern boundary adjacent to the public footpath.

### **6. Planning Policy**

West Wiltshire Local Plan 1<sup>st</sup> alteration: Relevant policies are: C31a Design, C32 Landscaping, C38 Nuisance, C40 Tree Planting, H17, Village Policy Limit, U1a Foul Water Disposal, U2 Surface Water Disposal

National Planning Policy Framework

### **7. Consultations**

Steeple Ashton Parish Council – Object for the following reasons:

- Original planning permission was given as a 2 bed dwelling would improve the small housing stock in the village – a 3 bed dwelling does not fall into this category
- Building plot is small, reducing the size of the parking and alleged turning circle
- Roof pitch has increased creating a visual barrier for other residents.
- The solar panels face south east and therefore are not going to attract optimum light and will be visible from the street scene
- The addition of an upstairs window adds privacy issues to the neighbour as they will feel overlooked
- The previous application stated that hedgerows were to be maintained, these were removed and replaced with a 2 metre high fence that does not blend in at all with the boundaries of that road. A new hedge has been planted but this will take considerable years to grow.
- The boundary line appears to have been extended
- The original plans would have provided a low impact solution for small housing. The revised plans and boundaries are high impact and not at all sympathetic to the

surrounding area and properties. A site visit should be undertaken to understand the context of our objections.

## **8. Publicity**

The consultation expiry date was 28<sup>th</sup> May 2014 and the Local Planning Authority received 4 letters of objection have been received with the following comments:

- This application is reverting back to a three bed dwelling which was not previously approved
- Smaller area for parking/turning space/garden
- 3 bedrooms will generate more car movements causing a hazard to highway safety
- Nobody uses their garage for parking
- It will be visible from our property due to an increase in the roof pitch
- Solar panels will be an eyesore
- Detrimental impact upon the value of our property and our quality of life as we bought the property because it was not overlooked
- Proposal is too large for the plot
- Increase in number of bedrooms, therefore people, therefore noise
- Boundaries that saw natural hedgerows are being replaced with unsightly fences which are detrimental to the environment, the privacy of neighbours and the look of the village – these have been removed without planning permission as the previous consent stated that the hedgerows would remain.
- Lack of outside space
- How can the Council ensure that any future planning permission is adhered to?

## **9. Planning Considerations**

### **9.1 Principle**

The site is located within the village policy boundary where the principle of development is considered to be appropriate. It is also important to note that the principle of a dwelling on this site has already been considered to be acceptable under the previous planning consent and therefore it would be unreasonable of the Local Planning Authority to raise this as a concern at this stage.

The Parish Council have objected to the proposal on the basis that the previous application for a two bed dwelling would help the housing stock in the village. The amount of bedrooms a property may have is not a reason to refuse a planning application.

### **9.2 Impact upon the character and appearance of the area**

The dwelling has already been considered to be appropriate when looking at it in context with the immediate area under the previous permission.

The erection of a 2 metre high fence to the northern boundary of the site adjacent to the public footpath is not considered to have a detrimental impact upon the character and appearance of the area due to its location and similar appearance to the 2 metre high fence that has received approval on the eastern elevation alongside Common Hill. The Parish Council have raised concerns regarding the 2 metre high fence due to it looking out of place in the street scene. However it is important to note that this fence has been approved by the

Local Planning Authority through the discharge of conditions and therefore it would not be appropriate to refuse the application on the basis of this fence.

The increase in roof height is not considered to be detrimental to the character and appearance of the area as the materials are to be the same as previously approved (render painted magnolia under Redland concrete tiles). The extension would also be built with the same materials, is single storey and would not be visible from any public vantage points due to the existing fence. The garage would be seen from the highway as it is opposite the access, however due to it being associated with an existing dwelling, the materials matching the existing dwelling and its single storey nature, it is considered not to have an adverse impact upon the character and appearance of the area.

The erection of solar panels on the roof will be visible from public vantage points but are an accepted part of residential development, normally being permitted development. They have no adverse impact on the appearance of the area or the amenity of neighbours and are therefore not considered to be objectionable.

The proposal is therefore considered to comply with Policy C31a.

Concerns have been raised regarding the previous consent stating that existing hedgerows would remain that have since been removed. Planning permission is not required to remove part of a hedge in this situation. The fences that have been erected around the site in question have received planning approval via the discharge of condition route and therefore are deemed to be appropriate. A concern regarding the erection of 2 metre high fence to the boundary of the existing property known as 6 Holmeleaze and Common Hill is outside the red line of the application and therefore cannot be controlled through this application.

### **9.3 Impact upon neighbouring amenity**

Policy C38 relates to nuisance and states: *Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation, the storage of hazardous materials, the generation of unpleasant emissions such as odour, fumes, smoke, soot, ash, dust or grit, the extension of existing unneighbourly uses and the creation of an untidy site. Development will not be permitted if the amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses.*

Due to the existing properties (number 6 and 7 Holmeleaze) being located to the south-east and south west of the proposed property, it is not considered that the proposed dwelling would have an impact upon neighbouring amenity in terms of overshadowing. It is also considered that the increase in height of the roof by 1 metre would also not result in overshadowing to these properties.

The installation of rooflights to the north western elevation are considered not to cause overlooking to neighbouring properties as they will be located on the slanted roofslope and will overlook the parking area of the proposed site. There could be some overlooking to the garden of number 7 Holmeleaze, however this would be an oblique view and is considered not to be sufficient to warrant a reason to refuse the application.

The proposed single storey extension would be located on the north western elevation of the dwelling and alongside the boundary of number 7 Holmeleaze. By reason of its single storey nature and the roof slanting away from the neighbouring boundary it is not considered that it would have a detrimental impact on neighbouring amenity in terms of overlooking or overshadowing.

The proposed single storey garage which would also be located alongside the boundary of number 7 Holmeleaze is not considered to have a detrimental impact upon neighbouring amenity in terms of overshadowing or overbearing due to it being single storey.

The erection of a garage and extension will reduce the amount of amenity space available to future occupants. However there are other properties within the immediate vicinity that have similar sized gardens and this is not out of character here.

The fact that something may be visible from the street scene or a neighbours property is not a reason to refuse a planning application. There has to be demonstrable harm caused by the proposal. In this particular application, the increase in height of the roof, the erection of a single storey extension and a garage are not considered to have a detrimental impact upon neighbouring amenity and as such the proposal is considered to comply with Policy C38.

A concern raised by a neighbour was regarding the third bedroom which would create more noise. It is not considered that the noise associated with a third bedroom would be any greater than the noise created from a two bedroom property and therefore is not considered to be a reason to refuse the application.

#### **9.4 Highway Impact**

The proposal sees the addition of a garage on an area that was previously approved as parking which is considered to be appropriate as there would still be sufficient room to park at least 2 cars (as required by the Wiltshire Car Parking Strategy). It is considered appropriate to add a condition to any approval ensuring that the garage is only used for the parking of vehicles and not to be converted into habitable accommodation.

Concerns have been raised regarding a third bedroom creating more traffic movements and the fact that garages are never used for the parking of vehicles. A third bedroom does not require any further parking and whether somebody actually physically uses their garage is not a planning matter. A reduction in parking and turning areas have been raised through the consultation process. However the plans show that the same amount of turning space is proposed and therefore would not warrant a refusal reason.

#### **9.5 Other**

A further concern included how the Council would ensure any future planning application was adhered to. A planning consent does not restrict somebody putting in further applications for amendments to an existing consent. These applications when received by the Local Planning Authority will be assessed on their own merits and will take into account the relevant policies at that time.

## 10. Conclusion

The proposed amendments are not considered to have a detrimental impact upon the character and appearance of the area, neighbouring amenity or highway safety and as such complies with the relevant policies. Approval is therefore recommended.

### **RECOMMENDATION: Approve 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 be carried out in accordance with the following approved plans:

Location Plan, Drawing Number: 1, 2, 3, 5 received on 8th April 2014;

Drawings Annotated as Ground Floor Plan of proposed dwelling and Elevations of Single Garage received on 16th April 2014;

Landscaping Scheme received on 8th May 2014

Drawing Annotated as First Floor Plan of proposed dwelling received on 23rd May 2014

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the submission headed as 'Conditions of Planning Permission' received by the Local Planning Authority on 9th May 2014.

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

- 4 All soft landscaping comprised in the approved details of landscaping (annotated as 'replanted trees and fence' received by the Local Planning Authority on 8th May 2014 and submission annotated as 'Conditions of Planning Permission' received by the Local Planning Authority on 9th May 2014) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning

Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 The development hereby permitted shall not be occupied until the the scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been constructed in accordance with the approved scheme detailed on the submission annotated as 'Conditions of Planning Permission' received by the Local Planning Authority on 9th May 2014.

REASON: To ensure that the development can be adequately drained.

- 6 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.

- 7 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

- 8 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 9 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 10 During the construction stages, no site deliveries shall take place and no plant machinery or equipment shall be operated or repaired (so as to be audible at the site boundaries) outside the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays; and with no works audible at the site boundary to take place on

Sundays or Public Holidays.

REASON: In order to safeguard the amenities of the area in terms of noise disturbance, nuisance and congestion caused by construction traffic and plant equipment.

- 11 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(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 12 In the event of the solar panels hereby permitted becoming disused, obsolete or faulty beyond reasonable repair, within three months of their last use the units shall be removed from the roof slope, and the surface of the roof plane shall be returned to its appearance and condition as evident immediately prior to the installation of the PV panels.

REASON: To maintain the character and appearance of the area