

Date of Meeting	11 June 2014
Application Number	13/06270/FUL
Site Address	Land North of 46-47 High Street, Heytesbury, BA12 0EB
Proposal	Construction of new cottage
Applicant	Mr & Mrs S Reynolds
Town/Parish Council	HEYTESBURY IMBER AND KNOOK
Ward	WARMINSTER COPHEAP AND WYLYE
Grid Ref	392418 142611
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Christopher Newbury has requested that this application is brought to consider the Scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties, the design and appearance of the building and to consider whether the application complies with development plan policy.

1. Purpose of Report

To consider the above application and recommend that permission is refused.

2. Report Summary

The key issues to consider are:

- The principle of the proposed development;
- Access & Parking; and
- Impact on the Conservation Area.

Neighbourhood Responses: 9 neighbours responded, 3 being in support and 6 objecting.

Heytesbury Parish Council – Did not wish to comment where the application had been called into Committee.

3. Site Description

The development site of approximately 290m² is garden space situated to the north of No.46 High Street and to the east of "West View" in Chapel Road, Heytesbury. A "panhandle" driveway would provide access from Chapel Road. The land falls under the same ownership as No 47 High Street.

The site is within the Conservation Area, and is immediately adjacent to a plot recently approved for the development of a dwelling under planning application W/13/00971/FUL.

4. Planning History

W/13/00971/FUL: Proposed new roof with first floor accommodation and construction of new dwelling within the grounds and associated access and landscape works: Permitted 17.07.2013 – this is the plot approved on the road frontage.

5. The Proposal

The application is for the development of a 1½ storey dwelling containing 2 bedrooms plus a box room at the upper level. Two parking spaces are proposed to the north of the dwelling. Materials would be brick under concrete tile.

6. Planning Policy

West Wiltshire District Plan, 1st Alteration, 2004

C17 - Character and appearance of conservation areas; C18 - New development in conservation areas; C32 – Landscaping; C38 - Effects of development on neighbouring properties; C31a – Design; H17 – Village Policy Limits.

The site is located within the village conservation area.

National Planning Policy Framework – Section 12 deals with the historic environment

7. Consultations

Heytesbury Parish Council

The Parish did not wish to offer comment since the application had been called into Committee.

Wiltshire Council Highways

The officer is not fully satisfied with the entrance to the land where this property will be located since the access to the site is considered sub-standard as the visibility is very limited. The access (as approved under 14/03689/VAR) was considered suitable for the use of the existing dwelling that fronts on to Chapel Road plus one other dwelling that has already received planning permission. This application could raise the number of vehicles using the access to six. The officer considers that the more frequent use of this access could jeopardise highway safety, but would have difficulty justifying a refusal on these grounds.

Wiltshire Council Conservation Officer

The officer notes that this application for an additional new dwelling at the rear of the approved new dwelling would result in a cramped form of development that would be at odds with the prevailing layout and character of the Conservation Area. “The plot sizes in the immediate area tend to be quite large whereas this additional house would divide up this plot into small parcels and in that sense would not respect the historic layout characteristics of the Conservation Area.” In addition the Officer observes that the dwelling would be visible from High Street and from Chapel Road and therefore its incongruous presence would be noticeable from the Conservation Area, highlighting the cramped relationship between the dwellings. Refusal is recommended for overdevelopment of the site that does not respect the historic layout characteristics of the Conservation Area.

Wiltshire Council Drainage Officer

The officer confirms that there are no known land drainage issues requiring comment. However, the Geology in the area is Melbury Marly Chalk Formation which would limit options for infiltration of surface water drainage. If infiltration were to be proposed then permeability tests, in accordance with BRE Digest 365 would be necessary and results issued to Council for approval alongside a sustainable drainage design.

8. Publicity

Six objectors raised concerns as follows:

- Surprise at another dwelling being applied for on this site. New proposal seems to have been “slipped in almost by stealth”. Area was shown for parking previously, does this indicate that yet further development off of the access will be proposed?
- Loss of privacy and security at Orchard House;
- During the latter part of the autumn, mature trees were felled on the site of the proposed cottage within a conservation area and affecting open land;
- Design and appearance of the proposed dwelling not in keeping with the character of the village and the community;
- Overlooking on gardens of 46 and 47 High St, loss of privacy;
- Plot too small for the construction of any dwelling and does not fall within development guidelines;
- There are communal foot paths on the properties of no 46, 47 and 48 High St, and addition of another cottage will lead to unauthorized use of these foot paths as a shortcut to the High St, also affecting privacy;
- Not clear whether development would impede access to outbuildings associated with no. 46 at the rear of no. 47 via a communal foot path;
- Undesirable precedent;
- Loss of light to No. 46 High Street;
- Owner of 46 not willing to give access;
- Works thus far on site clearly show that this development was planned from the outset of the previous application;
- Previously required highway access conditions haven't been met, and apply here as well;
- Previously claimed gains on getting parking off of Chapel Road will be lost;
- As before the highway danger at the access remains;
- Previous application no considered properly in terms of implications for opening up the area concerned for yet further harmful development;
- Cramped development;
- The loss of amenity on these units will possibly give rise to them becoming rental properties to the detriment of the area;
- No demand or requirement for these kinds of dwellings in the village;
- Difficult to see how drainage can be achieved;
- Harm to Conservation Area, especially where further extension of development appears possible ; and
- Undesirable backland development.

Three letters of support included the following observations:

- No harm to neighbouring amenity;
- No unacceptable impact on the area, dwelling wouldn't be out of place;

- Precedent set elsewhere in the Village;
- Legal right has been granted over the existing access to “West View” and the other new dwelling; and
- Existing rights of way will remain unaffected.

9. Planning Considerations

9.1 Principle of Development

The site is located within Heytesbury Village Policy Limits, where the principle of additional residential development is acceptable in terms of current WWDP 2004 Policy H17, and the emerging Core Strategy. The locality is sustainable in terms of access to local services and facilities. However, the proposal must also be considered in terms of the criteria set out in H17 that requires development to be in keeping with the character and appearance of the settlement and that it would not create inappropriate backland development. The impact on the Conservation Area is also an important material consideration.

9.2 Access and Parking

The access would be off of Chapel Road, using the same point of entry as “West View” and the dwelling approved under W/13/00971/FUL. Following that approval and the discharge of conditions and the initial ground works undertaken, the Highway Officer became aware that the sight lines indicated on plan could not be achieved. (This issue was also identified by objectors). Following a site meeting agreement was reached that a variation to the access would be applied for. This was done, and the revised access approved under reference 14/03689/VAR. The highway officer is uncomfortable with the increase in potential use of the access, but not to an extent that he feels would justify refusal.

Off-street parking for all the dwellings at a ratio of two per unit would be provided on site. Based on the highway officer comments refusal is, on balance, not recommended on highway grounds.

9.3 Conservation Area Impacts

Policy C18 to the WWDP, 2004 relating to proposals for new development in conservation areas is permissive of development subject, inter alia, to the following criteria being met:

- A The development will preserve or enhance the character or appearance of the conservation area;*
- B The plot layout, scale, form and detailed designs are characteristic of the area; and*
- D Open spaces and views into, out of and within the area, which are important to its character, are protected;*
- E Materials and colours which blend with their setting are used. Traditional local materials will be expected except in locations away from public view.*

Core Policy 58 to the emerging CS (Ensuring the conservation of the historic environment) in turn states that “*Development should protect, conserve and where possible enhance the historic environment, and should not have an unacceptable impact on the historic environment, particularly where this could be avoided or mitigated.*”

The application site is set in backland to the rear of the frontages to High Street and Chapel Road. It is in an elevated position which is visual to the High Street and Chapel Road near their intersection. The subdivision recently granted under W/13/00971/FUL was to the

curtilage to “West View” a relatively modern dwelling and incorporating a portion of the extremity of the rear garden to No 74 High Street, which is to remain open as garden space and to provide access and parking. The new dwelling (to be completed) is to be located fronting onto Chapel Street, partially screened by a yew tree located on the corner with High Street and scheduled for retention under a landscaping scheme. Materials would be traditional, i.e. natural stone/brick mix under natural slate.

The current proposals are for a dwelling of brick under concrete tiles to approximately the same height and dimensions to the approved dwelling, located in a backland situation to the east of the recently approved dwelling, also in an elevated locality. The dwelling would be set slightly back (relative to High Street) from the new dwelling but would be sited in close proximity to it, in a prominent situation disrupting an existing open space visual from the High Street and Chapel Street public realm as well as from the rear of the dwellings fronting onto High Street.

The form of subdivision and occupation of the newly created plot would furthermore be alien to this part of the Conservation Area, where dwellings fronting on to the High Street have characteristically elongated and narrow rear garden spaces. The cumulative visual effect of the proposed dwelling, together with the recently approved unit, would be of a combined massing of built development in a cramped relationship encroaching into the previously open space within the Conservation Area, when viewed from the High Street as well as from Chapel Road.

It is considered, in the light of the above, that the proposed dwelling would neither preserve nor enhance the appearance of the Conservation Area, but would be harmful, contrary to Local Plan Policy (both in relation to the conservation area policy and also the criteria set out in H17 for the development within villages) and to the NPPF, and should therefore be refused.

9.4 Other matters

Several objectors have raised queries in respect of rights of access, including from the High Street side. The proposed site would be accessed over an existing drive, where the owner has confirmed that access would be agreed. It is understood that other shared accesses to the parent properties may exist, but these are matters of private treaty. From the planning perspective, required access would be available from Chapel Road and other agreements would not prevent the development, but would need to be resolved between the parties involved.

The issue of potentially difficult drainage was raised. The drainage officer has no objections, but has only noted what requirements would be met. The matter was discussed with Building Inspectors who recognise possible issues with soakaway areas, but it is understood that foul water disposal would not be an insurmountable problem.

With regard to neighbouring amenity, the dwelling design is such that overlooking, overshadowing and loss of privacy issues would not arise. High level windows are located at acceptable separation distances from the rear of the dwellings onto High Street, whilst to the north obscure glazing to a box room and a bathroom would potentially eliminate loss of privacy to the limited garden space to “West View” – upstairs habitable rooms would be orientated to face south.

10. Conclusion

Whilst the site is within Village Policy Limits, the proposal does not meet the criteria in the Local Plan relating to development within the village and the conservation area. It would result in a cramped proposal, out of keeping with the character and appearance of the area and because of its elevated location, visually intrusive. Refusal is therefore recommended.

RECOMMENDATION

Refusal, for the following reasons:

1. The proposed dwelling, set in an elevated backland position on a small plot out of keeping with the existing grain of development and in a cramped relationship with the neighbouring dwelling under construction, would be visible from High Street and Chapel Road. In this setting the dwelling would constitute an incongruous presence that would therefore neither preserve nor enhance the special character and appearance of the Conservation Area. The proposal would therefore be contrary to Policies H17, C17 and C18 of the West Wiltshire District Plan First Alteration 2004, the Emerging Wiltshire Core Strategy and the National Planning Policy Framework.

Appendices:

Background Documents Used in the Preparation of this Report: