

REPORT FOR NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	28 January 2014
Application Number	14/10004/FUL
Site Address	South View 14 The Street Oaksey Malmesbury Wiltshire SN16 9TG
Proposal	Creation of Office and Design Studio
Applicant	Miss L Kingscott
Town/Parish Council	OAKSEY
Ward	MINETY – Cllr Berry
Grid Ref	398693 193564
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To recommend that planning permission be GRANTED subject to planning conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Impact on the character and appearance of the Conservation Area
- Use of the outbuilding
- Impact on the residential amenity of the neighbouring occupiers.

Oaksey Parish Council object to the application. One letter of objection was received on the initial proposal and a further letter of objection was received to the revised proposals.

3. Site Description

The application relates to a two storey detached dwellinghouse, known as South View, located on the southern side of The Street, Oaksey.

The dwelling is erected from Cotswold Stone and has garden to the rear which provides the amenity space for the occupiers of the dwelling. The applicant has operated Control Microsystems Ltd, a software and electronics design consultancy, from this address for 16 years in a bedroom converted into an office. The size and scale of this operation is considered ancillary to the main residential use of the dwelling.

Contained within the garden is a half constructed outbuilding made from block work and Cotswold Stone (which does not have planning permission) and a smaller outbuilding with pitched roof which provides a garden shed, in the southwestern corner of the garden.

To the southeast of the application site is Meadow House, a two storey detached dwelling, which has undergone a first floor side extension above the garage. The extended garage is adjacent to the eastern boundary line of the garden within the site. The rear garden of No.37 Bendy Row runs along the rear boundary line of the site. This neighbouring garden is long and narrow, ensuring the dwelling of No.37 Bendy Row is set a significant distance from curtilage of the application site.

The dwelling is not a Listed Building, but is located within the Oaksey Conservation Area.

4. Planning History

N/87/02362/FUL – Erection of a garage – Approved with Conditions.

5. The Proposal

The application seeks planning permission for creation of single storey outbuilding to be used as a design studio and office. The outbuilding would be used as an ancillary to the main dwelling and would allow the applicant to relocate the business from an existing bedroom into the outbuilding.

The outbuilding would measure 10.5 metres by 4.4 metres with a hipped & pitched roof with a maximum height of 4 metres and a height to the eaves of 2 metres. The outbuilding would be erected from Cotswold rubble stone, Cotswold render and reconstituted stone slates to match the main dwelling.

6. Local Planning Policy

Emerging Wiltshire Core Strategy (submission Draft as proposed to be amended April 2014):

CP57- Ensuring High Quality Design and Place Shaping.

CP58- Ensuring the Conservation of the Historic Environment.

North Wiltshire Local Plan 2011:

C3- Development Control Policy.

HE1- Development in Conservation Areas.

National Planning Policy Framework 2014:

Chapter 7 – Requiring Good Design.

Chapter 12- Conserving and enhancing the historic environment.

7. Summary of consultation responses

The original application sought the creation of a two storey outbuilding within the rear garden of the site. The comments from the original scheme were as follows:

Oaksey Parish Council: The Parish Council had been informed that a revised application had been requested by Wiltshire Council, but had not received any amendments to those received in November. The decision was to object to the application on the grounds of over-development of the site being disproportionate to the nature of the area. It is in a conservation area and no development would be appropriate for that position due to the access and overall density within the immediate area, giving the potential for further traffic congestion. The plans provided did not indicate the current density of the site.

The applicant was advised that the two storey scheme would not be acceptable and revised plans for a single storey outbuilding with a maximum height of 4 metres were submitted on 15th December 2014. A further round of public consultation was undertaken and comments received were as follows:

Oaksey Parish Council: The initial comments from the Parish Council remain unchanged.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in the submission of 1 objection and no letters of support. This objection can be summarised as follows:

- Overly dominant structure for a residential rear garden;
- Harm to residential amenity due to loss of light and overshadowing;
- Harm to character and appearance of the Conservation Area.

During the second consultation period one response was received in objection to the proposed development. This objection can be summarised as follows:

- Overly dominant structure for a residential rear garden;
- Harm to character and appearance of the Conservation Area.

The neighbouring occupier also suggested a flat roof structure with a height of 3 metres, would be more suitable.

9. Planning Considerations

Impact on the Character and Appearance of the Conservation Area

The proposed development seeks the erection of an outbuilding within the rear garden of the application site. The height of the outbuilding would be 4 metres and would be built up to the rear and eastern side boundary lines of the site. Whilst the proposed outbuilding would be a sizeable addition in the rear garden, it needs to be considered in the context of the site. The dwelling to the east, Meadow House has undergone a first floor side extension over the garage which is significantly higher than the proposed ridgeline. The proposed outbuilding would be subservient to this adjoining structure, so in terms of height would be in keeping with the nearest adjacent structure.

The pitched roof design would reflect the pitched roof on the existing outbuilding in the garden and the roof forms of the adjoining dwellings and the hips would minimise the bulk of the roof structure.

Overall the size, materials and design of the outbuilding would be considered to preserve the character and appearance of the Conservation Area and would be in accordance with Policies 57 & 58 of the e-WCS and Policies C3 and HE1 of the NWLP.

Use of the Outbuilding

The application has been submitted to allow the applicant to move their existing electronics consultancy business from within the bedroom of the dwelling into the proposed outbuilding.

No staff would visit the site to work within the building and the number of visitors would be the same as existing, a maximum of 3 per month. Given the level of floor space provided, the use of the outbuilding would be of a scale which would be considered to be ancillary to the main dwellinghouse. A condition would be attached to any approval to ensure that it remains ancillary and an informative advising that any increase in intensity in use may require planning permission.

Impact to the Residential Amenity of Neighbouring Occupiers

The application has been amended so that the outbuilding would be no more than 4 metres in height. The ridgeline of the outbuilding would be significantly lower than the extension over the garage of Meadow House, which has roof lights in the roofslope facing towards the application site. Given the overall height of the outbuilding, the height of the roof lights in the adjoining roof slope and their angle, the proposal would not result in any significant loss of light into these neighbouring windows. The side elevation of Meadow House, which adjoins the rear boundary line of the garden of No.37 Bendy Row, has no primary habitable rooms windows in the side elevation. Therefore, the proposal would result in no significant loss of light, loss of outlook or sense of dominance to this neighbouring occupier.

The residential dwelling No.37 Bendy Row is sufficiently distanced from the proposed outbuilding to ensure no significant harm would occur to the occupiers of this dwelling. Whilst the outbuilding is set adjacent the boundary line shared with the garden of this neighbouring dwelling, the outbuilding would

only cover a small proportion of the boundary line of this garden and any level harm from dominance and overshadowing are considered to be within an acceptable parameter.

The windows of the outbuilding would face into the garden of the application site and would be at ground floor level, ensuring no significant overlooking of any neighbouring occupier would occur. Two rooflights are proposed in the roofslope facing south, however, these would be at a height above the ground level in the building which would not afford outlook over the neighbouring garden.

Therefore, the proposed development would have an acceptable impact on the residential amenity of all neighbouring occupiers.

10. Conclusion

The proposed development would have an acceptable impact on the character and appearance of the Conservation Area and the residential amenity of the neighbouring occupiers. The proposal would comply with emerging Local, Local and National Planning Policy and is recommended for approval.

RECOMMENDATION

To GRANT planning permission 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:

Revised Proposal Block Plan – 100/14 – Received 15th December 2014.
Revised Proposal Elevations – 101/14 – Received 15th December 2014.
Revised Proposal Elevations – 102/14 – Received 15th December 2014.
Site Location Plan – Received 6th November 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 match in material, colour and texture those used in the existing building.

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

4. 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 South View, 14 The Street, Oaksey 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.

INFORMATIVES

5. You are advised that the current scale of the business operate at the site is considered as ancillary to the main residential use of the dwelling. Any increase in intensity of use of the business at the site, including employment of staff, increase in customers to the site

and use of more floor space of the dwelling for operation may require planning permission for a change of use.

6. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

7. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

