

<b>Date of Meeting</b>	12 <sup>th</sup> August 2015
<b>Application Number</b>	15/04899/FUL
<b>Site Address</b>	17 Palairet Close Bradford On Avon Wiltshire BA15 1US
<b>Proposal</b>	Garage extension, porch extension, new garden wall, installation of flue, new driveway and dropped kerb to highway.
<b>Applicant</b>	Mr Paul Gould
<b>Town/Parish Council</b>	BRADFORD ON AVON
<b>Ward</b>	BRADFORD-ON-AVON SOUTH
<b>Grid Ref</b>	382893 159994
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Kate Sullivan

### Reason for the application being considered by Committee

Councillor Ian Thorn has requested that the application be considered by the Local Planning Authority for the following reasons:

- The proposals significantly undermines the entire landscape strategy that was conceived for Palairet Close and surrounding roads when the scheme was built and are the thin end of the wedge
- The enclosure of gardens takes away significant visual and community amenity from other residents
- The enclosure of gardens creates greater opportunities for crime and anti-social behaviour
- The proposed enclosures appear to be partially on third party land and therefore cannot be delivered
- Being mindful of local opinion. There is considerable community and political opposition to the proposals

#### 1. Purpose of Report

To assess the merits of the proposal and to recommend approval of the application.

#### 2. Report Summary

The main issues to consider are:

- Principle of development
- Design issues

- Impact upon the character and appearance of the area
- Impact upon the neighbouring amenity
- Highway impact
- Other

### **3. Site Description**

The application site is a dwelling within the residential area of Bradford on Avon known as the Southway Park Estate.

The application site is a two storey, detached dwelling which occupies a corner plot.

The land to the side of the dwelling outside the existing boundary wall is in ownership of the application site (Land Registry document has confirmed) and the Highways Department have confirmed that the land in question is not within Highway ownership.

### **4. Planning History**

W/76/00231/HIS Phase 3 and 4 Residential Development. (Approval of matters reserved) – Withdrawn

W/76/00784/HIS Outline for residential development – Approved 07/03/97

W/77/00819/FUL Proposed erection of 31 dwellings – Approved 03/03/78

W/78/00824/FUL Proposed substitution of house types for those already approved on plots 185 186 202 203 and 204 of phase 3b Southway Park, Bradford on Avon – Approved 13/10/78

W/79/01500/FUL Erection of additional residential accommodation on top of garage – Approved 04/03/80

W/86/01307/FUL Two storey extension (15 Palairt Close)– Approved 25/11/86

W/87/00634/FUL Extension - Withdrawn

W/93/01277/FUL Single storey extension to rear (21 Palairt Close) – Approved 22/11/93

### **5. The Proposal**

The application seeks to realign the boundary wall to enclose some of the open land to the side of the dwelling. The proposals also include the construction of a single storey garage that would be attached to the dwelling and be constructed of matching materials.

The proposals also include the creation of a one off road car parking space.

The application also seeks to erect a cylindrical stainless steel flue which would sit at the ridge height of the existing roof.

### **6. Local Planning Policy**

Wiltshire Core Strategy, 2015

CP1 Settlement Strategy

CP2 Delivery Strategy

CP7 Bradford on Avon Community Area

CP57 Ensuring High Quality Design and Place Shaping  
CP58 Ensuring Conservation of the Historic Environment (Landscape Setting)  
CP61 Transport and Development

National Planning Policy Framework, 2012

Planning Practice Guidance, 2014

## **7. Summary of consultation responses**

Bradford on Avon Town Council: Recommend that the application is refused on the following grounds:

- The estate is a low density 1970s development with extensive landscaping that has now matured. The open spaces and verges give the whole area its special character.
- The reduction of the verge outside number 17 would adversely affect the overall open character of the estate.
- The proposed garage would not have a major impact, but the moving of the wall would.
- It would create a significant change to the street scene.
- The proposal fails to respect the importance of the landscape and is contrary to good design requirements of the NPPF and Wiltshire Core Strategy.
- There are restrictive covenants on the land preventing these proposals being undertaken.

Bradford on Avon Preservation Trust: No comment to make on the application.

Highways Department: No objection subject to a condition relating to visibility splays.

## **8. Publicity**

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 23 June 2015.

16 letters of objection were received raising the following concerns:

- Corner is sufficiently hazardous and this would be increased by having a garage on the corner
- Permission has been declined in the past for such developments
- Loss of open space
- Deeds clearly state that the open space and verges are to be retained.
- Estate was designed to be linked with its rural location
- Stainless chimney is ugly and from experience the height is not sufficient to stop a nuisance from the fumes.

## **9. Planning Considerations**

### **9.1 Principle of development**

The application site is located within the limits of development of the Market Town known as Bradford on Avon where there is a presumption in favour of sustainable

development. The application is therefore considered to comply with CP1, CP2 and CP7 of the Wiltshire Core Strategy.

## 9.2 Design issues

The proposed realignment of the boundary wall would not be incongruous to the design of the dwelling. Currently a boundary wall runs along the side elevation of the property and the proposal would move this closer to the road, but would still retain open land to the side of the dwelling.

The proposed extension to construct a garage would be a small, subservient extension that would match the existing dwelling in terms of design and materials and would be considered appropriate to the host dwelling.

The erection of a stainless steel flue to be associated with a wood burner would not be incongruous to the host dwelling. It would sit alongside the original dwelling and extend out of the garage roof.

It is therefore considered that the proposed alterations comply with the relevant criteria of CP57 of the Wiltshire Core Strategy.

## 9.3 Impact on the character and appearance of the area including the Landscape Setting

The estate in which the application site is located is characterised by open space with boundary walls being set back from the pavement. The land outside the boundary walls has in many cases been planted with domestic plants.

Although the realignment of the boundary wall would remove some of the land from public view, the proposal would still retain land to the side of the proposed development which would remain outside of the realigned boundary wall. Therefore it is not considered that the proposed realignment of the boundary wall would unduly harm the character and appearance of the neighbouring area.

The small single storey side extension to house a garage would not be incongruous to a dwelling of this size and style and is not considered to harm the character or appearance of the immediate area or the landscape setting of the wider town of Bradford on Avon given the small subservient nature of the development and the use of matching materials. The inclusion of a flue would not be considered incongruous to a dwelling in this location. It is therefore considered that the proposal complies with the relevant criteria of CP57 and CP58 of the Wiltshire Core Strategy.

## 9.4 Impact upon neighbouring amenity

The realignment of the boundary wall would relocate the wall closer to the road than currently exists on the site, however, land would remain outside the proposed extension and the new wall, and the pavement, and this would not harm the neighbouring amenity. The character of the area is considered to be retained and the realigned wall is not considered to harm the neighbouring amenity.

The proposed garage extension would be single storey and would not have any windows inserted, therefore there would be no impact on overlooking any neighbouring dwelling.

The creation of a garage and off road car parking space in this context would not be incongruous and is not considered to harm the neighbouring amenity.

A neighbour has raised concerns regarding the flue and the nuisance that this may cause the properties nearby. It is considered that the flue would be located some distance away from any neighbouring dwelling

It is therefore considered that the proposed alterations comply with the relevant criteria of CP57 of the Wiltshire Core Strategy.

#### 9.5 Highway Impact

Comments have been raised regarding the safety of the proposed garage on the corner of the road. It is considered that there is sufficient visibility on the site and given that the dwelling is located in a residential area in a no through area of the estate traffic should be moving slowly.

The highways department have not raised any objection to the proposals subject to a condition being placed on the application relating to the creation and maintenance of visibility splays.

It is therefore considered that the proposals comply with the relevant criteria of CP61 of the Wiltshire Core Strategy.

#### 9.6 Other

The applicant has submitted a land registry extract showing that the land which is proposed to be taken inside the boundary wall is in the ownership of the applicant. The highways team have confirmed that the land is not within their ownership or interest. Previously a number of planning applications have been refused on the grounds that "the height and relocation of the boundary wall encroaching on land to the side of the property, would be visually intrusive in the street scene and harmful to the openness and historic spatial characteristics of the area". It is noted that since these applications were refused there has been a number of changes in planning policy including the adoption of the Wiltshire Core Strategy and the NPPF.

Whilst this proposal does encroach onto the land to the side of the dwelling, as already noted, it would still retain land outside of the boundary wall which would retain the open characteristic of the area. As the boundary wall would be rebuilt, it would be in keeping with the surrounding area. In previously refused permissions the new boundary walls would be relocated closer to the boundary of the property, alongside the existing pavement which would reduce the openness of the area.

It is understood that there is a covenant on the land restricting the moving of the boundary wall, however, covenants are a civil matter and the granting of planning permission would not change the covenant whereby separate permission would be required.

## 10. Conclusion

In conclusion whilst it is acknowledged that the proposals would result in a reduction of land between the boundary wall and the pavement, it is not considered that the proposal would harm the overall open characteristics of the immediate area. The land is considered to be within the residential curtilage of the application site and this would not be altered as a result of the proposals.

**RECOMMENDATION:** It is recommended that the application is approved subject to 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 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.

No part of the development shall be brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of [INSERT] 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

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans and elevations as proposed dated April 2015

Plans and elevations as existing dated April 2015

Block Plan dated May 2015

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

- 5 No part of the development shall be brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

