

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

DATE: 5 NOVEMBER 2009
REF: CS/JS
CHECKED BY:

APPLICATION NO: 3/2009/0664/P (GRID REF: SD 368891 432063)
PROPOSED ERECTION OF FOUR BED DETACHED DWELLING ON THE FORMER TENNIS COURT ADJACENT TO THE COACH HOUSE AT WHALLEY ROAD, WILPSHIRE

PARISH COUNCIL: Have concerns about the impact upon the vegetation and trees which are subject to a Tree Preservation Order and also has concerns regarding egress from the site as visibility to the right on exit is obscured by local contours and trees.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): Has no objections in principle to this application on highway safety grounds as the vehicular access from Whalley Road has previously been improved to secure safe access to this site as detailed in a previous response to application No. 3/2004/0235/P.

ADDITIONAL
REPRESENTATIONS: 13 letters have been received from the owners/occupiers of 12 properties (there are two letters from one address, one of which is claimed to be written on behalf of the owners of 14 properties) on the west side (even No's) of Beaver Close. A letter has also been received from a planning consultant on behalf of an adjoining resident in Hollowhead Avenue. The grounds of objection contained in the letters are summarised as follows:

1. It is assumed that the access track at the rear of Beaver Close will be used to provide access to the proposed dwelling. Neighbours in Beaver Close object to this for the following reasons:

- Noise and fumes pollution
- Health and safety risk especially to children
- Detriment to privacy
- Possible damage to dry stone wall on boundary of track and danger to adjoining properties at The Grange that are built on lower ground, as a result of regular vehicle usage of the track or a vehicular accident
- Since the permission was granted for the conversion of the Coach House (on the basis of access being gained only by way of the driveway from Whalley Road) the applicant has continued to use the track at the rear of the Beaver Close properties sometimes with tractors and wagons, damaging the track and adjoining gardens. This is

probably partly because the access on to Whalley Road is not capable of accommodating large vehicles such as removal vans or construction vehicles.

- The track is unsuitable due to no passing places.
 - Danger by traffic building up at the Hollowhead Lane junction.
 - Intrusive headlights at night.
 - Damage to the drainage system.
 - Many previous applications have resulted in the same objection. Previous applications have been refused and appeals dismissed due to effects on the amenities of the residents of Beaver Close.
 - Given the land available at The Knollee, it is reasonable to assume that this application is the second in a line of many. Thus all problems will be exacerbated.
 - The absence in the application of any reference to the use of the Beaver Close track should not be used as a main reason for approving the application.
 - Adverse effect on property values.
2. Loss of privacy to a dwelling on Hollowhead Avenue as the proposed dwelling is less than 20m from the side elevation of that property in which there are habitable room windows. There is room within the site to move the proposed dwelling further away from this existing property.
 3. The proposed terracing of land at the rear of the proposed dwelling would result in the removal of an existing effective tree screen to the further detriment of the neighbour's privacy.
 4. Harm to trees that are protected by a tree preservation order to the detriment of the immediate landscape.
 5. The proposal will intensify the use of a substandard access with inadequate visibility on to Whalley Road to the detriment of highway safety. (The consultant does not agree with the County Surveyor's observation in respect of the previous application for the conversion of the Coach House that the access was appropriate for intensified use).

Proposal

Permission is sought for the erection of a detached house on a sloping site. The dwelling comprises a basement, a ground floor and a first floor within the roof space, the top floor rooms

being illuminated by dormer windows. From the front (west) the building therefore has two full floors plus the roof/dormer level, and from the rear (east) it has the appearance of a dormer bungalow. At basement level there would be a double garage, games room, entrance hall, cloakroom and boiler room. On the ground floor there would be a lounge, kitchen/breakfast room, utility room and toilet/shower room. Also at this level, there is an orangery/conservatory forming a single storey addition to the northern side elevation. Within the roof space there would be two bedrooms with individual en-suite facilities and two other bedrooms that would share the same bathroom.

The main part of the building has external dimensions of 17m x 11m and the conservatory measures 6m x 5m. At the front elevation, the building is 5.5m to eaves and 10.4m to ridge whilst at the rear it is 2.8m to eaves and 7.7m to ridge.

The external materials comprise natural stone to the front elevation with render to the other three elevations. There will be stone quoins at all corners and stone heads and sills to the windows in all four elevations. The roof, including the dormer cheeks, will be natural blue slates.

Vehicular access to the property would be from the existing driveway onto Whalley Road that presently serves The Knolle and The Coach House.

The proposal involves the felling of three trees.

Site Location

The Knolle is a large detached dwelling within a large curtilage on the eastern side of Whalley Road, Wiltshire. To the east of the main dwelling is the building known as The Coach House for which planning permission has been granted for conversion into a dwelling. To the southeast of The Coach House, and within its curtilage, is the former tennis court and garden area to which this current application relates.

The site of the proposed building is therefore adjoined to the west by The Knolle; to the north by The Coach House and a dwelling off the end of Beaver Close; to the east by a detached dwelling off Hollowhead Avenue; and to the south by undeveloped open land.

The application site as defined in red also includes the driveway onto Whalley Road. The Coach House and the remainder of its curtilage is shown in blue as land/property also in the applicant's ownership.

Relevant History

3/1984/0447/P – Conversion of The Coach House into flats. Refused. Appeal dismissed.

3/1986/0143/P – Conversion of Coach House to private dwelling. Refused.

3/1986/0657/P – Change of use of The Knolle from dwelling to day school, training school and staff accommodation. Refused.

3/1994/0332/P – Outline application for six dwellings. Withdrawn.

3/2002/0284/P – Extensions and alterations to The Coach House to form a dwelling. Refused.

3/2002/0632/P – Change of use of Coach House to dwelling. Refused. Appeal dismissed.

3/2003/0731/P – Change of use of Coach House to dwelling together with new access to Whalley Road. Refused.

3/2004/0235/P – New access and driveway onto Whalley Road and closure of existing access. Approved.

3/2005/0092/P – Change of use of Coach House to commercial office and storage use. Withdrawn.

3/2008/0390/P – Change of use of Coach House into dwelling. Withdrawn.

3/2008/0805/P – Change of use of Coach House into dwelling. Approved.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV13 - Landscape Protection.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are compliance or otherwise with housing policy and the effects of the proposed dwelling on the amenities of nearby residents, visual amenity (including effects on existing trees) and highway safety.

Policy Considerations

As Members are aware, since the adoption of the Regional Spatial Strategy in September 2008, applications for residential development are acceptable in principle provided that they comply with the limits of development as defined in the saved settlement hierarchy of the Local Plan. This application site is within the settlement boundary of Wilpshire, a G2 settlement. Policy G2 states that, within the plan area development will be mainly directed towards land within the main settlement boundaries, and for Wilpshire, the 'development of sites within the settlement boundary and outside the greenbelt' will be appropriate. This proposal for one dwelling within the settlement boundary is therefore acceptable in principle. The recently approved application for the conversion of the Coach House into one dwelling was acceptable in principle for the same reason.

Amenities of Nearby Residents

The proposed dwelling itself would not have any detrimental effects upon the amenities of any of the dwellings on the west side of Beaver Close. Due to a combination of the distances involved, the relative land levels and existing fences and natural screening, I also do not consider that the proposed dwelling would have any detrimental effects upon the detached house, The Chestnuts, at the southern end of Beaver Close, the applicant's dwelling, the Coach House or The Knollee.

The owner of the adjoining property, Hollowhead Farm, to the east, considers that the proposal would harm his privacy due principally to what he considers to be an inadequate distance between the two properties and the applicant's originally stated intention to remove existing terracing at the rear of the property with a consequential loss of existing natural screening.

The plans, however, have been amended so that the terracing and the existing trees and shrubs upon it will now be retained. The applicant's agent has also submitted a plan that shows the minimum distance between the two properties to be 22m and a distance between the first floor windows is 23.2m. This plan also illustrates the fact that the ground floor of Hollowhead Farm is above the level of the first floor of the proposed dwelling. Overall, given the distances involved, the relative land levels and the existing fence and natural screening (which can be required to be supplemented by a landscaping condition) I do not consider that the proposed dwelling would have any effects upon the privacy of that neighbouring property sufficient to represent a sustainable reason for refusal of the application.

Visual Amenity/Tree Considerations

In view of the existing tree cover within the overall area that formed the original curtilage of The Knollee, it is not considered that the proposed dwelling would have any significant effects upon the appearance of the general locality.

The proposal involves the felling of three trees (Sycamore, Oak and Beech), that are not protected by a tree preservation order. Following a visit to the site, the Countryside Officer has commented that the three trees indicated for removal are not individually significant specimens and collectively they are of modest visual amenity value. He therefore has no objection to their removal and replacement through the imposition of a landscaping condition. The Countryside Officer also recommends a very specific condition concerning the retention and protection of two trees on the eastern part of the site (ie the existing terraced area between the proposed dwelling and Hollowhead Close).

In summary, therefore, the Countryside Officer considers the proposal to be acceptable with regards to its effects upon existing trees, subject to appropriate conditions. I have no reason to disagree with the Countryside Officer's conclusions and recommendations.

Highway Safety

As detailed in the application, the proposed dwelling (along with The Knolle and the Coach House) will be served by the access on to Whalley Road that was formed (following a planning permission in 2004) as a replacement for the original access which was considered to be unsatisfactory and which is now closed. One nearby resident and the Parish Council have expressed concerns about the suitability of this access to serve another dwelling. The County Surveyor, however, considers the application to be acceptable from the highway safety point of view and I have no reasons to disagree with his conclusions.

Further Issue

The majority of the objections to this application are based on a fear that the applicant will use the track at the rear of Beaver Close as the access for the proposed dwelling. The application, however, does not seek permission for the use of that particular access route, and the track is not included within the application site. This application (indeed any planning application) can only be determined on the basis of what has been applied for, and any fears about what may or

may not happen in the future cannot be a reason for refusal of a planning application. The previous refusals and appeal decisions referred to by many of the objectors were made legitimately as, in those cases, the development did propose the track as the sole means of access, and its intensified use for that purpose would have been detrimental to the amenities of adjoining residents. That is not, however, the case in this current application, just as it was not the case in the recently approved application for the conversion of the Coach House into a dwelling. On the basis of the access being onto Whalley Road, as applied for in the application, the proposal will have no effects on the amenities of the residents of Beaver Close. There is, therefore, no legitimate reason for refusal of the application that in any way relates to the track at the rear of Beaver Close.

Conclusion

Having carefully considered the relevant issues and explained why one matter raised by neighbouring residents is not relevant to the consideration of the application, I consider the proposal to be acceptable subject to appropriate conditions.

SUMMARY OF REASONS FOR APPROVAL

The proposed dwelling would have no seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 6 October 2009.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments that enable the retention and protection of existing trees and shrubs in the interests of the amenities of a neighbouring property, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those

areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The scheme shall include details of supplementary screen planting close to the eastern boundary of the application site.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Prior to the commencement of any site works, including delivery of building materials and excavations for foundations or services, trees identified as T12 and T13 shall be protected with a root protection area of 8.5m (measured from the centre of the main stem) in accordance with BS5837 (Trees in Relation to Construction) the details of which shall be agreed in writing, implemented and inspected by the Local Planning Authority before any site works are begun.

The root protection zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone. In addition, no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without the prior written permission of the Local Planning Authority, which will only be given when the Authority is satisfied that it is necessary, will be in accordance BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse effects of development in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to the commencement of construction works, the precise siting of the dwelling and its proposed finished floor slab level shall be marked out/indicated on site to be viewed and agreed in writing by the Local Planning Authority.

REASON: To ensure compliance with the submitted plans and in the interests of visual amenity and the amenities of nearby residents, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.