

REPORT OUTLINE FOR AREA PLANNING COMMITTEE**Report No.**

Date of Meeting	28 th April 2022
Application Number	PL/2022/00888
Site Address	Bevisfield, Cow Drove, Chilmark, Salisbury, SP3 5AJ
Proposal	Proposed replacement dwelling (revised design) and erect detached garage
Applicant	Mr & Mrs Wolseley Brinton
Town/Parish Council	Chilmark
Electoral Division	Nadder Valley– Cllr Wayman
Grid Ref	51.097566, -2.044242
Type of application	Full Planning
Case Officer	Hayley Clark

Reason for the application being considered by Committee

At the request of the elected member Cllr Wayman for the following reasons if Officers are minded to refuse

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

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be REFUSED.

2. Report Summary

The main issues to consider are:

1. Principle of development
2. Scale, design, impact to character and appearance of Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty
3. Residential amenity
4. Highway issues
5. Trees
6. Ecology
7. Other issues raised

3. Site Description

The site is situated in the village of Chilmark, defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP27 (Tisbury Community Area). As a Small Village there is no defined village boundary for the settlement. The site lies outside the Chilmark Conservation Area and there are no Listed Buildings in the immediate locality, the nearest Listed Building being The Black Dog located approx. 200m south of Bevisfield. The property is located within the Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

The application site relates to a single storey residential dwelling located on the west side of Cow Drove on the northern edge of the village of Chilmark, marking the transition between the built development and the open rural landscape. The dwelling is located in a good-sized residential plot, with agricultural land to the west, agricultural buildings/land to the north and other residential dwellings to the south and east. The dwelling is located in a slightly elevated position above the road – Cow Drove is located to the east of the site. An existing vehicular access to the site is provided from Cow Drove.

Cow Drove is characterised by a mix of large detached dwellings of varying designs, these include single storey dwellings, chalet bungalows and two storey properties; located on both sides of the road and set within large residential curtilages with many bounded by open fields to the rear. Existing dwellings are predominantly set back from the road with mixed screening along the front boundary.

4. Planning History

S/2006/1622 Loft conversion including dormer windows to east and west elevations
Approved

S/2006/1623 Construction of two new storage barns for agricultural use Approved

18/11684/FUL Replacement dwelling Refused

19/11072/CLP Proposed single storey rear extension and addition of velux roof lights to allow use of the roof space Approved

20/01266/CLP Proposed pool house Approved

20/06258/FUL Proposed replacement dwelling Approved

PL/2021/04994 Proposed replacement dwelling (revised design) and erect detached garage
Withdrawn

5. The Proposal

The proposal is a full planning application for the erection of a replacement dwelling (revised design) and erect detached garage.

This is the fourth iteration of a proposed replacement dwelling on this site, there has been one refusal (18/11684/FUL), one approval (20/06258/FUL) and a further application withdrawn (PL/2021/04994) before a refusal was issued, noting this withdrawn application was seeking approval of a revised design not dissimilar to this current application.

The Officer report for 20/06258/FUL can be seen at Appendix A of this report, this itself includes an Appendix A which is the full report for refused application 18/11684/FUL.

This new application now under assessment is seeking consent for a revised design to the approved application 20/06258/FUL including the addition of a detached garage. The proposed design changes include

- Increase in ridge height
- Increase in eaves height
- The addition of dormers to the east and west elevation
- Change to roof form including change from hipped to half hipped roof
- Changes to fenestration detail
- Internal reconfiguration and increase from 4 to 6 bedrooms
- Change to the front porch
- Changes to the design, form and scale of the northern section of the proposed dwelling

The revised design is required because the applicant does not like the design that was approved and the applicant states it does not meet their needs; the applicant needs 6 bedrooms, not the 4 as approved.

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 27: Spatial Strategy: Tisbury Community Area

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 64: Demand Management

Core Policy 69: Protection of the River Avon SAC

Salisbury District Council Saved Policies

H30 Replacement dwellings in the Countryside

Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guidance (Planning practice guidance for beautiful, enduring and successful places)

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

Achieving Sustainable Development SPG (April 2005)

Cranborne Chase & West Wiltshire Downs AONB Management Plan 2019-2024

Wiltshire Local Transport Plan – Car Parking Strategy

AONB Position Statement, Number 10, entitled 'Housing within the Cranborne Chase Area of Outstanding Natural Beauty' December 2018

Habitat Regulations 2017

7. Summary of consultation responses

Chilmark Parish Council

No objection

WC Highways

I note that a similar proposal was recently submitted in 2018 (18/11684/FUL) and 20/06258/FUL.

I would like to note whilst the vehicle access to the proposal utilises the existing access, whilst I note that there will not be a substantial change in movements, the existing access does have limited visibility splays. I would therefore have no objection to vegetation / bank/ wall being reasonably pulled back to improve the visibility splay. I understand the stopping up of the access to north is not included within this application.

AONB

Thank you for consulting the AONB on this proposal. I note this is a further application in a string of proposals at this location. The agent and applicant have not sought pre-application advice from this AONB since our previous comments on the previous adjustments to the design.

The AONB Partnership has the following comments on this application.

1. The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area which straddles two County, two county scale Unitary, and three District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage.
2. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital.
3. This AONB's Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils. It sets out the Local Authorities' policies for the management of this nationally important area and the carrying out of their functions in relation to it, as required by section 89 (2) of the CROW Act. The national Planning Practice Guidance [Natural Environment paragraph 040] confirms that the AONB and its Management Plan are material considerations in planning.
4. The National Planning Policy Framework (2019) states (paragraph 170) that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, which include AONBs, commensurate with their statutory status. Furthermore, it should be recognised that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 11 and footnote 6, due to other policies relating to AONBs elsewhere within the Framework.
5. For decision making the application of NPPF policies that protect an AONB 'provides a clear reason for refusing development proposals' (paragraph 11[d]). Furthermore paragraph 11(b) explains that for plan making being in an AONB provides 'a strong reason for restricting the overall scale, type or distribution of development in the plan area'.

6. It also states (paragraph 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. This paragraph is also clear that the scale and extent of development within AONBs and National Parks should be limited, and planning permission should be refused for major development.

7. The Planning Practice Guidance, updated 21.07.2019, helpfully includes landscapes, environmental gain, Areas of Outstanding Natural Beauty, and their settings in the Natural Environment section. In particular, paragraph 042 highlights the importance of settings, their contributions to natural beauty, and the harm that can be done by poorly located or designed development especially where long views from or to the AONB are identified. Paragraph 041 is clear that policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for development, and any development in an AONB will need to be located and designed in a way that reflects its status as a landscape of the highest quality.

8. Local government (including planning authorities), Ministers of the Crown, individual councillors, any public body, statutory undertakers and holders of public office also have a statutory duty in section 85 of the CRoW Act to have regard to the purposes of AONB designation, namely conserving and enhancing natural beauty, in exercising or performing any functions relating to, or so as to affect, land in an AONB.

9. More detailed information in connection with AONB matters can be found on the AONB website where there is not only the adopted AONB Management Plan but also Position Statements and Good Practice Notes (Planning Related Publications). In particular when considering construction within the AONB I would draw attention to our Good Practice Note on Colour and Integrating Developments into the Landscape.

10. This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated.

11. The AONB is, therefore, concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings

12. The site is in the West Wiltshire Downs landscape character area of the Open Chalk Downland landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the Landscape Character Assessment 2003. That document should be available in your office, and it can be viewed in full on our website.

13. As I am confident you will be aware the AONB's main concerns with the proposals at this location related to the potential light pollution from skylights and inappropriate areas of glazing, and the implementation of an appropriate landscape scheme

14. It now appears that most of the issues have been resolved in relation to roof lights/skylights but there is still one roof light and significant areas of glazing in the

western elevation. The floor to gable glazing has significant capacity to indicate the presence of a dwelling in an otherwise dark night landscape in addition to contributing to light pollution. As I know you are aware, in this International Dark Sky Reserve the partner local authorities have an obligation to reduce light pollution and not to facilitate an increase. Indeed, an increase in light pollution could prejudice the International Dark Sky Reserve designation. Whilst the lower elements of the glazed area could be fitted with internal blinds or louvres for closure at night it appears that the higher level ones would be out of easy reach and, therefore an automatic system would need to be installed.

15. Despite comments on previous applications the agent is not giving a clear undertaking that the skylight will be fitted with integral blinds that automatically close at dusk and that a similar system would be fitted to the extensive areas of glazing to ensure that there is neither light pollution nor light intrusion into the dark night scenes. In the absence of such clear undertakings the AONB most strongly recommends that such matters should be covered by planning conditions if a permission is granted.

16. Furthermore, the agent has not provided information about external lighting despite this being clearly identified as an issue to be resolved in earlier consultation responses. The AONB does, therefore, strongly recommend that you defer making a decision on this application until an external lighting specification has been received. The AONB is happy to assist in checking that and, of course, only that approved lighting would be permitted, and permitted development rights for external lighting would need to be removed by a planning condition.

17. I would also observe that the comments in the agent's letter relating to the neighbourhood seem to suggest that adding to development in an AONB is entirely appropriate. That seems to overlook the fundamental point in NPPF paragraph 176 that the scale and extent of development should be limited in all parts of AONBs. It also omits any consideration of cumulative impacts of added development.

18. It is also disappointing that the landscape works, especially to the frontage, have not been carried out, particularly as hedge and tree planting does not need planning permission. The applicants have lost at least two planting seasons in which to establish a landscape scheme that could both improve their frontage and mitigate the potential effects of their proposals.

I would also advise you to clarify which landscape plan is being promoted to you with this application as I see the submitted LVIA includes a plan with a planting schedule dated February 2022, whereas the agent has submitted a plan with a planting schedule dated April 2021.

Landscape

The site sits on the edge of the village of Chilmark within the Cranbourne Chase AONB. The scale of the development is of a similar quantum to the existing dwelling on the site and I therefore have no landscape objection to the development proceeding. I would note that in figure 11 photograph 15 there is a note stating that a new native hedge will be incorporated along the northern boundary of the site in order to assist with screening the new residential development from these views to the wider AONB. The landscape plan that accompanies the photographs includes this hedge with a planting schedule dated Feb 2022. However, on the proposed landscape plan there is no native hedge planting shown along the northern boundary with a plant schedule dated April 2021 and both are noted as Rev A. Could the stand alone planting plan be revised to match the Feb 2022 planting plan please, before these drawings are signed off for approval. I am

pleased to see that the non-native conifers are being removed along the property frontage to be replaced with native deciduous trees which will greatly improve the setting of Cow Drove at the entrance to the village.

Ecology

None received but no objections were received to the previous applications subject to conditions including the extant permission. Comments below received 11/08/2021 relate to the previous but withdrawn application PL/2021/04994 Proposed replacement dwelling (revised design) and erect detached garage.

Thank you for consulting the Landscape & Design Team on the above application. I understand that a similar application was approved in 2020 (20/06258/FUL) and that the current application does not significantly change the design of the dwelling and essentially does not alter the footprint, however it does propose the addition of a garage building on an area that currently supports an area of grass within the domestic garden.

A letter from the consultant ecologist 'Response to Comments...' 15th September 2020 (Darwin Ecology) in response to queries by our ecology team (21st August 2020) and which was also submitted in support of the previous application, provides further and clarifying information to the effect that the site contains no suitable roost features for Annex II Species that are a feature of the Chilmark Quarries Bat SAC of which the site lies within two consultation zones. This also advises that, whilst low levels of Barbastelle bat activity were recorded during the 2019 and 2020 surveys, the site supports no likely significant foraging habitat and that landscape features will be retained as confirmed by the updated landscape proposals drawing. We are therefore satisfied that there are no likely impacts to the SAC or bats which are a feature of the SAC.

Although the proposed location of the garage is fairly near to hedge lines and trees, there will be no external lighting for the garage and essentially no light spill from within, onto these features. In addition, the bat surveys did not identify this area as supporting key flightlines for any Annex II bat species.

The bat survey report dated June 2021 states that an update survey found no evidence of bats in any of the buildings although there is knowledge of former roosting by soprano pipistrelles and serotine bats.

The requirement for the works to be carried out under a Natural England Development Licence is still relevant to the current application.

The 2021 updated bat report recommends biodiversity enhancement features and sensitive lighting to avoid disturbance to bats, the details of these should be secured by condition.

I consider that the current application can be achieved without resulting in significant adverse impact to local bat populations and most importantly will not result in adverse impacts to Annex II bats associated with the Chilmark Quarries Bat SAC and will not adversely impact the conservation objectives for the SAC.

Please attach the following conditions to any permission you are minded to give this application:

Conditions:

ECO 1. The development hereby approved shall be carried out in accordance with the proposals within the bat mitigation statement in Sections 6 & 7 of the Update Phase 2

Bat Survey and Mitigation Report June 2021, and the proposed revised elevations as submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence where required.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

ECO. 2. Before occupation of the approved dwelling, details of the provision of biodiversity enhancement measures such as bat roosting features and nesting opportunities for birds shall be submitted to the local planning authority for approval, including a plan showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To provide additional biodiversity opportunities as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

Note that the Building Inspection, Emergence/ Re-entry Surveys & Mitigation Report' June 2020, (Darwin Ecology), provides suitable recommendations.

ECO. 3. No new external artificial lighting shall be installed at the development site unless otherwise agreed in writing by the local planning authority.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

8. Publicity

The application was publicised by neighbour notification to properties immediately adjacent to the site. Representations from 8 third parties have been received in support to the proposal and no letters of objection at the time of writing this report.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

9.1 Principle of Development

The NPPF confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and

the adopted Wiltshire Core Strategy (WCS), saved policies of the Salisbury District Local Plan and the Wiltshire Local Transport Plan.

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 27 confirms that development in the Tisbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Amesbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Chilmark is identified as a small village in the WCS which have limited services and are reliant on Local Service Centres and are not the most sustainable locations for new growth. Core Policy 1 of the WCS has removed the housing policy boundary of Chilmark and the site is now located within open countryside where there is a general presumption against development. However, Core Policy 1 explains that some very modest development may be appropriate at Small Villages which will be carefully managed by Core Policy 2 (which states that limited development within the built area is acceptable) and the other relevant policies of the development plan.

Saved policy H30 of the Salisbury District Local Plan is specifically relevant to replacement dwellings and under this policy; the proposal to demolish and replace the existing dwelling is acceptable in principle, subject to the criteria in saved policy H30 of the Salisbury District Local Plan:

H30 The replacement of an existing dwelling in the countryside will be permitted provided that:

(i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;

(ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;

(iii) the siting of the replacement dwelling is closely related to that of the existing;

(iv) current parking and access standards can be met; and

(v) the existing dwelling has not been abandoned.

Where the residential use of the existing dwelling is the result of a temporary or a series of temporary permission, any permanent replacement dwelling will only be permitted in exceptional circumstances.

In addition to considering the acceptability of the proposals in principle; it is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts also considered below, these include scale, siting, design, highway safety, neighbour amenity and the impact on the AONB.

9.2 Scale, design, impact to character and appearance of Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

Under the Councils adopted design guidance (Creating Places), Objective 16 states that proposals should clearly exhibit...

- The importance of space between dwellings and groups of buildings
- The relationship of the site to the wider landscape
- The relationship of dwellings to the street
- The variety and scale evident within groups of dwellings
- How the new dwelling(s) will relate to the context and to each other to create a particular place
- The scale and mass of dwellings providing the context
- The detail which typifies local buildings including treatment of window openings in terms of scale, pattern and ornamentation, eaves and gables, extensions and their materials
- Whether there are alternatives to standard designs, which could enhance even the non-traditional environment?

Poor designs, which take little or no account of their local setting will be refused.

Core Policy 51 states “...*the principal pressure on the landscape arising from new development is erosion of the separate identity, character, visual and functional amenity of settlements and their setting, and impacts on the open countryside. Another challenge is to allow for appropriate development while having full regard to the conservation and enhancement objectives of the most highly valued landscapes including the Areas of Outstanding Natural Beauty (AONBs).....*”

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. . Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies.*
- The locally distinctive character of settlements and their landscape settings.*
- The separate identity of settlements and the transition between man-made and*

natural landscapes at the urban fringe.

iv. Visually sensitive skylines, soils, geological and topographical features.

v. Landscape features of cultural, historic and heritage value.

vi. Important views and visual amenity.

vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

viii. Landscape functions including places to live, work, relax and recreate.

ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the 269 objectives, policies and actions set out in the relevant Management Plans for these areas.

Core Policy 57 states “a high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality”.

Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced

iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting

iv. being sympathetic to and conserving historic buildings and historic landscapes

vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

The NPPF updated July 2021 puts greater emphasis on the need for good design than the 2019 Framework.

Paragraph 9 states Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area

Paragraph 130 of the NPPF sets out that developments should function well and add to the overall quality of the area, be sympathetic to local character and establish a sense of place. It states at paragraph 134 that development that is not well designed should be refused

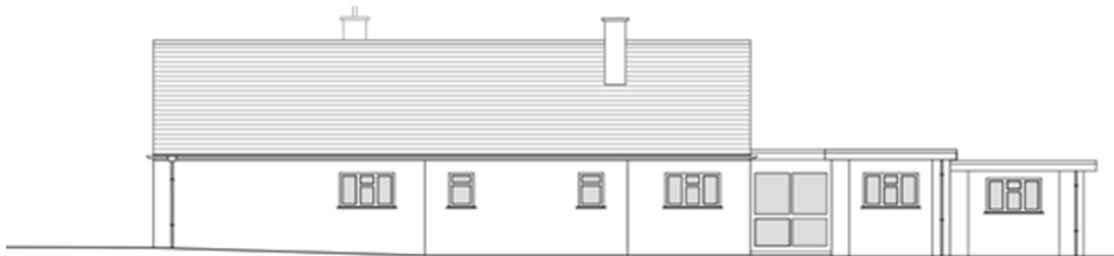
Chapter 15 of the NPPF relates to the conserving and enhancing the natural

Environment, paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

One of the fundamental considerations for this development is the impact of the replacement dwelling is the scale, design and impact on the AONB and local area. The application site has an extant application for a replacement dwelling which can be implemented at any time, this fall back position is a material consideration. Officers will therefore need to assess the differences between the approved application, and this revised design and consider the impacts of the amendments, bearing in mind the approved position.

It is considered necessary and for ease to include below images of the existing dwelling, approved replacement dwelling and now proposed replacement dwelling so that the differences can be seen visually and will hopefully help with explaining Officers thoughts and recommendations.

Existing front (east) elevation



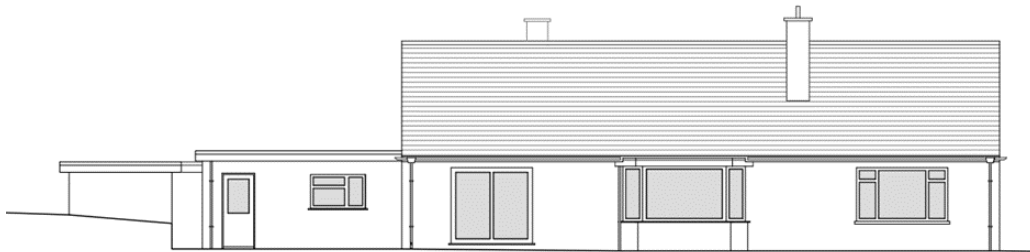
As approved front (east) elevation



Proposed front (east) elevation



Existing rear (west) elevation



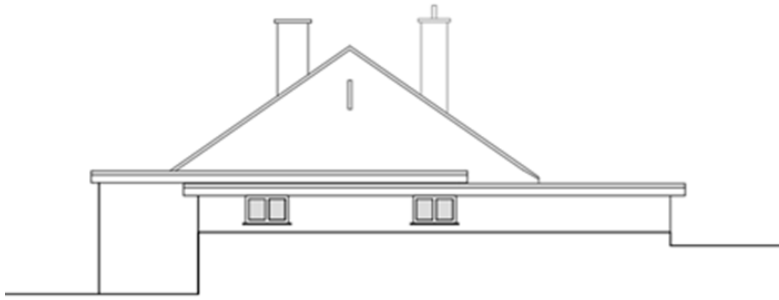
As approved rear (west) elevation



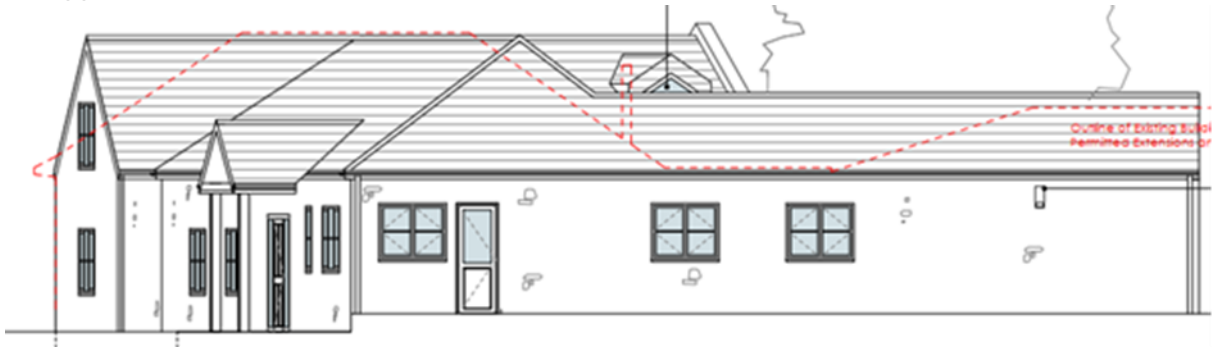
Proposed front rear (west) elevation



Existing north elevation



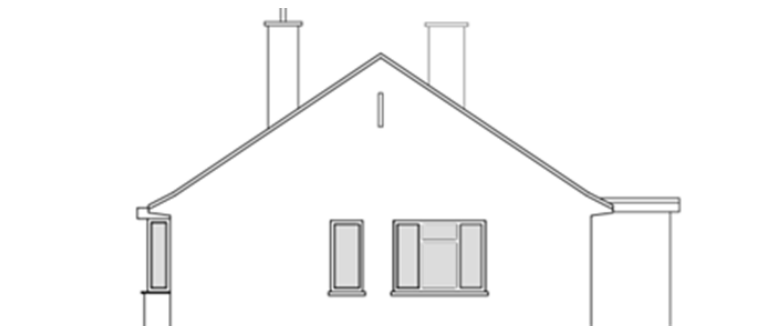
As approved north elevation



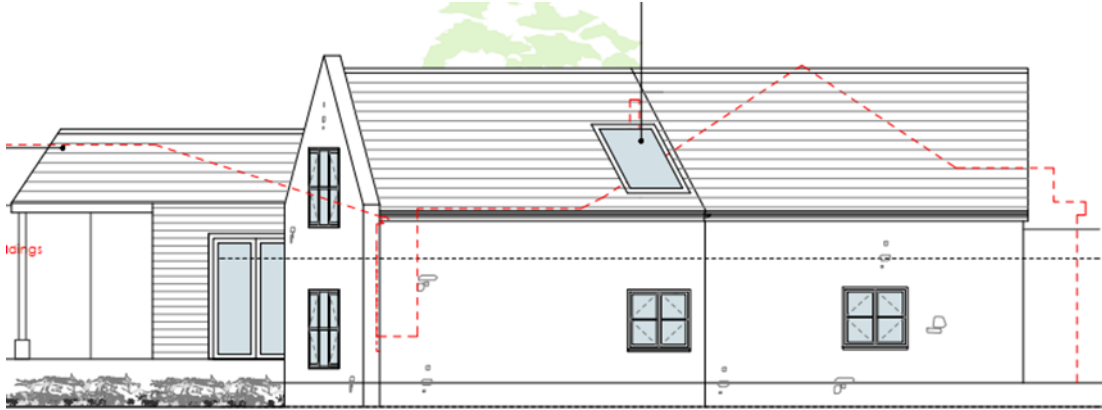
Proposed north elevation



Existing south elevation



As approved south elevation



Proposed south elevation



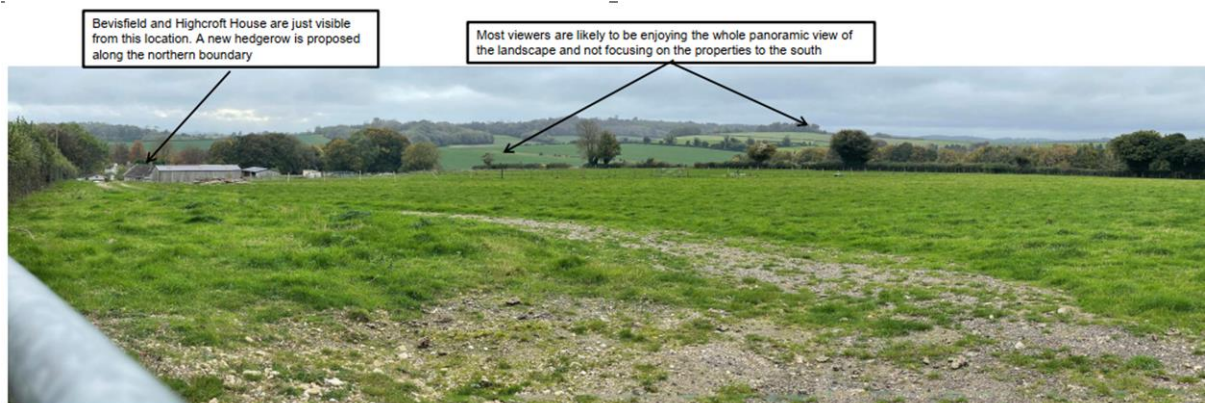
At this point it is worth reiterating the Council's saved policy H30 which relates to replacement dwellings. Point i requires that " **the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling**". As can be seen from the images above, the approved dwelling was of a similar scale to the existing in terms of its overall visual impacts on the streetscene and largely retaining its single storey character. The proposed revisions however create a much larger dwelling and the appearance of a two storey property which has far greater impact on the character of the streetscene and wider area. The proposed changes are much more complicated than the approved design, particularly at the northern end. The approved design created a simple form however the revised design at the northern end is very busy and likely to result in an odd and possibly awkward finished building.

The actual design of the property, the choice of materials and design features are in keeping for this general area and it cannot be argued that the design of the dwelling alone is not unacceptable or of a poor design. However Officers are of the opinion that this is just the wrong location for this scale and design. Had the property been further south on Cow Drive this design and scale may have been acceptable (subject to the usual considerations)

Of the key points which seems to have been missed during the development of the proposed replacement dwelling is that this site is the transition site from the open countryside into the built development of the village of Chilmark. When travelling south along Cow Drive, Bevisfield is the first property encountered on the west side of the road. The existing dwelling is a single storey dwelling, the approved replacement

dwelling respects the original character and remains low key and has an agrarian character. Any replacement dwelling in this location should remain low key and should not be two storey due to the increased visual impacts in the rural landscape.

It is noted that this latest revision has included a landscape visual impact assessment (LVIA) which has been commissioned by the applicant in support of their application. This LVIA does indeed demonstrate very clearly how unobtrusive the existing single storey dwelling is just a bit of roof which looks like it could be a continuation of the barn even and then the wider view can't see any houses. The approved dwelling which follows this simple roof form will also be unobtrusive within the landscape. Image below taken from the LVIA.



Photograph 15: View of the site from the gateway on Cow Drove

The proposed amended design will add a first floor with dormer windows and will make the dwelling much more noticeable as a dwelling in the landscape noting again that the previous approval still had an agricultural appearance in Officers opinion and was low key.

Whilst the applicant states that the main change to the design that could impact on the visibility or character of the landscape, when compared to the approved replacement dwelling, is raising the overall height of the roof by 20cm. The height of the approved scheme is no higher than the existing bungalow. The effect of this change will be modest if this was the only alteration.

Section 6.5 of the LVIA states that "The AONB sensitivity report judges the sensitivity of this landscape, to be moderate to high, based on "a large scale, subdued rolling landform and strongly exposed character with reduced sensitivity due to the presence of settlement in the landscape".

The LVIA also confirms the site is visible within the landscape from a number of directions/viewpoints, the photos within the LVIA again demonstrating how the existing (and approved) are unobtrusive within the landscape but how the proposed design change with increased ridge and eaves height along with gable dormer windows will be more incongruous within the rural landscape and appear as a dwelling rather than of a more modest agrarian character adjacent to existing agricultural buildings.

The application documentation compares the application site to other properties along Cow Drove. Officers are of the opinion that Bevisfield is not comparable to other large two storey dwellings along Cow Drove as Bevisfield is the first in the row and has a low key presence the revised design does not preserve this low key presence but will have a much greater landscape impact within the AONB.

There are also concerns regarding the impact of the proposed revisions on the dark skies status of the AONB. There is a large amount of glazing which will allow light pollution within this special landscape. It is not possible for the Local Planning Authority to condition that development uses blinds or turns off lights as this is not enforceable.

Officers acknowledge the LVIA that has been submitted as part of the application documentation but the submission of this including the details within and conclusions does not override the overall issues relating to saved policy H30 as the proposed dwelling does have significantly more impact on the rural landscape from a number of viewpoints than the existing dwelling.

The proposed revised design for the replacement dwelling is therefore considered to be contrary to saved policy H30 part i as the revised design is significantly larger and has much greater impact than the existing dwelling; contrary to objective 16 of Creating Places Design Guide; contrary to core policy 57 and core policy 51.

This application also proposes the addition of a detached garage, this part of the proposals raises no particular concerns. There are other garages within the front gardens of properties along Cow Drove therefore the one proposed with this application is unlikely to look out of place.

9.3 Residential Amenity

Core Policy 57 (Ensuring High Quality Design & Space Shaping) requires new development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit 'How the new dwelling(s) will relate to the context and to each other to create a particular place'

The NPPF at paragraph 130(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The application site shares a boundary with only one neighbouring dwelling, this property is located to the south of Bevisfield and is known as Highcroft. Bevisfield is highly visible from Highcroft and will have impacts on this neighbouring property. It is noted that the previous occupier of this property objected to the original scheme but has since sold the property, the new occupiers have raised no objections to this current proposal. The proposed replacement dwelling will not be erected closer to the south boundary than the existing dwelling; the design also does not include any windows at

first floor level. On balance it is not considered that the proposals will significantly impact on the amenity of Highcroft.

The other nearest neighbouring dwellings are located on the opposite side of Cow Drove. Littledown is directly opposite and Purbeck Lodge slightly further to the south, these two will be the main properties affected. Whilst neither of these properties have raised objections to the proposed revised design, Officers must still assess the impacts of the proposals on the amenity of these properties both at present and also for the future.

The difference in design between the approved replacement dwelling and proposed replacement dwelling will see an increase in both ridge and eaves height as well as the installation of two additional front dormers as well as an increase in size of the first floor window as previously approved.

As approved front elevation



As proposed front elevation



Throughout the discussions of development on this site, Officers have maintained that first floor windows will have negative impacts on Littledown and Purbeck Lodge. Littledown and Purbeck Lodge are topographically lower than the application site and separated by the road. Bevisfield and these nearby dwellings have a separation distance of in excess of 25m. Purbeck Lodge is however not directly opposite Bevisfield so the impacts on this property are likely to be to a lesser degree than Littledown which is directly opposite Bevisfield.

The existing bungalow currently does not provide views over the dwellings on the opposite side of the road and as such has little impact on these properties. A single window was previously permitted, it was considered that this would create some conflict with neighbour amenity but not to a degree which would warrant a refusal. As can be seen in the images above, the proposal now includes two dormers as well as an enlarged window. The change in design through creating a more imposing and visually prominent dwelling which is topographically higher than properties on the other side of the road is likely to be far more visible and the dormers creating additional views towards these neighbouring properties which would conflict with their amenity.

The increased ridge and eaves height; the change in design to create a two storey dwelling will change the outlook from these nearby dwellings with a significant increase in overlooking from Bevisfield. Whilst the separation distance of in excess of 25m can be acceptable in some situations and may in some cases not represent too high a degree of intrusion, in this instance given the scale and design of the proposed dwelling it will certainly have a negative impact in the amenity of the occupiers of Littledown and Purbeck Lodge.

Whilst there will be landscaping along the front boundary, this can take time to establish and is not guaranteed to remain in perpetuity, this landscaping cannot be relied on to provide constant screening and to minimise the overlooking.

On balance it is considered that the replacement dwelling due to the increased ridge and eaves height and design of the proposed dwelling will result in the creation of what is effectively a two storey dwelling with the addition of front dormers and will have an

adverse impact on the amenity of neighbouring dwellings in particular Littledown. The development is considered to be contrary to core policy 57 in particular section vii “having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter) and the aims of the NPPF in particular para 127 (f) “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”

9.4 Highways issues

The application site is served by an existing access from the classified road (C road) to the east known as Cow Drove. The application is proposing to maintain the existing access and make no changes, the site itself is a large residential plot with adequate space for off road parking.

No highways objections have been raised from the Council’s Highways officer who adhered to the comments made for the previous applications which formed no objections. However, the comments received note that the works proposed on an earlier application to stop up the access further to the north which allows vehicular access to the agricultural land is not part of this current application and therefore not under consideration.

9.5 Trees

The application site hosts a number of trees, an arboricultural survey has been provided to support the application. The tree survey and subsequent tree protection plan are considered acceptable by the Council’s tree officer who has requested these are conditioned to ensure protection of the trees during demolition and construction.

9.6 Ecology

The application has raised no objections from the Council’s ecology team subject to conditions.

9.7 Other considerations

It is appreciated that the applicant requires a 6 bedroomed property but this is not a material planning consideration and is not a valid reason to allow a development which is contrary to policy and causes harm to the rural character of the local area which includes the AONB and harm to neighbour amenity.

10. Conclusion (The Planning Balance)

A replacement dwelling is in principle considered acceptable on the application site however this must comply with the above mentioned polices including saved policy H30, CP51, CP57 and the aims of the NPPF.

The revised design of the replacement dwelling through its raised ridge and eaves height and the inclusion of dormer windows creates a two storey dwelling. The

application site is the transition site between the open rural landscape and built development of the village of Chilmark; the existing and approved dwellings are low key an agrarian in character. The revised design is a two storey dwelling which is much more prominent and different character which will appear incongruous for this site. The revised dwelling is considered to be contrary to H30, CP51, CP57 and the aims of the NPPF as it has a much larger impact on the character of the rural landscape within the AONB.

RECOMMENDATION: Refuse for the following conditions:

1. The proposed revised design of the replacement dwelling is considered to be unacceptable by reason of a combination of its increased ridge and eaves height, half hip roof design and installation of gable dormer windows resulting in the overall appearance of a large two storey dwelling. The existing dwelling is a modest low key single storey dwelling which lies unnoticed within the rural landscape, the fall back approved dwelling comprises a modest agrarian single storey similarly low key building which is sensitive to the special landscape character of the AONB. The proposed development is considered to be a contrast to the existing (and approved) modest discreet single storey dwelling whose location as the first seen property when heading south and the gentle transition from open countryside to built development will be eroded through the erection of a two storey prominent dwelling, dominating the landscape, to the detriment of the character of the AONB and rural landscape. The application is therefore considered to be contrary to saved policy H30 of the Salisbury District Local Plan parts (i) and (ii) as the proposed replacement dwelling is significantly larger and has a greater impact than the existing dwelling as well as Creating Places objective 16, core policies and 57 and the aims of the NPPF.
2. The replacement dwelling due to the increased ridge and eaves height and design of the proposed dwelling will result in the creation of what is effectively a two storey dwelling. The application site is topographically higher than properties to the east side of Cow Drove, the revised design including addition of two front dormer windows will have an adverse impact on the amenity of neighbour neighbouring dwellings in particular Littledown through impact on outlook and overlooking. The proposed development is considered to be contrary to core policy vii and the NPPF para 127 f.

APPENDIX A

CASE OFFICER'S REPORT

Application Reference: 20/06258/FUL
Consultation period expired: 29/10/2020

SITE ADDRESS: Bevisfield, Cow Drove, Chilmark, SP3 5AJ
PROPOSAL: Proposed replacement dwelling

POLICIES:

National Planning Policy Framework (NPPF):

National Planning Policy Guidance (PPG)

Wiltshire Core Strategy (WCS):

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP27 (Spatial Strategy for the Tisbury Community Area)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring high Quality Design and Place Shaping)

Salisbury District Council Saved Policies

H30 Replacement dwellings in the Countryside

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006
Achieving Sustainable Development SPG (April 2005)

Cranborne Chase & West Wiltshire Downs AONB Management Plan 2019-2024

Wiltshire Local Transport Plan – Car Parking Strategy

AONB Position Statement, Number 10, entitled 'Housing within the Cranborne Chase Area of Outstanding Natural Beauty' December 2018

ISSUES:

- Principle of development
- Scale, design, impact to character and appearance of Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty
- Ecology
- Trees
- Impact on highway safety
- Impact on neighbour amenity

CONSULTATION RESPONSES

Parish Council – No comment

Ecology - No objections subject to conditions

Trees – No objection subject to condition

Highways – No objection

AONB – No objection

REPRESENTATIONS

None received

SITE HISTORY

18/11684/FUL Replacement dwelling Refused

19/11072/CLP Proposed single storey rear extension and addition of velux roof lights to allow use of the roof space Approved

20/01266/CLP Proposed pool house Approved

ASSESSMENT

Site Description

The application site relates to a single storey dwelling located on the west side of Cow Drove on the edge of the village of Chilmark. The dwelling is located in a good-sized residential plot, with agricultural land to the west, agricultural buildings/land to the north and other residential dwellings to the south and east. The property is located within the Cranborne Chase & West Wiltshire Downs AONB.

Cow Drove is characterised by a mix of large detached dwellings of varying designs, these include single storey dwellings, chalet bungalows and two storey properties; located on both sides of the road and set within large residential curtilages with many bounded by open fields to the rear. Existing dwellings are predominantly set back from the road with mixed screening along the front boundary.

Background and proposal

Preapplication advice was sought by the applicant for the erection of a replacement dwelling, the principle of this considered acceptable subject to complying with saved policy H30 and other national/local policies and material consideration, it was advised that a scaled down dwelling would be more appropriate. A formal application 18/11684/FUL was submitted and subsequently refused for the following reasons

1. The proposed development by reason of a combination of its height, bulk, massing, scale, design (3 blocks) and siting in context with its surroundings will create an imposing presence within the streetscene and will introduce an incongruous addition to the area. The proposed development is considered to be a contrast to the existing modest discreet single storey dwelling whose location as the first seen property when heading south, and the gentle transition from open countryside to built development will be eroded with the prominent "manor house" with its imposing grand design dominating the landscape, to the detriment of the character of the AONB and rural landscape. The proximity of the dwelling to the road (Cow Drove) further exacerbates the prominence of the new dwelling within the locality. The application is therefore considered to be contrary to saved policy H30 of the Salisbury District Local Plan parts (i) and (ii) as the proposed replacement dwelling is significantly larger and has a greater impact than the existing dwelling; the design of the dwelling is not appropriate to the rural surroundings

2. The proposed dwelling is considered to have an adverse impact on neighbour amenity in particular in relation to Highcroft, Littledown and Purbeck Lodge, the height, scale and location of the proposed dwelling including amount and location of fenestration will conflict with existing privacy levels enjoyed by the occupiers of these properties, additionally the scale and dominant presence of the new dwelling will overbear adjacent dwellings further exacerbated by the elevated site and proximity to the road. The proposed development is therefore considered to be contrary to policies 51 and 57 (i, iii, vi and vii), of the Wiltshire Core Strategy; Saved Salisbury District Local Plan Policy H30; creating places design guide, the guidance within the PPG and NPPF.

Full officers report and assessment for this refused application can be found at Appendix A, this also provides useful background and is relevant to this current application.

The application is seeking consent for the erection of a replacement dwelling, amended scheme to the above-mentioned refusal.

Principle of development

The NPPF confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS), saved policies of the Salisbury District Local Plan and the Wiltshire Local Transport Plan.

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 27 confirms that development in the Tisbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Amesbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Chilmark is identified as a small village in the Wiltshire Core Strategy (WCS) which have limited services and are reliant on Local Service Centres and are not the most sustainable locations for new growth. Core Policy 1 of the WCS has removed the housing policy boundary of Chilmark and the site is now located within open countryside where there is a general presumption against development. However, Core Policy 1 explains that some very modest development may be appropriate at Small Villages which will be carefully managed by Core Policy 2 (which states that limited development within the built area is acceptable) and the other relevant policies of the development plan.

Saved policy H30 of the Salisbury District Local Plan is specifically relevant to replacement dwellings and under this policy; the proposal to demolish and replace the existing dwelling is acceptable in principle, subject to the criteria in saved policy H30 of the Salisbury District Local Plan:

H30 The replacement of an existing dwelling in the countryside will be permitted provided that:

- (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;
- (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;
- (iii) the siting of the replacement dwelling is closely related to that of the existing;
- (iv) current parking and access standards can be met; and
- (v) the existing dwelling has not been abandoned.

Where the residential use of the existing dwelling is the result of a temporary or a series of temporary permission, any permanent replacement dwelling will only be permitted in exceptional circumstances.

In addition to considering the acceptability of the proposals in principle; it is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts also considered below, these include scale, siting, design, highway safety, neighbour amenity and the impact on the AONB.

Scale, design, impact to character and appearance of Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

Prior to submitting a full planning application for a revised scheme for a replacement dwelling, the applicant applied for two certificate of lawfulness applications for proposed use to confirm that they could enlarge the existing property under permitted development, these applications were both approved, plans indicating the existing plus permitted development additions have been provided to support the application.

Using the scale of the existing dwelling with permitted development included, the applicants have designed a new dwelling which would effectively comply with saved policy H30 and would not be significantly larger than the existing dwelling, without these, the dwelling would be significantly larger. The proposed dwelling :-

Refused front elevation



Proposed front elevation



The above snippets from refused and proposed front elevations show how the scheme has been significantly scaled down when seen from the front of the property and streetscene. The property is located within the AONB and comments were received from the AONB Group, there were concerns raised regarding the amount of rooflights and glazing and the impacts of this on the dark skies status of the AONB through light pollution. Discussions were undertaken between the AONB Group and applicant, amendments were made which reduced the number of rooflights and included light reduction factors such as providing integral blinds / louvres on a daylight sensor operated switch and modified brise soleil, the AONB Group raised no objections. Officers highlighted that it was not possible to condition that blinds are used as this is simply not enforceable, this was acknowledged by the AONB Group but their comments of no objection stand and the applicant confirmed they are committed to using the blinds as discussed.

Landscaping was also discussed between the applicant and AONB group, a landscaping scheme was submitted and agreed with the AONB Group.

On balance it is considered that the scale, siting, design, choice of materials are appropriate in this instance for this site and are at the upper limit of what would be appropriate and raise no significant concerns and accord with the above mentioned policies and guidance.

Ecology

The Council's ecology team was consulted as part of the application process, initially further information was requested

"I note the submission of two Darwin Ecology bat survey reports, from 2017 and 2019. The 2019 report and planning statement refers to an additional bat survey due to be carried out in May 2020. This has not been submitted but is required in order to fully inform the application. It is needed, to be sure that the compensation proposed for the loss of a bat roost is appropriate. Further, none of the application plans show the proposed compensation measures.

The site falls within two zones of the Chilmark Quarries Bat SAC. As such, aspects of the proposal such as vegetation removal and changes in external lighting become relevant, as per the developer's guidelines found listed here: <http://www.wiltshire.gov.uk/planning-bio-ecological-survey>. Screening of the application in light of the Habitat Regulations 2017 may be required if it is deemed that the changes in these details could impact Bat SAC species. The existing/proposed landscape plans show that vegetation is proposed for removal to the west of the site. It doesn't appear that bats associated with the SAC are using the building proposed for demolition, however the other outbuildings on site may support them; this doesn't seem to be mentioned in the ecology reports.

I won't yet pass this application to an ecologist for full comment until further information has been received:

- May 2020 bat survey report and full recommendations
- Recommended bat roost compensation is detailed on the application drawings
- Clarification of potential for other buildings, beyond the main dwelling, for supporting bats, including Annex II species associated with the SAC
- Clarification of whether the proposed removal of vegetation will likely impact Annex II bats using the wider site
- Clarification of whether any external lighting is included in the proposal"

Further details were provided which were passed to an ecologist for comment, no objections were raised subject to condition :-

"The application is for a replacement dwelling, the existing bungalow has been subject to bat surveys with respective reports in 2017, 2019 and 2020. Whilst the initial survey found possible old serotine bat droppings within the loft, this is considered to be a historical roost. The 2019 survey found droppings inside the loft characteristic of pipistrelle species and a single soprano pipistrelle bat emerged from a roof tile at the north end of the building. An update survey in summer 2020 found no droppings and no emergence. It is considered that the site supports a roost of Soprano Pipistrelle bat and compensatory roost features are shown on the revised proposed elevations drawing. This is in line with the recommendations of the most recent bat report.

A European Protected Species (bat) development licence will be required before works commence.

In addition to the above bat reports 'Building Inspection, Emergence/ Re-entry Surveys & Mitigation Report' September 2017/ September 2019/ June 2020, (Darwin Ecology) an additional statement is provided 'Response to Comments...' 15th September 2020 (Darwin Ecology) in response to queries by our ecology team (21st August 2020). This provides further and clarifying information to the effect that the site contains no suitable roost features for Annex II Species that are a feature of the Chilmark Quarries Bat SAC of which the site lies within two consultation zones. This also advises that, whilst low levels of Barbastelle bat activity were recorded during the 2019 and 2020 surveys, the site supports no likely significant foraging habitat and that landscape features will be retained as confirmed by the updated landscape proposals drawing. We are therefore satisfied that there are no likely impacts to the SAC or bats which are a feature of this.

The 2020 bat report recommends biodiversity enhancement features and sensitive lighting to avoid disturbance to bats, the details of these will need to be confirmed as conditions of a permission unless the applicant prefers to submit these in advance of determination.

3 derogation tests

In light of ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 2017, as amended, the 3 "derogation" tests, as set out in Regulation 55 must be considered in reaching a recommendation.

The 3 tests are:

1. The activity ... must be for imperative reasons of overriding public interest or for public health and safety (IROPI)
2. There must be no satisfactory alternative
3. Favourable conservation status of the species must be maintained.

In this case, the LPA has sufficient information to be able to consider the 3rd test and it is considered that favourable conservation status of Soprano Pipistrelle bat can be maintained, subject to securing the mitigation measures within the bat mitigation statement in Section 6 of the 'Building Inspection, Emergence/ Re-entry Surveys & Mitigation Report' June 2020,

(Darwin Ecology), 'through suitably worded condition, should the application be approved. The LPA (case officer) will also need to consider the 1st and 2nd test before determining the application.

Conditions:

The following, or similarly worded, conditions are recommended;

ECO 1. The development hereby approved shall be carried out in accordance with the proposals within the bat mitigation statement in Section 6 of the 'Building Inspection, Emergence/ Re-entry Surveys & Mitigation Report' June 2020, and the proposed revised elevations drawing reference 18/664/P521 B as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence where required.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

ECO. 2. Before occupation of the approved dwelling, details of the provision of biodiversity enhancement measures such as bat roosting features and nesting opportunities for birds shall be submitted to the local planning authority for approval, including a plan showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To provide additional biodiversity opportunities as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

Note that the Building Inspection, Emergence/ Re-entry Surveys & Mitigation Report' June 2020, (Darwin Ecology), provides suitable recommendations.

ECO. 3. No new external artificial lighting shall be installed at the development site unless otherwise agreed in writing by the local planning authority.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

The case officer is required to assess the first and second derogation test as detailed above.

In terms of derogation test 1 which states "The activity ... must be for imperative reasons of overriding public interest or for public health and safety (IROPI)", the proposals involve the erection of a replacement dwelling which is considered to be an enhancement on the existing dwelling in terms of visual amenity, constructed to a high quality design the development is considered to be of public benefit within the AONB

Test 2 states that "there must be no satisfactory alternative". It is considered that the erection of a replacement dwelling in this location which complies with saved policy H30 is the best way to provide improved accommodation without creating additional residential properties within this rural location.

Trees

The application site hosts a number of trees, an arboricultural survey was requested by the Council's Tree Officer when the landscaping plans submitted showed the removal of a

number of these existing trees. The tree survey and subsequent tree protection plan are considered acceptable by the Council's tree officer who has requested these are conditioned to ensure protection of the trees during demolition and construction.

Impact on highway safety

The application is proposing to maintain the existing access and make no changes, the site itself is a large plot with adequate space for off road parking. No highways objections have been raised by the Council's Highways officer who adhered to the comments made for the previous refused application, noting this was not refused on highways grounds. However, there are differences between the previous refused application and this current application in that the existing access further to the north is not included within the proposal and there are no plans to stop this up, therefore this is not under consideration for this current proposal.

Impact on neighbour amenity

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

Objective 16 of the Council's Design Guide states (page 67) also refers to the need for new development proposals to exhibit 'How the new dwelling(s) will relate to the context and to each other to create a particular place'.

The previous application reference 18/11684/FUL received 8 letters of representation, many raising concerns about the proposal, a full summary and comments on the previous application can be found at Appendix A, noting that the impact on neighbour amenity formed the second reason for refusal. No letters of representation have been received for this revised proposal.

This revised application has been significantly redesigned to address previous concerns, the overall scale and bulk of the proposed replacement dwelling has been reduced and the amount of windows above ground floor level also significantly reduced. The majority of openings above ground floor level are on the west elevation overlooking land owned by the applicants and therefore raise no significant concerns. There is now one first floor window serving a bedroom on the front (east) elevation, it is considered that this will have some impact on the adjacent neighbours but this is not significant enough to warrant a refusal due to the separation distance and lack of neighbour objection. The proposed south elevation includes a large rooflight which may provide views over adjacent dwelling, it is therefore considered prudent to condition that this is obscure glazed to minimise the impacts.

Overall, it is considered that the amended design no longer has a significant impact on neighbour amenity which would warrant a refusal and now accords with core policy 57 and the aims of the NPPF.

CIL:

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply.

If the existing dwelling has been in lawful use for a continuous period of 6 months within the previous 39 months, then CIL will only apply to the additional floor space. However, if the existing dwelling has not been in lawful use, then the whole new dwelling will be CIL liable.

However, CIL is separate from the planning decision process, and is administered by a separate department and is normally added as an informative onto decision notices of approval.

CONCLUSION

The proposed development is considered to be acceptable by virtue of its scale, design and materials, with no significant impact to neighbouring amenities, and it is therefore considered to be in accordance with Core Policies 1, 2, 27, 51 and 57 of the adopted Wiltshire Core Strategy, saved policy H30 and the aims of the NPPF.

RECOMMENDATION: Approve with 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:

Application form received 27/07/2020

Proposed site block plan (location plan) Drg no 18 / 664 / P001 Rev A received 27/07/2020

Proposed site block plan Drg no 18 / 664 / P002 Rev B received 27/07/2020

Proposed first floor plan Drg no 18 / 664 / P501 Rev B received 14/10/2020

Proposed north and south elevations Drg no 18 / 664 / P522 Rev D received 14/10/2020

Proposed ground floor plan Drg no 18 / 664 / P500 Rev C received 14/10/2020

Proposed west elevation (colour) Drg no 18 / 664 / P527 Rev D received 14/10/2020

Proposed west elevation Drg no 18 / 664 / P521 Rev D received 14/10/2020

Proposed east elevation Drg no 18 / 664 / P520 Rev D received 14/10/2020

Proposed Landscape Plan Drg no 18 / 664 / P003 Rev F received 14/10/2020

Proposed Landscape Scheme Drg no CS-653.02 received 14/10/2020

Proposed Tree Removal Plan Drg no CS-653.01 received 14/10/2020

Tree Protection Plan ref: TCPB by Hellis Solutions Ltd Dated November 2020 received 12/11/2020

Bat Emergence/Re-entry Surveys and Mitigation Report by Darwin Ecology Ltd dated June 2020 received 24/08/2020

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

3) Before the development hereby permitted is first occupied the rooflight in the south elevation shall be glazed with obscure glass only to an obscurity level of no less than level 5 and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

5) No part of the development hereby approved shall be occupied until all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area

6) The development hereby approved shall be carried out in accordance with the proposals within the bat mitigation statement in Section 6 of the 'Building Inspection, Emergence/ Re-entry Surveys & Mitigation Report' June 2020, and the proposed revised elevations drawing reference 18/664/P521 D as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence where required.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

7) Before occupation of the approved dwelling, details of the provision of biodiversity enhancement measures such as bat roosting features and nesting opportunities for birds shall be submitted to the local planning authority for approval, including a plan showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To provide additional biodiversity opportunities as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

8) No new external artificial lighting shall be installed at the development site unless otherwise agreed in writing by the local planning authority.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

INFORMATIVE

Note that for condition 7 above, the Building Inspection, Emergence/ Re-entry Surveys & Mitigation Report' June 2020, (Darwin Ecology), provides suitable recommendations.

APPENDIX A of 20/06258/FUL

CASE OFFICER'S REPORT 18/11684/FUL

Application Reference:	18/11684/FUL
Date of Inspection:	20/09/18 & 14/01/19
Date site notice posted:	14/01/19
Date of press notice:	NA

POLICIES:

National Planning Policy Framework (NPPF):

National Planning Policy Guidance (PPG)

Wiltshire Core Strategy (WCS):

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP27 (Spatial Strategy for the Tisbury Community Area)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring high Quality Design and Place Shaping)

Salisbury District Council Saved Policies

H30 Replacement dwellings in the Countryside

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

Achieving Sustainable Development SPG (April 2005)

Cranborne Chase & West Wiltshire Downs AONB Management Plan 2009-2014

Wiltshire Local Transport Plan – Car Parking Strategy

AONB Position Statement, Number 10, entitled 'Housing within the Cranborne Chase Area of Outstanding Natural Beauty' December 2018

ISSUES:

Principle of development

Scale, design, impact to character and appearance of Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

Impact on highway safety

Impact on neighbour amenity

REPRESENTATIONS:

Parish Council: Concerns/observations raised which include

- Building would be significantly larger than the existing
- Contrary to planning guidance
- New dwelling would be dominant, overbear and overlook adjacent dwellings
- Would be better if size/height were reduced
- Dwelling could be moved further north and west

Third Party Representations: 8 letters of representation have been received for this application, comments made are summarised below

- Not against the principle of a replacement dwelling
- Nice house, wrong location
- Impact on neighbour amenity, overbearing, loss of privacy
- Screening that had been provided has been lost as trees have been removed
- Change in orientation of the dwelling will move closer to the neighbour to the south and parallel to road rather than offset
- Concerns over loss of agricultural land
- Scale of replacement dwelling is too big including footprint and height
- Contrary to policy H30

- Contrary to Wiltshire Core Strategy Policy 51, Landscape.
- Design out of keeping, too grand for this location
- Application site is in open countryside, new dwelling is inappropriate for this location
- Out of keeping/character with local area
- Impact on streetscene
- Application site is first seen on entering village and on elevated land therefore impact greater than other locations
- More impact as Bevisfield not set as far back from the road as other properties
- Integral garage converted without planning consent
- Change of use required to residential for some of land in red line
- Details submitted are inaccurate as incorporate the agricultural land into residential for figures
- Negative impact on AONB

AONB Objection, issued raised are summarised below

- This is replacing a bungalow with 3 storey dwelling
- Contrary to the new position statement No. 10 'Housing within the Cranborne Chase Area of Outstanding Natural Beauty'
- No Landscape and Visual Impact Assessment has been submitted
- Application does not fully address the NPPF
- Application does not take into account the objectives, policies and actions of the AONB Management Plan
- No independent assessment has been carried out to show new dwelling is not significantly larger than the existing or impact on landscape

Highways No objection subject to conditions

ASSESSMENT:

Site Description

The application site relates to a single storey dwelling located on the west side of Cow Drove on the edge of the village of Chilmark. The dwelling is located in a good sized residential plot, with agricultural land to the west, agricultural buildings/land to the north and other residential dwellings to the south and east. The property is located within the Cranborne Chase & West Wiltshire Downs AONB.

Cow Drove is characterised by a mix of large detached dwellings of varying designs, these include single storey dwellings, chalet bungalows and two storey properties; located on both sides of the road and set within large residential curtilages with many bounded by open fields to the rear. Existing dwellings are predominantly set back from the road with mixed screening along the front boundary.

Proposal

The application is seeking consent for the erection of a replacement dwelling

Principle of development

The NPPF confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS), saved policies of the Salisbury District Local Plan and the Wiltshire Local Transport Plan.

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 27 confirms that development in the Tisbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Amesbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Chilmark is identified as a small village in the Wiltshire Core Strategy (WCS) which have limited services and are reliant on Local Service Centres and are not the most sustainable locations for new growth. Core Policy 1 of the WCS has removed the housing policy boundary of Chilmark and the site is now located within open countryside where there is a general presumption against development. However Core Policy 1 explains that some very modest development may be appropriate at Small Villages which will be carefully managed by Core Policy 2 (which states that limited development within the built area is acceptable) and the other relevant policies of the development plan.

Saved policy H30 of the Salisbury District Local Plan is specifically relevant to replacement dwellings and under this policy; the proposal to demolish and replace the existing dwelling is acceptable in principle, subject to the criteria in saved policy H30 of the Salisbury District Local Plan:

H30 The replacement of an existing dwelling in the countryside will be permitted provided that:

- (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;
- (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;
- (iii) the siting of the replacement dwelling is closely related to that of the existing;
- (iv) current parking and access standards can be met; and

(v) the existing dwelling has not been abandoned.

Where the residential use of the existing dwelling is the result of a temporary or a series of temporary permission, any permanent replacement dwelling will only be permitted in exceptional circumstances.

In addition to considering the acceptability of the proposals in principle; it is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts also considered below, these include scale, siting, design, highway safety, neighbour amenity and the impact on the AONB.

Scale, design, impact to character and appearance of Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

NPPF part 12 details achieving well-designed places, para 127 in particular mentions how development should be sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. NPPF paras 170-172 detail how decisions should contribute to and enhance the natural and local environment and that great weight should be given to conserving the landscape and scenic beauty in AONBs, which alongside National Parks and the Broads have the highest status protection in relation to landscape and scenic beauty.

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced

ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development

iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting

iv. being sympathetic to and conserving historic buildings and historic landscapes

v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)

vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site

Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character and development 'must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.'

The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area which straddles three County, one Unitary and five District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital. The AONB Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils. It sets out the Local Authorities' Objectives and Policies for this nationally important area.

Development proposed in AONB should demonstrate particular regard to the character and appearance of the landscape setting. The AONB is characterised by a diversity of landscapes and these variations and differences are represented by 8 landscape types in the AONB Landscape Character Assessment (LCA) 2003. The application site is in the 2A West Wiltshire Downs Open Chalk landscape character area.

The AONB Group have raised objections (summarised above) to the proposed development and have referred to their Position Statement number 10 which relates to housing in the AONB and in particular page 2 which relates to replacement dwellings, in this document it details their concerns regarding the trend for replacing existing small scale dwellings with large houses that stand out unduly in the landscape. The loss of small scale dwellings is a concern in particular with regards to availability of affordable housing. Position Statement 10 suggests that replacement dwellings should not have an increase in size of over 140% from the existing floor space.

Objections have been raised with regards to the proposed replacement dwelling (summarised above) which include the new dwelling being larger than the existing and out of keeping with the character of the area (AONB), comments received have also stated that the dwelling may be acceptable if moved to a different location within the residential plot.

The existing dwelling is a modest discreet single storey dwelling fairly well screened from the streetscene and is not overly prominent from public views in all directions due to its design,

scale and siting. The proposed dwelling will be a large two storey dwelling with a third storey for part of it, the increase in height/scale can be seen in the front elevations below:-

Existing front elevation



Proposed front elevation



The additional height and bulk of the replacement dwelling will be significantly greater than the existing and as such will likely be overly prominent within the streetscene. The application site is the last property on Cow Drove when heading north and the first seen when heading south creating a nice transition between open countryside and this little row of development along Cow Drove. Whilst the property is in an elevated position, the existing bungalow is barely visible when heading south however the large replacement dwelling will be very visible and dominant due to its scale, imposing grand design and proximity to the road and will have a significant impact on the character and appearance of the area.

The design of the proposed replacement dwelling almost appears to be 3 blocks rather than just one distinct unit the three blocks look like more than one property and further emphasise the scale of the property adding to its massing and creating the “Manor House” design rather than the domestic dwelling look of the other properties along Cow Drove..

The proposed dwelling is larger than any other dwellings along Cow Drove, it is noted that there are other properties of similar design although these are much smaller, it is also noted that each site is considered on its own merit and as is widely understood, what may be acceptable for one site may not be for another as each site is different. Other planning applications approved along this road are for extending/altering existing two storey dwellings or replacing an existing two storey dwelling. For example, Wandle House (located at the southern end of Cow Drove) received approval under planning reference 17/07886/FUL for a

replacement dwelling; the proposed dwelling was designed by the same Agent/Applicant as this current application at Bevisfield.

This changed from existing below left to proposed/approved below right



This situation is different to Bevisfield in that the existing property is already a two storey dwelling and the increased height/bulk is not as significant as that at Bevisfield. Additionally the location of the existing dwelling at Wandle House is set much further back from the road, is very well screened from the road and is angled as such to not “present” to the street, overall providing a development which is not overly prominent within the streetscene and does not have a negative impact on the local area/neighbour amenity.

The proposed replacement dwelling at Bevisfield due to the combination of its bulk, massing, design (3 block), scale (change from single storey to 3 storey) will have a much more prominent and imposing presence within the streetscene and will create an incongruous addition to the locality to the detriment of the character of the AONB and rural landscape. This is also contrary to saved Policy H30, point (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling and (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings.

Saved policy H30 part (iii) the siting of the replacement dwelling is closely related to that of the existing; as shown below, the replacement dwelling is situated roughly in the same location as the existing but has been re-orientated to be parallel with the road to the front; the proposed footprint is also larger than the existing.



The comments from third parties which state that if the dwelling was moved further north and pushed back into the site it would be more acceptable and have less impact. However, moving the location of the dwelling would be contrary to policy and would not be acceptable in principle even if it did address other issues to a degree such as neighbour amenity. The re-alignment does appear to further exacerbate the imposing nature of the proposed dwelling which does now “present” itself to the road and is potentially intended to make more of an impression as would be expected from a manor house style property. The proposal is therefore not considered to preserve the character and appearance of the wider area including the AONB.

Pre-application advice was sought for the replacement dwelling prior to submitting a full planning application, the preapp concluded that the principle of a replacement dwelling on the site was acceptable subject to complying with policy and subject to design and impact on neighbours which due to the preapp process being confidential neighbour opinion is not sought by Officers at this stage. Extract from the preapp below

The replacement dwelling will be constructed in approx. the same location as the existing although will be orientated slightly more north east/south west compared to the north/south of the existing (H30 stipulating that replacement dwellings should be built in the same location as the existing). The overall footprint of the replacement dwelling is larger than the existing and with the addition of the first floor is a significantly larger building than the existing dwelling. Policy H30 states that *"A replacement dwelling should not be significantly larger than the one being replaced in order to maintain the overall character of the countryside"*, therefore it is my opinion that the proposed replacement dwelling due to its size and design is contrary to policy H30.

The existing dwelling is small, discreet building which is well screened from the streetscene and is not overly prominent due to its design from public views. The replacement dwelling due to its scale and design will be much more prominent, and will have a much larger impact on the setting within the AONB, creating a negative impact on the character of the area. The proposal site is the last on this road when heading north or the first when heading south, the landscape slopes downwards into the village; the single storey dwelling as existing sits nicely within the landscape and provides a gentle introduction to the village; a much larger dwelling than the existing would alter the character of the village when approached from the north. The location of the preapp site is also very open to the north, out into the open countryside, the proposed design and scale of the replacement dwelling will be very dominant within the landscape.

The replacement dwelling has been designed using the design of existing properties along Cow Drove as examples. There are other examples of large two storey dwellings which are of the same general style as the replacement dwelling at Bevisfield. However each site must be assessed on its own merit and I am sure you are aware just because something is acceptable on one site does not necessarily make it so on another. Where the similar design has been used in development elsewhere on Cow Drove this has been when altering/extending existing two storey dwellings and not creating a two storey dwelling from a single storey; these have also not been right on the edge of the village but nearer to the cross roads closer to the centre.

In my opinion for the replacement dwelling on this site to be acceptable the scale and design would need to be reduced/amended to accord with policy and to have a positive impact on the character and setting of the area, Potentially a reduced footprint to compensate for the two storey could help along with a more modest design for a dwelling rather than a country manor house. Changing the design of the appearance to not only reduce the prominence within the streetscene and wider area but to also provide a design which looks like a single dwelling compared to the proposed design which has the appearance of being more than one property would also be more appropriate.

In terms of materials, it was discussed during the site meeting that local Chilmark stone would be used, it is considered that the use of such complementary is appropriate to preserve the character of the local area and setting of the AONB.

It is not considered that the full planning submission has addressed the concerns raised in terms of the design and scale of the proposed dwelling and its impact on the character and appearance of the area and therefore Officers are minded to refuse the application.

The buildings proposed for demolition raise no particular concerns, all but one are within the residential curtilage with one being on the agricultural yard to the north. Concerns have been raised about the apparent change of use of agricultural land without including in the description; the area refers to the yard to the north. The applicant is not applying for change of use and it is normal for an application to include different uses within the red line. If Officers had been minded to approve then a further plan identifying the residential and agricultural purposes to enable this to be conditioned would have been requested however as Officers are minded to refuse this was not considered necessary.

Impact on highway safety

The Councils Highways Officer was consulted as part of the application process they raised no objections subject to condition. It was noted that they requested the red line include the field access to the north which is proposed to be closed as part of the application; the Agent provided an amended plan to incorporate this as requested.

Whilst I have no highway objection to the proposed replacement dwelling I note that, although not edged in red, the development proposes to close an existing field access while retaining the splayed access area as a vehicle passing place (Design & Access Statement (3.02)). I attach herewith 2 extracts from Google Street View showing the access to be closed from which you will see that the splayed area is poorly surfaced and the edge of the carriageway unsupported. I recommend that the access area be included within the application site edged red and that no highway objection be raised subject to the following condition/informative being attached to any permission granted:-

The development hereby permitted shall not be first occupied until the whole of the splayed access area has been consolidated and surfaced (not loose stone or gravel). The splayed area shall remain as such thereafter.

Reason: In the interests of highway safety.

Informative The consent hereby permitted shall not be construed as authority to carry out works on the public highway. The applicant is advised that a licence is required from the local highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.



Impact on neighbour amenity

Core Policy 57 (Ensuring High Quality Design & Space Shaping) requires new development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution'.

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit 'How the new dwelling(s) will relate to the context and to each other to create a particular place'

Third party representations received regarding the replacement dwelling have raised concerns about the impact of the development on their amenity. The main properties affected are Highcroft to the south, Littledown to the east and Purbeck Lodge to the south east. Bevisfield is situated in an elevated location with the land sloping from north to south and also west to east with Bevisfield located on the highest residential plot.

The existing dwelling at Bevisfield is located approx. 19m from the boundary with Highcroft; the proposed replacement dwelling will be located approx. 15m from the boundary. A photo taken from inside Highcroft facing north has been submitted as part of a representation to indicate the impacts of the replacement dwelling on this property.



The change from a single storey building to 3 storey building will likely have an impact on the amenity of the occupiers of Highcroft. It is not considered that this will result in a loss of light but will be intrusive due to its bulk and added significant increase on the privacy of this adjacent property. The side elevation at first floor includes a large window serving the bathroom, whilst it could be conditioned to be obscure glazed it would be unreasonable to insist on this window being fixed shut, it is therefore considered that the impact on privacy of the occupiers of Highcroft would be to an unacceptable level which would reduce their enjoyment of their property.

Littledown and Purbeck Lodge are topographically lower than the application site and separated by the road. Bevisfield and these nearby dwellings have a separation distance of in excess of 25m. The existing bungalow currently does not provide views over the dwellings on the opposite side of the road and as such has little impact on these properties. The increased height and increase in fenestration including the size and scale of the windows will change the outlook from these nearby dwellings with a significant increase in overlooking from Bevisfield. Whilst the separation distance of in excess of 25m can be acceptable in some situations and may in some cases not represent too high a degree of intrusion, in this instance given the scale of the proposed dwelling it will certainly have a negative impact in the amenity of the occupiers of Littledown and Purbeck Lodge.

In summary the proposed replacement dwelling due to its size, scale and design will have an adverse impact on the amenity of neighbouring dwellings and as such is contrary to core policy 57 in particular section vii "having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes,

effluent, waste or litter) and the aims of the NPPF in particular para 127 (f) “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”

CIL:

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply.

If the existing dwelling has been in lawful use for a continuous period of 6 months within the previous 39 months, then CIL will only apply to the additional floor space. However, if the existing dwelling has not been in lawful use, then the whole new dwelling will be CIL liable.

However, CIL is separate from the planning decision process, and is administered by a separate department and is normally added as an informative onto decision notices of approval.

RECOMMENDATION: REFUSE

1. The proposed development by reason of a combination of its height, bulk, massing, scale, design (3 blocks) and siting in context with its surroundings will create an imposing presence within the streetscene and will introduce an incongruous addition to the area. The proposed development is considered to be a contrast to the existing modest discreet single storey dwelling whose location as the first seen property when heading south, and the gentle transition from open countryside to built development will be eroded with the prominent "manor house" with its imposing grand design dominating the landscape, to the detriment of the character of the AONB and rural landscape. The proximity of the dwelling to the road (Cow Drove) further exacerbates the prominence of the new dwelling within the locality. The application is therefore considered to be contrary to saved policy H30 of the Salisbury District Local Plan parts (i) and (ii) as the proposed replacement dwelling is significantly larger and has a greater impact than the existing dwelling; the design of the dwelling is not appropriate to the rural surroundings

2. The proposed dwelling is considered to have an adverse impact on neighbour amenity in particular in relation to Highcroft, Littledown and Purbeck Lodge, the height, scale and location of the proposed dwelling including amount and location of fenestration will conflict with existing privacy levels enjoyed by the occupiers of these properties, additionally the scale and dominant presence of the new dwelling will overbear adjacent dwellings further exacerbated by the elevated site and proximity to the road. The proposed development is therefore considered to be contrary to policies 51 and 57 (i, iii, vi and vii), of the Wiltshire Core Strategy; Saved Salisbury District Local Plan Policy H30; creating places design guide, the guidance within the PPG and NPPF.