

REPORT TO EASTERN AREA PLANNING COMMITTEE**Report No.**

Date of Meeting	22 nd August 2024
Application Number	PL/2024/05326
Site Address	Forest View, East Grafton, Marlborough, SN8 3DB
Proposal	Erection of garage
Applicant	Mrs S Clemence
Town/Parish Council	GRAFTON PARISH COUNCIL
Electoral Division	Pewsey Vale East
Grid Ref	51.343178, -1.635759
Type of application	Householder Planning Application
Case Officer	Meredith Baker

Reason for the application being considered by Committee

This application has been brought before the Committee at the request of Councillor Wheeler should the application be recommended for refusal, on the basis of; the scale of the development, visual impact upon the surrounding area, relationship to adjoining properties and design – bulk, height, general appearance.

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 consideration, and to consider the recommendation that the application be refused planning permission.

2. Report Summary

The proposed development comprises a detached garage located to the front of the existing dwelling, within the domestic curtilage of the site. By reason of its one-and-a-half storey height, design and siting, it is considered that the proposed garage would be an unacceptable outbuilding in this location. The garage would overdevelop this part of the site and whilst it would not be highly visible from the public realm by reason of the mature hedgerow along the site boundary, it would cause harm to the character and appearance of the area, being a contrived development within the site. The proposal would also fail to preserve or enhance the character and appearance of the East Grafton Conservation Area, with be no public benefits to outweigh the harm caused. As such, the proposal is considered to be contrary to the National Planning Policy Framework (NPPF) 2023 and Core Policies 57 and 58 of the Wiltshire Core Strategy.

In addition, insufficient information has been submitted with the application to adequately demonstrate that the proposal would protect and safeguard the

surrounding trees, large shrubs and hedges within the East Grafton Conservation Area contrary to the NPPF (2023) and Core Policies 51 and 57 of the Wiltshire Core Strategy; this is in particular noting that the garage structure is larger in scale and works than the parking spaces permitted under planning reference PL/2023/05139 (whereby the Arboricultural Impact Assessment has been re-submitted under this application and has not been updated).

In relation to impact upon residential amenity, highways, ecology and drainage the proposal is considered acceptable.

3. Site Description

The application site comprises the residential plot of Forest View located within the built-up settlement of East Grafton. The site is located within the East Grafton Conservation Area and is washed over by the North Wessex Downs National Landscape.

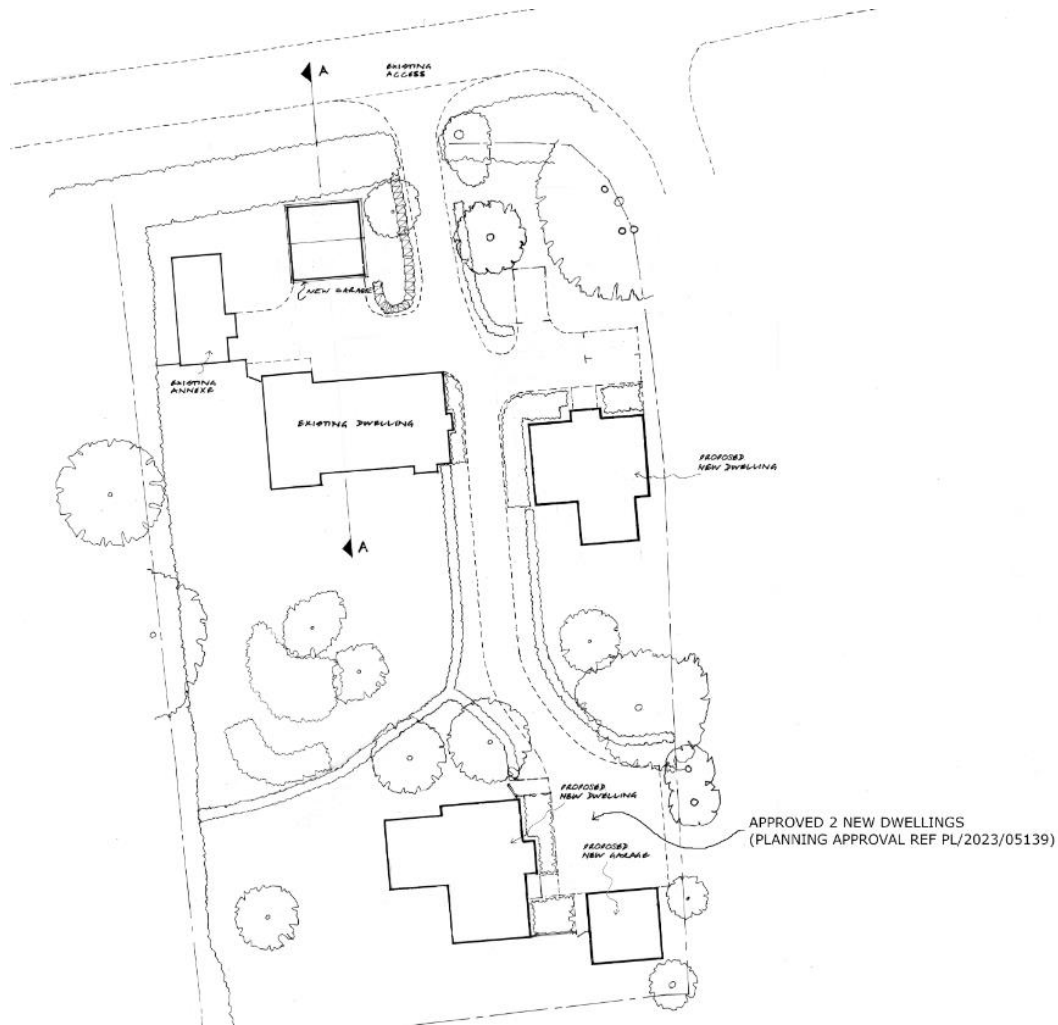
The site currently comprises a two-storey dwelling with associated outbuildings, including a detached annexe. The rear and eastern side of the site are parts of the existing garden associated with the dwelling. This has not been included within the red line as two dwellings have been approved within the wider site under planning reference PL/2023/05139. To the front of the site (north) there is a substantial hedge fronting the highway, together with an associated vehicular access point.

Below is an extract from the submitted Location Plan that shows the context of the site.



Below is the submitted Site Plan which demonstrates the site with the approved two dwelling application (planning reference PL/2023/05139), the works for which have not

yet started on site, and more importantly shows the existing annexe location approved under planning reference PL/2022/08348 which is in-situ.



4. Planning History

PL/2023/05139 - Demolition of existing garage and erection of replacement garage to serve Forest View. Erection of 2 no. new dwellings with associated access, parking, landscaping and private amenity space – Granted 02.02.2024

PL/2022/08348 - Timber Framed Granny Annexe for Ancillary Accommodation – Granted 04.01.2023

PL/2022/04600 - Timber Framed Granny Annexe for Ancillary Accommodation – Granted 16.08.2022

E/2011/1550/FUL -Two storey side extension and installation of PV panels. – Granted 22.12.2011

K/32972 – The erection of a detached dwelling with integral garage together with erection of detached double garage to serve Forest View – Refused – 13.08.1996

K/16023/L – Demolition of existing dwelling and outbuildings in Conservation Area – Refused 12.07.1990

K/16020/L – Demolition of existing dwelling and outbuildings in Conservation Area – Refused 12.07.1990

K/16017 – Residential development – Refused 12.07.1990

K/16016 – Residential development – Refused 12.07.1990

K/14305/L – Demolition of existing dwelling and outbuildings – Refused 29.08.1989

K/14310 – Erection of 4 detached houses & alteration to access – Refused 29.08.1989

K/14301 – Erection of 4 detached houses and alterations to access – Deemed refusal – 01.08.1989

K/14307/L – Demolition of existing dwelling and outbuildings – Deemed refusal – 01.08.1989

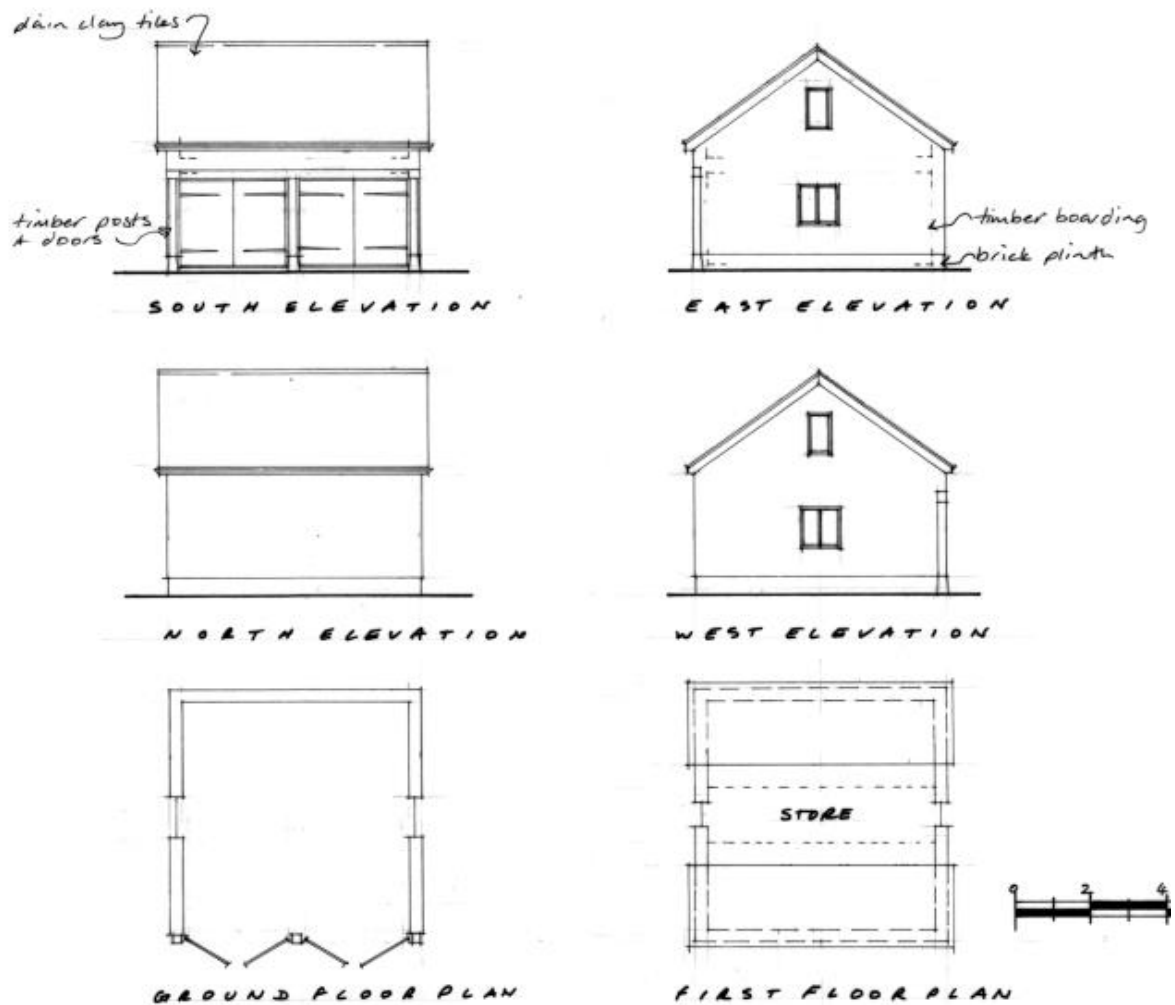
K/86/0870 – Detached garage – Granted 20.10.1986

K/82/0817 – New vehicular access (replacing existing which will be filled in) – Granted 18.11.1982

1. The Proposal

The application seeks planning permission for the erection of a new one and a half storey garage building to the front of the site, set adjacent to the public highway to the north. The garage is proposed to be circa 6.7 metres in width and depth with a ridge height of 6.1 metres and an eaves height of 3.5 metres. The proposed materials would comprise a brick plinth and timber boarded walls with clay tile roofing.

Proposed scheme:



Planning Policy

National Planning Policy Framework 2023 (NPPF)

Section 2 (Achieving sustainable development)

Section 4 (Decision-making)

Section 7 (Ensuring healthy and safe communities)

Section 9 (Promoting sustainable transport)

Section 11 (Making effective use of land)

Section 12 (Achieving well-designed and beautiful places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

Section 16 (Conserving and enhancing the historic environment)

Planning Practice Guidance (PPG)

National Design Guidance

Wiltshire Core Strategy (WCS):

Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High-Quality Design and Place-Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 60: Sustainable Transport
Core Policy 62: Development Impacts on the Transport Network
Core Policy 64: Demand Management
Core Policy 67: Flood Risk
Core Policy 68: Water Resources

Other Documents and Guidance

Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)
North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
East Grafton Conservation Area Appraisal
Section 85 of the Countryside and Rights of Way Act 2000
Wiltshire Strategic Flood Risk Assessment

2. Consultation responses

Grafton Parish Council: “fully supports this planning application”

Drainage Officer: No objection.

Highway Officer: “There is no highway objection to the erection of a garage for parking and storage for the existing dwelling. There is a previously permitted scheme for two dwellings that will share the access for this proposal. Provided the conditions for 2023/05139 are met they will not need to be repeated within this permission. The quantum of parking for the site is adequate, however I will recommend conditioning the parking within the garage in order to prevent the loss of existing parking for Forest View or the ancillary annex if the garage were to be further converted to habitable accommodation.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.”

Arboricultural Officer: ‘The Arboricultural Report submitted was prepared to accommodate a previous application and does not contain the appropriate information to consider the current proposal in relation to trees and hedgerows on the property.

In light of the number of trees already approved to be removed from this property through previous planning permission, it is important that the remaining trees and hedges are retained.

The construction of the proposed garage may cause damage to the Lawson Cypress tree and the hedge to the North of the site. As these are key features within the Conservation Area and their loss could have a negative impact on the character of the local area, they require consideration when determining the methods and materials used to facilitate the proposal.

An Arboricultural Impact Assessment with a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement is required prior to determination to ensure that the proposal does not result in the damage or loss of both the tree and the hedgerow.

Please reconsult when the above information has been received.”

3. Publicity

The application has been advertised by letter to local residents. No third-party representations have been received.

4. 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.

Principle of Development

The proposed plans relate to a ‘householder’ proposal within the domestic curtilage of the property, namely a detached garage. The principle of householder works within the site is acceptable, subject to other materials consideration as assessed below.

Design and Visual Impacts

Core Policy 57 requires a ‘high standard of design’ for all new developments and to draw on the local context and be complementary to the locality. Core Policy 51 requires that development should protect, conserve and where possible enhance the 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.

The application site is situated at the edge of the built-up settlement of East Grafton and is also situated within the East Grafton Conservation Area. The existing site is well screened by mature vegetation and trees.

Whilst the principle of constructing a garage on site is acceptable, and would not be detrimental to the character of the area or street scene, consideration has been given towards the size, design and siting. The existing site benefits from a large, detached dwelling which varies in design between a one and a half storey 'chalet' bungalow appearance and a two storey gable end section, and an existing single storey annexe building (which is situated forward of the dwelling to the western side of the plot).

In terms of siting, the garage would be located to the front of the dwelling however by virtue of the pattern of development in the locality, it would not be forward of any strong building line of note. The siting forward of the existing annex against the highway to the north is however considered to be undesirable. In isolation, the siting of the garage is not considered harmful if the proposal was for a low-key garage structure which had a light-weight appearance (such as a car port) to visually reduce the amount of development in this part of the site. This amendment was suggested to the applicant but was not taken forward. The siting however must be taken into account together with the design and scale of the development and assessed as a whole.

The proposed garage is one and a half storey in height with a ridge height of 6.1 metres and is designed to have a one and a half storey appearance by reason of the first-floor windows on the east and western elevations. The scale and design of the garage is deemed substantial when taking into account the context to the front of the site, in close proximity to the existing dwelling and annex building. The scale of the garage building together with the first-floor window design, appears tantamount to a new dwelling, and sited in such close proximity to the existing built form on site and the hardstanding parking area is considered to give rise to harmful overdevelopment of this part of the site. The scale of the garage is also not considered to form a subordinate relationship to the host dwelling and its plot, particularly as a result of its forward and close siting.

It is acknowledged that the existing residential plot is well screened from the public realm as a result of the large mature hedgerow fronting the highway (and vegetation to the east and west). Whilst the garage would be predominately screened from the public vantage points this does not mitigate the harm to the character of this part of the site and the fact the one and half storey design and appearance would overdevelop this part of the site and would not form an appropriate subservient addition to the dwelling. Furthermore, as will be noted in the tree section of this report, there is insufficient information to determine that the proposal would not harm the hedgerow as a result of its close siting. There is therefore the potential that the hedgerow would be harmed as a result of the construction and built form of the garage (damaging the roots) which could result in the demise of the hedgerow within the street scene.

The proposed materials of timber boarding walls and a tiled roof is also deemed acceptable in principle. This however is not considered to mitigate the harm resulting from the scale of the building within this site. In the instance that the application was however recommended for approval a condition would be imposed that the roof tiles shall match the host dwelling to ensure it is in-keeping and of high-quality.

It is therefore considered by virtue of height, design and siting that the proposed garage structure would be contrary to Core Policy 57. The proposal would not constitute a high standard of design which draws on the local context and be

complementary to the locality. The structure would not enhance the local distinctiveness of the area by relating positively to its setting and pattern of development (criterion i) and respond positively to the existing townscape by virtue of layout, built form, height, mass and scale to effectively integrate the building into its setting (criterion iii).

It is however not considered that by virtue of the siting within the built-up settlement of East Grafton that the proposal would give rise to harm to the landscape quality of the area and would not harm the special rural characteristics of the North Wessex Downs National Landscape.

Impact on the historic environment

Local Authorities are required by Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the setting of conservation areas when considering development proposals that affect the setting or views into it. This is locally reflected within Core Policy 58.

The application site is located within the East Grafton Conservation Area. For the reasons given above in the design and visual impact assessment the garage by virtue of its design, height and siting would not form a subordinate relationship to the host building and is considered to overdevelop this part of the site. Although noted that the garage structure would not be highly visible from public vantage points due to the hedgerow and vegetation, views may still be afforded and in any instance the lack of visibility does not mitigate the harm generated from the size and siting of the building within the Conservation Area setting whereby development must be sympathetic and enhance or preserve the character of the area.

Is it therefore considered that the East Grafton Conservation Area would not be conserved or enhanced as a result of the development contrary to Planning Policy and would fall within the 'less than substantial harm' category.

As outlined within paragraph 208 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this regard this application is for a private outbuilding and thus there are no public benefits to the proposal that would outweigh the harm generated. It is therefore considered that the proposal would give rise to harm towards the designated heritage asset contrary to the NPPF and Policies 57 and 58 of the Core Strategy.

Residential Amenity

Core Policy 57 criterion vii) outlines that there needs to have regard to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants.

By reason of the siting away from the shared boundaries to any neighbouring properties (which lie to the south and west) the garage structure would not give rise to any unacceptable impacts upon residential amenity in terms of overbearing effect, loss of outlook, overshadowing or loss of light. It is acknowledged that a first-floor window

is proposed for both the first floor side elevations. In this regard, the proposed use of the first floor would be for storage and views towards 'The White House' to the west would be towards the front of the site and the parking area as opposed to any private amenity area to the rear of the site. As such, by reason of the use of the room, the distance from the boundary and the siting whereby any views would be towards the more public front of the site, the proposal would not result in any unacceptable overlooking or loss of privacy as to justify an objection. The proposal is therefore considered acceptable in terms of residential amenity.

Highways

The proposed development involves the provision of a garage for the host dwelling. Under the extant permission on the wider site for the provision of two dwellings, a condition was imposed that the parking demonstrated and approved is implemented (condition 10 of PL/2023/05139) before first occupation. This included the provision of two parking spaces for the host dwelling, which is now the location of this proposed garage (it is therefore advised that the provision of this garage on site at the same time as the two dwelling scheme would result in the need for a Section 73 application as there would be changes to the approved plans).

The provision of a double garage, together with the hardstanding on the front of the site, would allow for the provision of at least three vehicles on site and therefore there is no objection in terms of parking provision. The Highway Officer also reviewed the application and raised no objection as the quantum of parking for the site is adequate however, it was recommended that a condition is imposed restricting a garage conversion takes places in order to prevent the loss of existing parking for Forest View or the ancillary annex. This condition would be considered reasonable if the application was otherwise recommended for approval, in particular noting that if the garage was to be converted, the parking for Forest View would mean a three tandem situation which is not a feasible parking situation for the site. As such with the condition, the proposal is deemed acceptable in terms of parking and highway safety.

Ecology

The application was supported by a Preliminary Roost Assessment which was submitted under the extant permission for the two dwelling scheme. The report concluded that the buildings on site due to be impacted by the proposed development has a negligible impact on potential for roosting bats. The Ecology Officer (under the two dwelling scheme application) was satisfied that the report followed best practice guidance and agreed with the assessment submitted. The recommendations and mitigations proposed have been controlled by condition under the two dwelling application.

Due to the fact that the garage would predominately be sited on an area already approved for parking (hardstanding), and noting the contents of the previous assessment, it is not considered necessary to request a further ecology assessment under this application. The conditions imposed under the two dwelling scheme application would still be applicable to that development. The proposal is considered acceptable in terms of its impacts upon ecology, although it is considered reasonable and necessary if the application was otherwise recommended for approval to re-

impose the condition to restrict external lighting, unless the details are submitted and approved by the Local Planning Authority through the discharge of condition process. With this condition, the scheme is considered acceptable and would accord with Core Policy 50.

- Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission, would be Wiltshire Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is considered to apply:

- Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

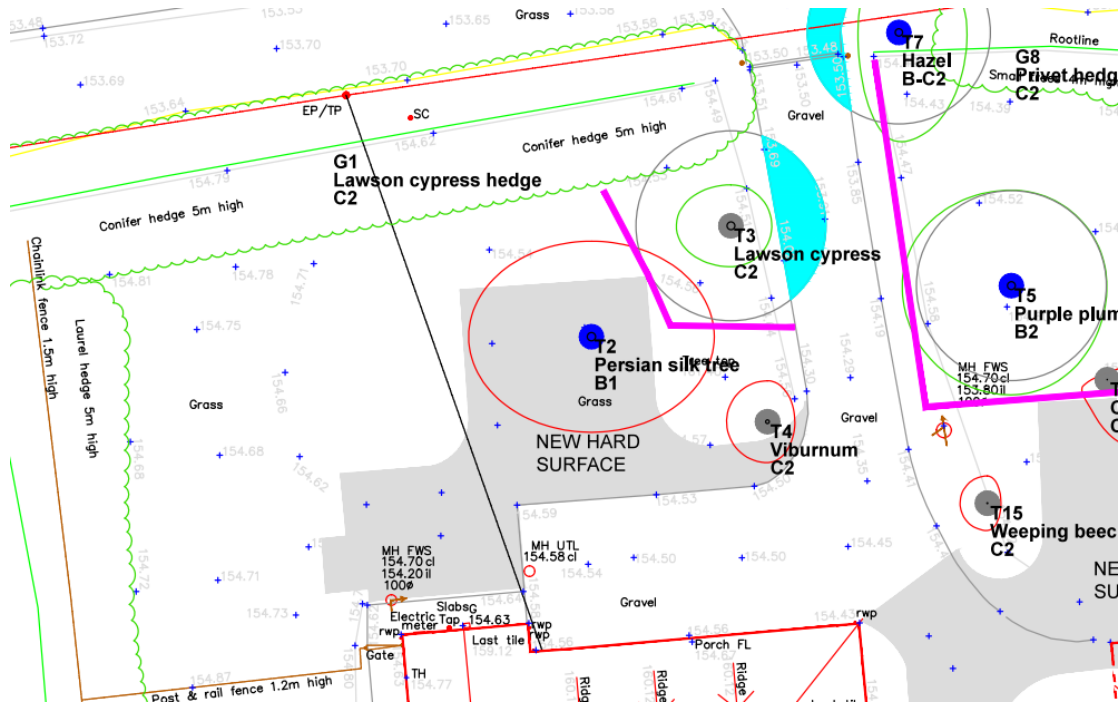
Trees

The application site is located within the East Grafton Conservation Area and therefore the trees within the site area protected as a result of this siting. As demonstrated in the submission, and as noted from the site visit, there is several mature trees on site which would be impacted as a result of the development.

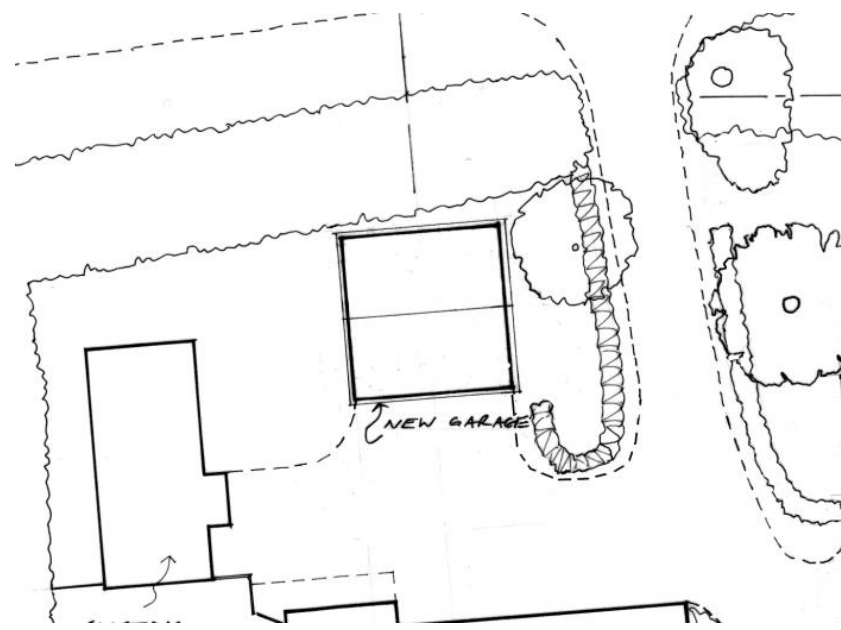
Under this application an Arboricultural Impact Assessment has been submitted however this is a re-submission of the assessment made for planning reference PL/2023/05139 (the two dwelling scheme). Whilst two parking spaces were proposed in the area of this garage under this scheme and permitted the removal of one mature tree (identified as the Category B – T2), the assessment has not been amended to reflect the garage now proposed. Notably, the garage structure would be larger than the parking spaces permitted and would be in closer proximity to the Category C – T3 and the Lawson Cypress Hedging to the northern boundary. The permitted tree protection works that have been re-submitted under this application cannot be

implemented if controlled by way of condition as the tree protection measures around tree 'T3' are now not possible as it overlaps the garage location. It furthermore must be acknowledged that there can be differences between parking spaces and a garage in terms of its impacts upon root protection areas by reason of its foundations and construction into the ground.

The Tree Protection Plan submitted (though relates to the two dwelling scheme):



The site plan for the current application, demonstrating a larger footprint than the hardstanding previous permitted.



As such, in the absence of an updated Arboricultural Assessment and Tree Protection Plan, insufficient information has been provided to enable the Local Planning Authority

to adequately assess the impact upon trees and the hedgerow, the Council is unable to discharge its statutory duty in this regard. The proposal is therefore considered contrary to Policy 51 of the Wiltshire Core Strategy which seeks to protect and conserve the landscape character and Policy 57 ii) which seeks retention and enhancement of important landscaping and natural features (e.g. trees, hedges, banks and watercourses) to effectively integrate the development into its setting whereby there must be justification and mitigation against any losses that may occur through the development.

Drainage and Flood Risk

To support the application the Flood Risk Assessment that was submitted under the planning application for the two dwellings (planning reference PL/2023/05139) was re-submitted. This is to demonstrate that the site is not in an area of groundwater flooding (a challenge to the Strategic Flood Risk Assessment (SFRA)). The SFRA sets out what is classified as a High Risk source of other flooding. On page 54 of this document it sets out that these are sites where:

- More than 10% of the site is at risk from surface water flooding in the 1 in 1,000-year event
- More than 10% of the site is within highest risk category in JBA Groundwater map (groundwater is <0.025m below the surface in the 1 in 100-year even) [Red layer Appendix G SFRA 2019]
- More than 75% of the site is within the second highest risk category in JBA Groundwater map (groundwater is between 0.025m and 0.5m below the surface in the 1 in 100-year event) [Orange Layer Appendix G SFRA 2019]

The application site is covered by more than 75% of the second highest risk category in the JBA Groundwater map. As assessed under the previous application the Drainage Officer reviewed the submitted Flood Risk Assessment and it was agreed that the site is unlikely to be at risk of groundwater flooding and the sequential test was not required for the dwelling application.

Under this application, a householder application would not be applicable for the sequential test in any case however, the Drainage Officer has reviewed the scheme and given the site investigation which demonstrates the site is likely to be at low risk of groundwater flooding, the Flood Zone 1 siting, and the nature of the application, the development is unlikely to affect flood risk significantly. There are therefore no objections in terms of drainage or flood risk as a result of the development and is acceptable in this regard.

Conclusion/Planning Balance

The application site comprises an existing dwelling and annex building, located within the settlement and Conservation Area of East Grafton and is washed over by the North Wessex Downs National Landscape. The principle of a garage structure is acceptable on site however, by reason of the height, design and siting of the structure the proposed development is considered to give rise to unacceptable harm towards the character and appearance of the site and would not preserve or enhance the East

Grafton Conservation Area. The building would not form an appropriate subservient relationship with the host dwelling and would overdevelop the front of the site.

Whilst it is acknowledged that the existing residential site is well screened by vegetation from the public highway, this does not mitigate the harm from the inappropriate development, noting as well that insufficient information has been submitted to demonstrate that the proposed development would adversely harm the surrounding trees and hedgerows which are protected by reason of being sited within the Conservation Area. There are no public benefits or any other planning matters to outweigh the harm generated. As such the proposal is considered unacceptable and is being recommended for refusal.

RECOMMENDATION:

That planning permission be REFUSED for the following reasons:

1. The proposed detached outbuilding by reason of its design, height and siting would be visually intrusive and detrimental to the character and appearance of the site and would overdevelop the front of the site. The proposed outbuilding would also fail to preserve or enhance the character and appearance of the East Grafton Conservation Area whereby there would be no public benefits to outweigh the harm generated. As such the proposal would be contrary to the National Planning Policy Framework (2023) and Policies 57 and 58 of the Wiltshire Core Strategy.
2. Insufficient information has been submitted to adequately demonstrate that the proposal would protect and safeguard the surrounding trees, large shrubs and hedges within the East Grafton Conservation Area contrary to the National Planning Policy Framework (2023) and Policies 51 and 57 of the Wiltshire Core Strategy.