

REPORT TO THE (NORTHERN) AREA PLANNING COMMITTEE

Date of Meeting	21 st June 2023
Application Number	PL/2022/08804
Site Address	Avondale, Brook End, Luckington, Chippenham, SN14 6PJ
Proposal	Demolition of existing dwelling and erection of a four-bedroom dwelling with detached double garage
Applicant	Mr & Mrs Nicholas and Charlotte Reeves
Town/Parish Council	Luckington Parish Council
Electoral Division	Sherston – Councillor Martin Smith
Grid Ref	384008 184444
Type of application	Full planning permission
Case Officer	Olivia Tresise

Reason for the application being considered by Committee

The application has been called in by Councillor Martin Smith for the following reasons:

- Scale of development
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Luckington Parish Council are concerned that there appears to be little change from the previous application on this property, which was refused.

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 and to consider recommendation that the application be approved.

2. Report Summary

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

- Principle of development
- Impact upon heritage assets, design and visual amenity
- Arboriculture and Landscape
- Residential Amenity
- Highway safety and Parking
- Ecology
- Flood Risk

3. Site Description

The site comprises a 20th Century 3-bed bungalow, which is set back from the road frontage, Brook End, and it has a large reasonable sized garden to the rear. The bungalow is finished stone walls under grey concrete tiles.

The application is located to northeast of the small village of Luckington within a loose knit area of development associated with the settlement. Although the site is situated within the Luckington Conservation Area, the bungalow itself is not a statutorily listed building. A statutory listed building, Elizabethan Cottage, lies approximately 41 metres to the south of application site.

The site is situated within the Cotswolds Area of Outstanding Beauty 'Cotswolds AONB' and it is also located within Flood Zone 2 & 3. Luckington Brook runs along the rear boundary. A few mature trees are growing within the site and also along the rear boundary of the site.

4. Planning History

The site is subject to a number of planning applications in the past, and the following applications are relevant to the determination of this application.

N/04/01478/OUT (Outline) – Proposed demolition of existing dwelling and redevelopment for four dwellings. Refused 05 July 2004

N/05/01889/FUL Demolition of existing bungalow and erection of two dwellings. Refused and subsequently dismissed 05 July 2006

N/09/0008/FUL Replacement two storey dwelling. Approved 13 March 2009

N/09/0009/CAC Demolition of existing dwelling (Conservation Area Consent). Approved 13 March 2009

N/12/00730/FUL Demolition of an existing bungalow and erection of 2 no. dwellings. Refused and subsequently dismissed on 5th July 2006

N/12/00731/CAC Demolition of existing dwelling (Conservation Area Consent). Approved 04 May 2012

18/09673/FUL Demolition of an existing bungalow and the construction of a two-storey detached house and double garage. Approved with conditions 13 February 2019

21/00044/FUL Demolition of an existing bungalow and construction of a three-storey detached house and double garage. Refused 14 December 2021 for the following reason:

The excessive height of the eaves and roof of the proposed dwelling relative to neighbouring buildings would appear incongruous within the street and result

in harm to the character and appearance of the Luckington Conservation Area, contrary to Core Policy 57 and Core Policy 58 of the adopted Wiltshire Core Strategy. For the purposes of national policy, the level of harm would be less than substantial, in the absence of any public benefits to outweigh the harm, the development would also be contrary to the advice of the National Planning Policy Framework.

5. The Proposal

- 5.1 This is a resubmission application seeking full planning permission for the demolition of the existing bungalow and the erection of a detached dwelling and a detached double garage at Avondale, Brook End, Luckington. Previously planning application, 21/00044/FUL, was refused in December 2021, due to its excessive height of the eaves and roof of the proposed dwelling relative to neighbouring buildings. It was considered such height would appear incongruous within the street and result in harm to the character and appearance of the Luckington Conservation Area, and no public benefits were identified to outweigh the harm.
- 5.2 It should be noted that the site is also subject to a few planning applications. Particularly, planning application, 18/09673/FUL, is material planning consideration as planning permission was granted for the demolition of the existing bungalow and the erection of a two-storey dwelling and a double garage. This permission was granted in February 2019 and expired in February 2022. As it has not been implemented during that time, the permission has lapsed.
- 5.3 To address the refusal reason, the applicant submitted the current proposal to reduce the ridge height to match the height which was previously approved. The current proposal also comprises some changes to the fenestration of the new dwelling.

6. Planning Policy

National Planning Policy Framework July 2021

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 12: Achieving well-designed 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

National Planning Practice Guidance

Wiltshire Core Strategy Adopted January 2015

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 13: Malmesbury Community Area

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 61: Transport and Development
Core Policy 64: Demand Management
Core Policy 67: Flood Risk

North Wiltshire Local Plan (NWLP)

Saved Policy H4 – Residential Development in the open countryside

North Wiltshire Landscape Character Assessment

Cotwolds Area of Outstanding Natural Beauty Management Plan 2018-2023

Planning (Listed Building and Conservation Areas) Act 1990

S.72(1) - The Council must pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area

Countryside and Rights of Way Act 2000

S.85 - The local planning authority must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

7. Consultations

Luckington and Alderton Parish Council – objection. There is nothing materially or substantially different from previous applications. It does not address the concerns raised by the previous objection (December 2021): 'Concern was raised over the bigger prospect, including overlooking windows and heightened roof line (which is above neighbouring houses), which were considered out of keeping with nearby dwellings and would negatively impact upon the privacy of neighbours. Concern was also raised over the proposed flood defences, and whether the impact of these on flood risk and river course beyond the plot had been considered.'

Conservation Officer – Objection to its pastiche design, proportions (solid and void), external materials, size and quantity of openings, materials for stone chimney, and internal layout.

Ecology Officer – no objection subject to an informative and condition applied to decision.

Highway Officer – no objection subject to condition securing the new garage will not be converted to habitable accommodation.

Landscape Officer – no comment.

Environment Agency – queried if the finished floor level would meet the level recommended in the Environment Agency' Local Flood Risk Standard Advice

Drainage Engineer – Due to its scale of development, this development does not trigger consultation with the drainage team. Therefore, no comment is made.

8. Publicity

2 no. letters of objection were received, and the local residents' comments are summarised as follows:

- No noticeable change to the excessive height and overbearing character.
- It is misleading to compare the height to Bank Cottage which is built on much higher ground on the opposite side of the road, Bank Cottage itself is much shorter than the proposed 3 storey Avondale building.
- West facing windows overlooking the neighbouring properties.
- No mention about a binding agreement that no 2nd floor windows added facing West
- Does not address to concerns regarding the height and dominance relative to surrounding properties, in contrast to the application for the 2-storey structure approved in 2019.
- It is noted that there are no plans for any windows on the upper levels on the north side of the property that would overlook Brook end house, however a condition is asked to impose for any planning consent.

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9. Planning Considerations

Principle of development

- 9.1 The site is situated to the north side of a small hamlet, Luckington, which is defined as 'Small Village' in Malmesbury Community Area in the adopted Core Strategy. The principle of a replacement dwelling and garage at this site has been accepted by the previous planning consent 18/09673/FUL in February 2019. This is a resubmission application following a refusal of the application 21/00044/FUL, therefore, the main consideration of this application is whether or not the proposal would address the refusal reason, as well as if the revised design would result in any other harm, including potential adverse impacts upon the amenity of the neighbouring properties, the landscape character of the Cotswolds AONB. Furthermore, given that the site is subject to high risk of flooding, the proposal needs to be assessed in respect of flood risk.

Impact upon heritage assets, design and visual amenity

- 9.2 The site is within the Luckington Conservation Area. Whilst there is no published Conservation Area Statement, a historic map (1880s-1930s maps) shows both neighbouring properties, Brook End House and Brookside Cottage. These cottages and other properties along east side of Brook End form a strong linear development pattern in the locality. With their traditional character, evident age and use of traditional materials and finishes, these properties make positive contribution to the character and appearance of the conservation area.

- 9.3 Core Policy 58 requires proposals to protect, conserve and where possible enhance the historic environment, while Core Policy 57 requires a high standard of design that is complementary to the locality, with proposals needing to demonstrate, amongst other things, how they enhance local distinctiveness by responding to the value of the natural and historic environment, and how they are sympathetic to and conserve historic buildings.
- 9.4 The National Planning Policy Framework advises that ‘great weight’ should be given to heritage assets’ conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to the significance of a designated heritage assets (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where the harm is ‘less than substantial’ the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.5 As mentioned in the above section of ‘Principle of development’, there is no objection to the demolition of the existing bungalow and the erection of a replacement dwelling at this site. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the assets should be treated favourably.
- 9.6 It is a resubmission application following the refusal of the previous scheme. The key difference of this scheme is that the ridge height is lowered to match the ridge height of the scheme which was approved in 2019 (18/09673/FUL). Whilst this planning permission has lapsed, the decision is planning material consideration for this current proposal. Other differences are related to the detailed design on the proposed fenestration (see below comparison)
- 9.7 Key similarities and differences of schemes (Appendix A and B)

18/09673/FUL (Approved proposal)	21/00044/FUL (Refused proposal)	PL/2022/08804 (Current proposal)
The new dwelling largely sits on the existing footprint of the bungalow. No front porch was proposed.	The new dwelling sets slightly forward by approximately 1.26 metre. No front porch was proposed.	The new dwelling sets slightly forward by approximately 1.39 metre, and a front porch is proposed.
2-storey dwelling with a two-storey extension at the rear, a flat roof conservatory to the side south elevation. A double garage is proposed.	3-storey dwelling incorporating 2 no. dormers on the rear roof plane with a 2-storey extension at the rear. Accommodation is proposed at the second floor, a flat roof conservatory to the side south elevation. A	3-storey dwelling incorporating 2 no. dormers on the rear roof plane, with a 2-storey extension at the rear. A game room is proposed on the second floor. A mono-pitched conservatory to the side south

	double garage is proposed	elevation. A detached double garage is proposed.
Ridge height approx. 8.80 metres on a flat ground level (based on the front elevation)	Ridge height approx. 9.25 metres on a slightly raised ground level (based on the front elevation)	Ridge height approx. 8.80 metres on a flat ground level (based on the front elevation)
Nature stone for walls and roof, Ashlar stone lintels, painted timber windows and doors, Black upvc rainwater goods, red clay round chimneys. Grey roofing felt for conservatory. Cedar shingles for garage roof, with waney edge board external wall.	Semi-dressed Cotswold stone on walls, imitation or real stone roof tiles.	Reconstructed stone, stone lintels, Bradstone Conservation roofing slates, plastic rainwater goods, and timber frame garage with slate roof, conservatory will be finished with slate roof.

- 9.8 The proposal is to amend the design of the replacement dwelling that was approved in 2018 application. Majority of architectural elements of the current scheme would be very similar to the refused proposal. The Council Conservation Officer objects to the proposal and is concerned about the proportions and design of the new dwelling, such as the overlarge fenestration, inappropriate dormers and building materials, the size of openings, and the use of lead flashing on stone chimney, as well as the design of the internal layout.
- 9.9 Whilst the case officer agreed that some improvement could be made to the detailed design, it is considered the proposed dwelling has been designed to a reasonably good standard, in terms of its scale and the 'solid and void' proportion. In addition, the new dwelling (from the front porch to the edge of entrance), would still considerably set back from the road frontage (and the front elevation of the neighbouring properties, Brookend House and Brookside Cottage) by more than 7 metres. The new dwelling would only be visible until approaching closer to the site. Furthermore, the proposed roof form would be similar to the adjacent properties, Brookend House and Brookside Cottage, as such, the new dwelling would be well integrated with other properties in the locality.
- 9.10 In terms of building materials, the case officer agreed with Conservation Officer's comments, the building should be finished with natural building materials. Hence, the proposed materials, i.e. reconstructed tumble face stone, reconstructed stone lintels, Bradstone Conservation roofing slates and plastic rainwater goods, are not acceptable. To address this issue, it would be reasonable and necessary to impose a condition seeking alternative building

materials, in order to safeguard the character and appearance of the Luckington Conservation Area.

- 9.11 The closest listed building is the Grade II listed Elizabethan Cottage, which is located to the south of the application site, in excess of 40 metres away. Due to the reasonable separation distance and the existence of other properties between Elizabethan Cottage and the application site, it is considered that the proposed replacement dwelling would not adversely affect the setting of the listed building.
- 9.12 From heritage perspective, it is considered that the general design, scale and height of the new dwelling would be considered to be acceptable, however, a planning condition is required to seek different building materials. Subject to this condition, it is considered that the proposed dwelling would not result in material harm to the character and appearance of the Luckington Conservation Area and the locality. As such, it is considered that the proposal would address the refusal reason of the previous scheme.

Arboriculture and Landscape

- 9.13 Core Policy 51 of the adopted Core Strategy seeks to protect, conserve and where possible enhance landscape character. In addition, proposals for development within the Areas of Outstanding Natural Beauty (AONBs), proposals shall demonstrate that they have account of the objectives, policies and actions set out in the relevant Management Plans for the area.
- 9.14 Core Policy 57 of the adopted Core Strategy also seeks to retain and enhance existing important landscaping and natural features, and to mitigate against any losses that may occur through the development.
- 9.15 The site is situated in the Cotswolds AONB, which is a special landscape designation. There are a few mature trees in the rear, while some smaller trees and shrubs are growing in the front garden. The submitted Tree Protection Plan and Tree Constraints Plan show that the mature trees at the rear would be protected. The proposed site plan shows 2 no. smaller trees in the front garden and a small section of garden shrubs near the south-western corner of the site would be removed to accommodate the proposed garage. The existing hardstanding area would be extended to provide larger turning area. However, no detailed tree planting or landscaping tree scheme is proposed to mitigate the loss of the existing trees. Whilst the Council's Landscape Officer and Arboricultural Officer have no objection to the proposal, officers are mindful that Core Policy 51 seeks to enhance landscape character where possible. Given that the site is located within a special landscape designation, officers consider that it would be reasonable and necessary to impose a condition seeking and securing a detailed tree planting scheme to mitigate the loss of the existing tree and to enhance the landscape character of the site.

Residential Amenity

- 9.16 Core Policy 57 of the adopted Core Strategy requires proposals having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupiers, and ensuring that appropriate levels of amenity are

achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution.

9.17 At the first instance, residents' concerns relating to the impact upon their amenity are noted. The nearest neighbouring properties to the existing bungalow would be Brook End House (to the north), Brookside Cottage (to the south) and Bank Cottage (to the west).

- (i) Brook End House lies to the north of the site. It is a 2-storey in height with a pitched roof and it sits abut public highway, Brook End. The proposed new dwelling would not project beyond the side elevation of the existing bungalow and the northern part of the new dwelling would have a lower ridgeline, approximately 7.37 metres to its ridge. The two-storey addition at the rear would set further away from the northern boundary. The elevation facing Brook End House would be approximately 3 metres from the boundary of the site. No window is proposed on the first-floor level of the north elevation. Given that a reasonable separation distance would be provided, and no window is proposed on the first-floor side elevation, subject to a condition removing permitted development right to secure no first-floor window on this elevation, it is considered that there would not be any unreasonable overlooking or overbearing impact. Due to its height, the new dwelling would result in a loss of natural light compared the existing bungalow. However, given the separation distance, it is not considered such loss of daylight / sunlight would be detrimental to the amenity of the neighbouring occupiers.
- (ii) Brookside Cottage lies to the south of the site. A small window is proposed on the first-floor south elevation. As it is not a primary / habitable window, the potential overlooking upon Brookside Cottage would not be significant. A planning condition is imposed to ensure that this window would be obscured glazed. A bedroom window is proposed on the first-floor south elevation of the proposed rear two-storey addition. As it would be approximately 18 metres away from the side south boundary, this new window would not result in any significant overlooking impact. In terms of overbearing, the new dwelling would be slightly closer to the boundary by approximately 1 metre. The proposed conservatory would be approximately 1.4 metres closer, while the proposed garage would be adjacent to the neighbour's outbuilding. As the new dwelling would be nearly 9.8 metres away from the shared boundary and it would not be immediately adjacent to the neighbour's principle dwellinghouse, it is considered that the potential overbearing or loss of light upon this cottage would not result in an unreasonable adverse impact to be detrimental to the amenity of the neighbouring occupiers.
- (iii) Bank Cottage lies opposite the application site. Residents raised concerns about the overlooking impact due to the new first floor windows. It is noted that the neighbour's garden is hidden behind the garage and outbuilding fronting the main road. These buildings sit at higher ground levels to the west, and the rear garden is also on this raised ground. Therefore, the new first floor windows of the proposed

dwelling would have a clear line of sight above the roadside buildings, of much of the garden area. The new dwelling would be approximately 22-23 metres away from the neighbour's rear garden, in terms of privacy, the height of views from the new dwelling would be comparable to those previously approved. Also, no rooflight is proposed on the main roof, and the new rooflight on the side addition would be an en-suite window. Therefore, it is considered that the potential overlooking from the new first floor windows and rooflight would not result significant adverse impact to be detrimental to the living conditions of this neighbouring property. Given the separation distance, it is not considered that there would not be material impact on privacy from intervisibility between windows.

- 9.18 In summary, it is considered that the amenity of the neighbouring properties would be safeguarded. In addition, planning conditions are imposed to remove permitted development rights for new rooflights and windows, therefore, the privacy for neighbouring parties would be adequately safeguarded.

Highway Safety and Parking

- 9.19 Core Policy 61 of the adopted Core Strategy requires development proposals to achieve suitable connection to the highway that is safe for all road users, and Core Policy 64 promotes demand management measures to reduce reliance on the car and to encourage the use of sustainable transport alternatives.
- 9.20 The proposal is to demolish the existing 3-bed bungalow and to erect a 4-bed two-storey replacement dwelling with an accommodation in the attic area. Some alterations are proposed to the existing garden walls, and the existing hard-standing area would be extended to create larger turning area. In addition, a detached double garage is also proposed within the site. As the proposal for a replacement dwelling is acceptable in principle, and adequate turning and parking area would be provided, therefore, no highway objections are raised subject to condition to secure that the garage will not be converted to habitable accommodation.

Ecology

- 9.21 Core Policy 58 of the adopted Core Strategy seeks to protect features of nature conservation value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.
- 9.22 The bungalow appears to be in good condition with very limited opportunities for bats to access any internal roof space in the building, and there are no obvious signs of gaps in which crevice-dwelling bats could roost. In addition, the building does not have vegetation immediately adjacent to it that would provide cover for bats emerging from/entering the building. Therefore, Officers consider that it would be disproportionate to request a bat survey in support of this proposal. However, an informative should be applied to advise the applicant

that the proposed works are within 15m of a watercourse (priority habitat), therefore there is a risk of pollution during construction work. In this instance, a planning condition is imposed to secure protective measures to prevent pollution of the watercourse, which should form part of 'Environment and Construction Management Plan.' Subject to this condition, there is no objection from the ecology perspective.

Flood Risk

- 9.23 The site is situated within Flood Zone 2 and 3 to accord with the Environment Agency's Flood Map. Paragraph 168 of the NPPF however states that applications for some minor development and changes of use should not be subject to the sequential or exception test but should still meet the requirements for site-specific flood risk assessments. In this instance, Environment Agency and the Council's Drainage Team have been consulted on this proposal.
- 9.23 The proposal is for the replacement of a bungalow with a 2-storey dwelling. Environment Agency advised that this is an improvement on the existing flood risk situation, provided the current bungalow is only single storey and the replacement dwelling does not increase the footprint by more 10%. In this instance, based on the submitted drawings, the footprint of the bungalow is approximately 154 square metres, while the replacement dwelling would have approximately 158 square metres, i.e. the new dwelling would increase by approximately 2.6%, therefore, the Local Flood Risk Standing Advice will be applicable which requires flood mitigation to be considered, including raising finished floor levels (FFLs) to at least 600mm above the future 1 in 100-year flood level.
- 9.24 The submitted flood risk assessment (FRA) states there is limited flood level data for this area and makes an assessment of the current 1 in 100 level to be 99.6 metres above Ordnance Datum (mAOD), based on the limited JFLOW flood extents and site topography. The FRA assumes that FFLs cannot be raised above the flood level but that a finished floor level of 99.9 mAOD would provide a 300mm freeboard above the current 1 in 100-year flood level.
- 9.25 Without flood level data it is difficult to determine the future 1 in 100-year flood level, but a suitable method for small scale developments is to consider the 1 in 1000-year flood level instead. Based on the Environment Agency's interpretation of the flood extents for Flood Zone 2, the 1 in 1000-year level is around 100 mAOD. It is recommended that ground floor FFLs are set at (or as close to) a minimum of 100.6 mAOD.
- 9.26 The submitted FRA and the proposed site plan shows different finished floor levels for the ground floor. As stated above, the FRA states a minimum of 99.9 mAOD, whereas the 'Proposed Site Plan' indicates a FFL of 100.15. This is a betterment of the current situation; however, it would not necessarily meet the level recommended in the Environment Agency LFRSA. The EA therefore recommended the applicant to consider raising floor levels as much as possible up to 100.6 mAOD. It is also recommended the applicant to consider a future 1 in 100-year flood level of 100 mAOD when considering the flood depths surrounding the property and the impacts on emergency planning.

- 9.27 In this instance, the applicant has been asked to consider raising the finished floor level to accord with the EA's recommendation. The applicant has considered the suggestion and confirmed that the proposed FFL is 100.15mAOD, which is higher than the previously granted scheme (18/09673/FUL) which had a FFL of 99.9 mAOD. Therefore, the current scheme would be [slightly] better than the previous approved dwelling. If the finished floor level to be raised further to 100.6 mAOD, and that means that the ridge height would not match the previously approved scheme. As such, the applicant decided not to further raise the finished floor level.
- 9.28 The case officer is aware of the ridge height of any new dwelling is one of key elements on this site due to its sensitive location. Although the proposed finished floor level of the replacement dwelling would only be raised to 100.15m AOD, this scheme would improve the flood risk for the existing bungalow (as the FFL of the existing bungalow is 99.86mAOD) and it would also be better than the previous approved proposal. Officers are also mindful that the Environment Agency did not object to the proposal from flood risk perspective, therefore, there are no substantiate reasons to refuse this application from flood risk perspective.
- 9.29 Regarding flood water resistance and resilience measures, details of such measures can be secured by way of planning conditions.
- 9.30 With regard to the potential flood risk causing elsewhere, the footprint of the new dwelling would only be slightly larger than the existing area, subject to condition seeking details of disposal method for surface water and foul sewerage, there would not be any significant adverse impact to warrant a refusal of this application from the drainage perspective.

Other matters

- 9.33 Residents are concerned that the proposal does not mention about the binding agreement that no windows on the second floor added facing West. Whilst no details are provided regarding this agreement, the issues regarding the potential overlooking have been discussed in paragraph 9.17. Any other binding or legal agreement would be a private civil matter between the applicants and the adjacent occupiers.

10 CONCLUSION

- 10.1 This application seeks full planning permission for the demolition of the existing 3-bed bungalow and the erection of a replacement 4-bed dwelling house albeit on a slightly different footprint and design, and of a larger scale. The previous consent, 18/09673/FUL, established that a new dwelling to replace the existing bungalow on this site is acceptable in principle. It is understood that such planning permission has lapsed.
- 10.2 The previous scheme, 21/00044/FUL, was refused due to the excessive height of the eaves and roof of the proposed dwelling relative to neighbouring buildings would appear incongruous within the street and result in harm to the character and appearance of the Luckington Conservation Area. For the purposes of national policy, the level of harm would be less than substantial, however, in

the absence of any public benefits to outweigh the harm, the previous scheme was refused.

- 10.3 Whilst the ridge height of the current scheme was only slightly lowered, the proposed ridge height would match the previously approved scheme, which is also a two-storey dwelling. From the heritage perspective, whilst the new dwelling would be 2-storey (with accommodation in loft area) in height, it would considerably set back from the frontage of the site and the front elevation of the adjacent neighbouring properties. In addition, the existing bungalow is a 20th century building with very little heritage values. By replacing this bungalow with this 2-storey dwelling with good design quality would generally improve the character and appearance of the conservation area providing that traditional nature building materials to be used.
- 10.4 Furthermore, the finished floor plan of the new dwelling would also be raised to improve the current situation from flood risk perspective.
- 10.5 In this instance, it is considered that the proposal has demonstrated that the design and scale of the replacement dwelling has been carefully designed to minimise any harm to the character and appearance of the Luckington Conservation Area. In addition, the proposed dwelling has also been designed to meet challenges of climate changes and flood risk. Therefore, it is considered that the proposal would comply with Core Policy 57 and Core Policy 58 of the adopted Wiltshire Core Strategy, and the provisions of National Planning Policy Framework July 2021.

11. RECOMMENDATION

11.1 It is recommended that planning permission be granted subject to the following conditions:

Condition 1 (Time Limit for Implementation – 3 years)

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

Condition 2 (Approved plans)

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

Site Location Plan and Proposed Floor Plans, Drawing No. 261/101

Proposed Elevations, Garage Floor Plan and Elevations, Street Scene, Drawing No. 261/102

Proposed Site Plan, Drawing No. 261/103, received by the Council on 14 November 2022

Existing and Proposed Sections, Drawing No. 261/104 Rev A, received by the Council on 9th May 2023

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

Condition 3 (Removal of demolition materials)

No part of the development shall be occupied until all of the demolition materials and debris resulting from the demolition of the existing dwelling have been removed from the site.

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

Condition 4 (Removal of PD Rights – additions and extensions)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

Condition 5 (Removal of PD Rights – no new windows, dormers or rooflights on roof slopes)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roof slopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Condition 6 (Removal of PD Rights – no new windows)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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 north or south elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Condition 7 (Obscured glazed window)

Before the development hereby permitted is first occupied the window in the first floor south elevation shall be glazed with obscure glass only, and the windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

Condition 8 (Removal of PD Rights – restricted use of garage)

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), any part of the detached garage 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.

Condition 9 (No fires around the canopy of trees)

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land.

REASON: To ensure the safe retention of existing trees on the site.

Condition 10 (Tree Root Protection Area)

Any excavation required within the Root Protection Area (RPA) of any retained tree shall be carried out by hand and under the supervision of a qualified arboriculturist. Tree roots are normally located in the first 600mm of soil. Roots that are exposed shall be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm shall be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or uncompacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).

REASON: To ensure the safe retention of existing trees on and adjoining the site.

Condition 11 (Details and samples of building materials)

Notwithstanding the submitted elevations, drawing no. 2610/102, no above ground development shall commence on site until the details and samples of the external materials have been submitted to and approved in writing by the Local Planning Authority.

- (i) Details and a sample panel of external natural stonework, including type, dressing coursing and bedding of natural stone, type of pointing and mortal mix;
- (ii) Details of the natural stone roof tiles, and the roof tiles shall be laid to regularly diminishing courses from eaves to ridge to present unbroken coursing in the traditional manner.
- (iii) Details of the external walls and roof of the proposed garage and conservatory
- (iv) Details of the paint or stain to be applied to the windows and doors of the new dwelling and the external timber of the garage,
- (v) Details of materials of the rainwater goods, and
- (vi) Detailed design and materials of the stone chimney

Development shall be carried out in accordance with the approved details. In avoidance of doubt, no reconstructed stone or reconstructed stone lintel or upvc shall be used for the construction of the development hereby approved.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the Luckington Conservation Area.

Condition 12 (Conservation rooflights)

The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

Condition 13 (Details of surface water drainage disposal methods – pre-commencement condition)

Notwithstanding the submitted details, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: This is a pre-commencement condition to ensure that drainage disposal method has been made available prior to the construction of the approved dwelling, and to minimise the flood risk to the locality.

Condition 14 (Details of foul sewage disposal methods)

Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. In the event that there is no public sewer in the locality, details of alternative disposal methods for foul sewage shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the

approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: This is a pre-commencement condition to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Condition 15 (Environmental Construction Management Plan – pre-commencement condition)

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment and the nearby watercourse;
- i) hours of construction, including deliveries;
- j) special traffic management measures in place due to the narrow access arrangements to the north end of Brook End.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: This is a pre-commencement condition to ensure that the construction management plan will be in place prior to the demolition works, and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Condition 16 (Flood resistance and resilience measures)

Within 6 months following the construction of the development hereby approved, details of flood resistance and resilience measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in full prior to the first occupation of the approved new dwelling and such measures shall be retained as such thereafter.

REASON: To reduce flood damage and speed recovery and reoccupation following a flood.

Condition 17 (Landscaping scheme)

Within 6 months following the construction of the development hereby approved, a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- specific number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Suggested informative:

Bat

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Appendix

Appendix A – Site Plan Comparison

Appendix B – Elevations Comparison