

# AGENDA

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**Meeting:** Western Area Planning Committee

**Place:** [Online](#)

**Date:** Wednesday 17 February 2021

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email [Benjamin.fielding@wiltshire.gov.uk](mailto:Benjamin.fielding@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Christopher Newbury (Chairman)	Cllr Sarah Gibson
Cllr Jonathon Seed (Vice-Chairman)	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	Cllr Suzanne Wickham
Cllr Peter Fuller	

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## Substitutes:

Cllr Kevin Daley	Cllr Jim Lynch
Cllr David Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Toby Sturgis
Cllr Jon Hubbard	Cllr Ian Thorn
Cllr George Jeans	Cllr Philip Whitehead
Cllr Gordon King	Cllr Graham Wright

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 20 January 2021.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able to participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

[Access the online meeting here](#)

### **Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on 15 February 2021.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

### **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 10 February 2021 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 12 February 2021.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

#### **6 Planning Appeals and Updates (Pages 9 - 10)**

To receive details of completed and pending appeals and other updates as appropriate.

#### **7 Planning Applications**

To consider and determine the following planning applications.

7a **20/10572/FUL: Land Adjoining No.39 Craybourne Road, Melksham, SN12 7DJ (Pages 11 - 28)**

Proposed 4 Bed Dwelling.

7b **20/04400/FUL: 16 Conway Crescent, Melksham SN12 6BD (Pages 29 - 44)**

Retrospective application for erection of an annex to be used as ancillary accommodation

#### **8 Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

### **Part II**

***Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed***

### Western Area Planning Committee

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#### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 20 JANUARY 2021 AS AN ONLINE MEETING .

##### Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Suzanne Wickham and Cllr Kevin Daley (Substitute)

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##### 1 Apologies

An apology for absence was received from Councillor Pip Ridout.

Councillor Ridout was substituted by Councillor Kevin Daley.

##### 2 Minutes of the Previous Meeting

The minutes of the meeting held on 28 October 2020 were presented for consideration, and it was,

##### Resolved:

**To approve and sign as a true and correct record of the minutes of the meeting held on 28 October 2020**

##### 3 Declarations of Interest

Councillor Ernie Clark made the following declaration:

*I have no interest in item 6, but I wish to clarify my involvement. I was not one of the organisers of the application, but I did respond to the applicant as a member of the public and I gave evidence at the Non-Statutory Public Inquiry. I have not pre-determined my thoughts on the application and will approach with an open mind.*

*I refer to section 25 of the Localism Act 2011, in that I had potentially given a prior indication of a view on the application. However, a prior indication does not amount to pre-determination or bias but a pre-disposition. Reference is made to section 25(2) to highlight that it is clear that a decision maker should not be taken to have had a closed mind when making a decision, because the decision maker had indicated a view they had taken, or may take, in relation to a matter and the matter was relevant to the decision.*

Councillor Edward Kirk declared that that he had used the field discussed in Item 6 for dog walking and had done for a number of years, but would consider the matter with an open mind.

Councillor Trevor Carbin declared that he was a member of Hilperton Parish Council, which had been involved in the Item 6, but he had not been involved in the matter and would keep an open mind when making a decision.

#### 4 **Chairman's Announcements**

There were no Chairman's Announcements.

#### 5 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

#### 6 **Application to Register Land Known as 'Church Field', Hilperton as a Town or Village Green**

Definitive Map and Highway Records Manager, Sally Madgwick, presented a report produced by Mr William Webster, appointed by Wiltshire Council as an independent Inspector to reside over a non-statutory public inquiry in relation to an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land known as 'Church Field', in the parish of Hilperton, near Trowbridge, as a town or village green. The report recommended that Wiltshire Council accepted the Inspector's recommendation in rejecting the application for the reasons set out in the Inspector's report dated 19 November 2020.

Details were provided of the site, the presence of multiple Rights of Way, and the legal tests to be applied when registering land as a town or village green, and that the Inspector considered the evidence did not support that those tests had been met.

Members of the Committee had the opportunity to ask technical details regarding the application.

No members of the public had registered their interest in presenting their views to the committee.

The local Unitary Member, Councillor Ernie Clark, then spoke regarding the application, including that he had previously moved the recommendation for the application to go to a Non- Statutory Public Inquiry. However, having read the Inspector's report, Cllr Clark was not prepared to move a motion in respect of the application.

A motion was then moved by Councillor Jonathon Seed, seconded by Councillor Peter Fuller, to reject the application for a Town or Village Green in accordance with the Inspector's recommendation.

A short debate followed, with comments noting the time, effort and commitment that would have been required in making the application, but accepting the conclusions reached by the Inspector in recommending rejection of the application.

At the conclusion of debate, it was,

**Resolved:**

**That the application to Register Land Known as 'Church Field', Hilperton as a Town or Village Green be rejected for the reasons set out in the Inspector's report dated 19 November 2020.**

*Councillor Ernie Clark requested his vote in abstention be recorded.*

7 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 3.30 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail [Benjamin.fielding@wiltshire.gov.uk](mailto:Benjamin.fielding@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

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**Wiltshire Council  
Western Area Planning Committee  
17<sup>th</sup> February 2021**

Planning Appeals Received between 16/10/2020 and 05/02/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/01142/FUL	The Old Mill Ashton Street Trowbridge, BA14 7ER	TROWBRIDGE	Extension to contain 3 no. one bedroom dwellings	DEL	Written Representations	Refuse	02/12/2020	No
20/00113/ENF	Peacock House 125 Beanacre Melksham, Wiltshire SN12 7PU	MELKSHAM WITHOUT	Siting of 40 ton shipping container	DEL	Written Representations	Appeal against Enforcement Notice	04/01/2021	No
20/02092/FUL	The Old Peacock Pub Peacock House 125 Beanacre Road Melksham, Wiltshire SN12 7PU	MELKSHAM WITHOUT	Shipping container for storage of tools, fork-lift and other materials (retrospective) and raising of fence level	DEL	Written Representations	Refuse	04/01/2021	No
20/04259/FUL	Land adjacent 406C The Spa, Bowerhill SN12 6QL	MELKSHAM WITHOUT	Construction of two bungalows and associated works.	DEL	Written Representations	Refuse	30/11/2020	No
20/06196/FUL	147B Boreham Field Warminster, BA12 9EF	WARMINSTER	Change of use of redundant commercial space into residential dwelling	DEL	Written Representations	Refuse	25/01/2021	No
20/06434/FUL	6 Ash Walk, Warminster BA12 8PY	WARMINSTER	Sub-division of plot to create a separate dwelling (2 bed 3 person) at land to the side of 6 Ash Walk	DEL	Written Representations	Appeal against Non-Determination	31/12/2020	No
20/07490/FUL	Lavender Cottage 149 Winsley Bradford on Avon Wiltshire, BA15 2LJ	WINSLEY	Erection of a pergola and 3 panel willow fence (retrospective).	DEL	House Holder Appeal	Refuse	02/02/2021	No
20/08489/FUL	65 Holbrook Lane Trowbridge, Wiltshire BA14 0PS	TROWBRIDGE	Conversion of detached garage into dwelling	DEL	Written Representations	Refuse	25/01/2021	No

Planning Appeals Decided between 16/10/2020 and 05/02/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/00649/ENF	Fairfield Piggeries Leigh Road Bradford On Avon Wiltshire, BA15 2RN	BRADFORD ON AVON / SOUTH WRAXALL	Alleged unauthorised use of land and buildings and unauthorised operational development	DEL	Hearing	-	Enforcement Notice Varied	14/12/2020	None
19/08449/FUL	The Old Mill Annexe 33C Market Street Bradford On Avon BA15 1LL	BRADFORD ON AVON	Proposed insertion of five rooflights (replacement and enlargement of three existing windows) and new external flue (replacement of existing) and demolition of a single storey extension to create a garden	DEL	Written Reps	Approve with Conditions	Allowed with Conditions	20/10/2020	None
19/08686/FUL	Land Adjacent 2a Clivey, Dilton Marsh BA13 4BQ	DILTON MARSH	Erection of 3 bed house.	DEL	Written Reps	Refuse	Allowed with Conditions	22/12/2020	None
19/08838/FUL	Land Adjoining Bereburne 34 Dursley Road Heywood, Westbury Wiltshire, BA13 4LG	HEYWOOD	Erection of two 3-bedroom chalet dwellings and associated works.	DEL	Written Reps	Refuse	Dismissed	07/12/2020	None
20/00835/FUL	Fairfield Piggeries Leigh Road Bradford Leigh Wilts, BA15 2RQ	BRADFORD ON AVON / SOUTH WRAXALL	Change of use from agricultural to mixed use	DEL	Hearing	Decline to Determine	Dismissed	14/12/2020	None
20/01306/OUT	Land North of St George's Road Semington, BA14 6JN	SEMINGTON	Residential development of up to 20no. entry-level affordable dwellings with associated car parking, access, internal roads, public open space, landscaping, drainage and other associated infrastructure	DEL	Hearing	Refuse	Allowed with Conditions	17/11/2020	None
20/02835/OUT	Former Nursery Northleigh Bradford on Avon BA15 2RG	BRADFORD ON AVON	Outline application with some matters reserved for erection of a self-build dwelling (access and landscaping only).	DEL	Written Reps	Refuse	Dismissed	06/01/2021	None
20/03015/FUL	15 Willoughby Close Westbury, Wilts BA13 3GA	WESTBURY	Small brick retaining wall with close boarded timber fence on top. (part retrospective)	DEL	House Holder Appeal	Refuse	Allowed with Conditions	01/12/2020	None
20/03166/FUL	45 Seymour Road Trowbridge, BA14 8LX	TROWBRIDGE	Proposed new dwelling	WAPC	Written Reps	Approve with Conditions	Allowed with Conditions	13/01/2021	None
20/03845/FUL	The Barn, Beckerley Farm, Beckerley Lane Holt, BA14 6QQ	HOLT	Retrospective use of building as an independent dwelling	DEL	Written Reps	Refuse	Allowed with Conditions	15/01/2021	None

## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 February 2021
<b>Application Number</b>	20/10572/FUL
<b>Site Address</b>	Land Adjoining No.39 Craybourne Road, Melksham, SN12 7DJ
<b>Proposal</b>	Proposed 4 Bed Dwelling
<b>Applicant</b>	Mr Raph Dixon
<b>Town/Parish Council</b>	MELKSHAM (TOWN)
<b>Electoral Division</b>	Melksham Central – Ward Member Cllr Hayley Spencer-Illman
<b>Grid Ref</b>	391106 164358
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Verity Giles-Franklin

**Reason for the application being considered by Committee:** Cllr Spencer-Illman has requested that this application be presented to the Western Area Planning Committee if officers are minded to approve the application, so that members can consider: the scale of the proposed development and overdevelopment of the plot; and its relationship with adjoining properties.

### 1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions.

### 2. Report Summary

This report appraises the principle of development, the impacts the development would have on the character of the area, as well as the impacts on neighbouring amenity for both existing and future occupiers as well as highway safety.

Melksham Town Council has raised an objection to the application, details of which are provided within section 8 of this report. Two public representations have also been received, which are summarised within section 9 of this report.

### 3. Site Description

The application relates to a 2-storey semi-detached rendered dwelling and its associated curtilage, located within an established residential area of Melksham. The immediate area is characterised predominantly by two-storey semi-detached or link-detached dwellings with some detached properties, which are mostly of red brick or reconstituted stone with rendered finishes.

The host property at 39 Craybourne Road is orientated to face the road, with a vehicular access and driveway for off-road car parking to the front. The subject property previously had a side extension comprising a garage with a room above (as consented under application reference W/87/00542/FUL) however as shown below, that was demolished sometime after March 2017 pursuant to consented application 16/11318/FUL. To the south of the application site, there is a public right of way (PRoW) (a footpath reference: MELK14) with its routing shown on the following page.



**Extract of the Council's mapping system to show the position of the PRoW and location of the application site**



**Photograph of application site submitted with application details**

#### 4. Planning History

The following planning history is of the most relevance to this application:

W/87/00542/FUL – Garage and bedroom extension – Approved (under delegated powers) on 26 May 1987

The following site photograph which was taken in 2016 illustrates the garage with upper floor accommodation (now demolished):



16/11318/FUL - Demolition of existing side extension & erection of a detached 3 bed two-storey dwelling with associated landscaping - Approved 02 March 2017 (under delegated powers).

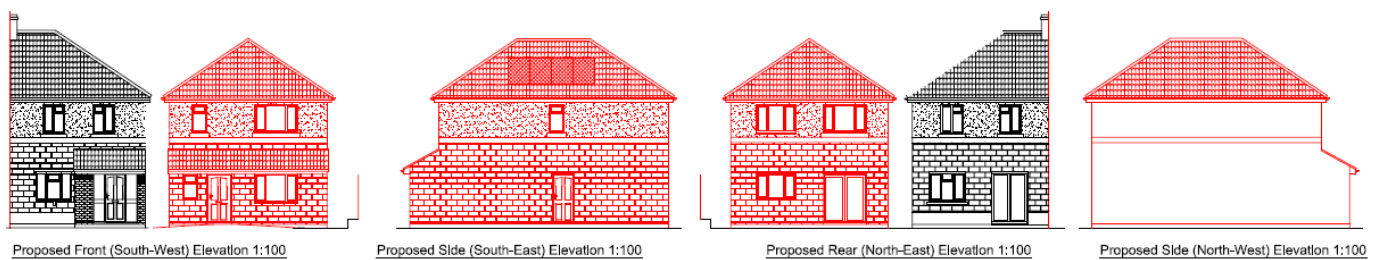
It is important to note that the above application was subject to three 'suspensive' planning conditions relating to surface water drainage, landscape planting details as well as a material samples condition. However, no formal discharge of condition application was received by the Council and the March 2017 permission therefore lapsed.

[Note: The 2016 application did not benefit from the Business and Planning Act 2020 temporary modifications made to the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 in response to the coronavirus pandemic pursuant to temporarily extending the implementation timeframes for consented applications as this only applied to unimplemented development that would otherwise expire between 23 March and 31 December 2020 – until 1 May 2021].

Following the March 2017 approval, the applicant progressed with demolition works and illustrated in the previous site photos, the double garage with a room above no longer exists on the site.

It is also considered worthy of noting that the 2016 application was not subject to any call-in request by the local ward member and Melksham Town Council raised no objections to a detached 3 bed two-storey dwelling back in February 2017. The Council assessed the application against the adopted Wiltshire Core Strategy policies and the NPPF and concluded that the principle of constructing a detached dwelling along with the associated details at this site were policy compliant and, in recognition that the same policies still apply, officers consider the 2017 consented development to be a material planning consideration.

Extracts of the approved elevations and site plan pursuant to the consented 16/11318/FUL application are provided below:



**Approved elevations pursuant to 16/11318/FUL**



**Approved block plan pursuant to 16/11318/FUL**

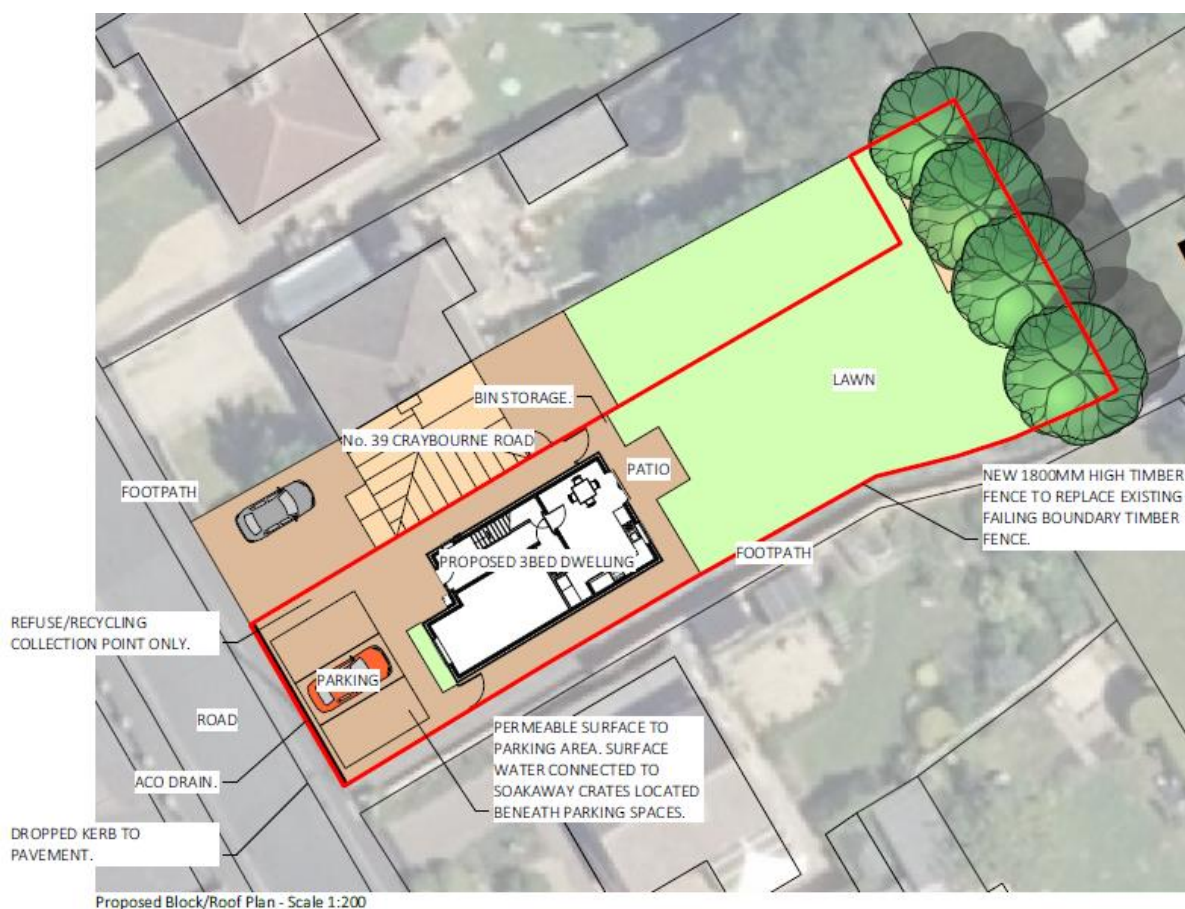
Although there has been no material revisions made to the adopted Wiltshire Core Strategy since March 2017, the Council is not presently able to demonstrate a 5 year housing land supply and in recognition that the site is not exempted by the provisions set within footnote 6 associated to paragraph 11 of the NPPF, the Council must accept that full weight cannot be applied to the Core Strategy at the current time, and that planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole”*.

## 5. The Proposal

This application seeks full planning permission for the construction of a single 4 bed dwelling to the south east of the host property at No. 39 Craybourne Road and within its garden. The proposed dwelling would be red brick with a cream render finish, with a lean-to style porch, under a concrete tiled roof with uPVC fenestration, as detailed by the extracts of the proposed elevations below:



The proposal makes provision for the associated car parking and rear amenity space to serve the proposed dwelling. The plans extract below also reveals the residual rear garden ground and separate car parking that would be retained for No. 39.



**Proposed Site Plan**

## 6. Planning Policy

The adopted Wiltshire Core Strategy (WCS) Core Policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP15 - Spatial Strategy for the Melksham Community Area; CP51 -

Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP60 - Sustainable Transport; CP61 - Transport and New Development; and CP64 - Demand Management

Saved West Wiltshire District Plan 1st Alteration 2004 Policy U1a - Foul Water Disposal

The Wiltshire Local Transport Plan (LTP) 2011-2026 Car Parking Strategy

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also of material relevance to this application.

The emerging joint Melksham Neighbourhood Plan (at Reg 16 stage) has been subject to a public consultation since early December, and following the consultation, comments received will be passed to an independent examiner, to be appointed by Wiltshire Council, who will be asked to consider the representations and determine if the plan should be put to a community referendum. No material weight can be applied to this emerging plan at this stage.

## **7. Summary of Consultation Responses**

Melksham Town Council: Objects on the basis of overdevelopment of the site.

Wiltshire Council Highways: No objection subject to conditions – The highway officer wishes to be assured that the existing telegraph pole would be relocated following the necessary permissions, which has been subsequently confirmed.

## **8. Publicity**

Two representations were received raising the following summarised concerns:

- Highway safety and increased traffic
- The nearby footpath is well used including children
- The existing telegraph pole is not shown on the plans
- The footprint of the proposed dwelling would be larger than other dwellings
- Overshadowing impacts to No. 39

## **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.

9.1 Principle of the Development: The application site lies within the settlement boundary of Melksham, which is defined in CP1 and CP15 of the adopted WCS as a Market Town that have the *“potential for significant development that will increase the jobs and homes... in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities”*.

9.2 The application site is located within the settlement boundary for Melksham, where there is a presumption in favour of sustainable development. The principle of developing this site for windfall housing provision therefore complies with CP1, CP2 and CP15 of the adopted WCS.

9.3 Impact on the Character and the Appearance of the Area: CP57 requires all new development to be of a high standard of design and is expected to create a strong sense of place through drawing on the local context. Part iii of CP57 requires proposals to respond 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”.*

9.4 Craybourne Road and the neighbouring properties found at St. Margaret’s Gardens are characterised by a mix of housing styles and materials. St. Margaret’s Gardens comprise of brick built two-storey gable fronted dwellings under pitched roofs with single storey garages to the side, while Craybourne Road is predominantly characterised by hipped roof semi-detached pairs, finished in a mixture of brick, reconstituted stone and render.



9.5 Within very close proximity to the site at 39 Craybourne Road, separate planning permission was granted and implemented for the property on the other side of the road at 52 Craybourne Road (see above insert) under application reference 18/02770/FUL for a detached dwelling finished in a cream render finish above red brick, with a lean to style porch on the principal elevation, and abuts the same MELK14 footpath as illustrated by the following extracts – with the consented dwelling being shown in the centre. The construction of a detached dwelling to the side of the existing dwelling No. 52 was considered acceptable and has been built (and is now No. 54 Craybourne Road).



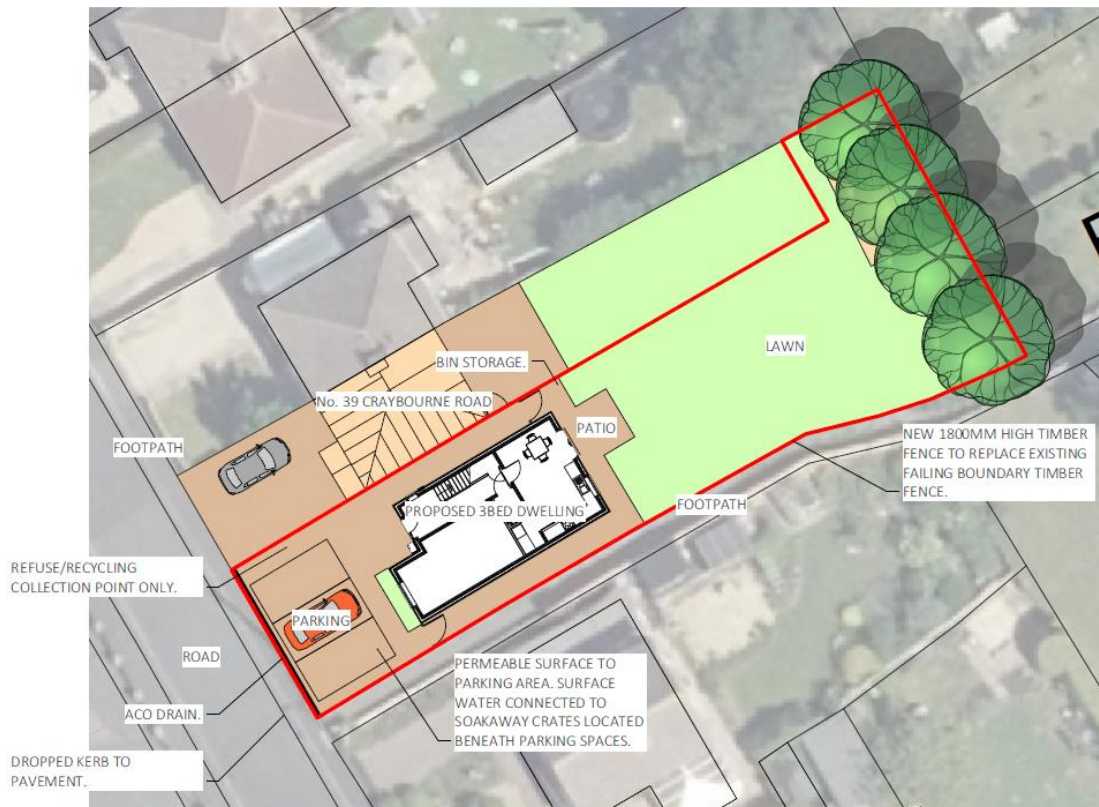
**Approved front elevation drawing pursuant to 18/02770/FUL**



54 Craybourne Road

Image of the built No. 54 taken from the property's sales particulars

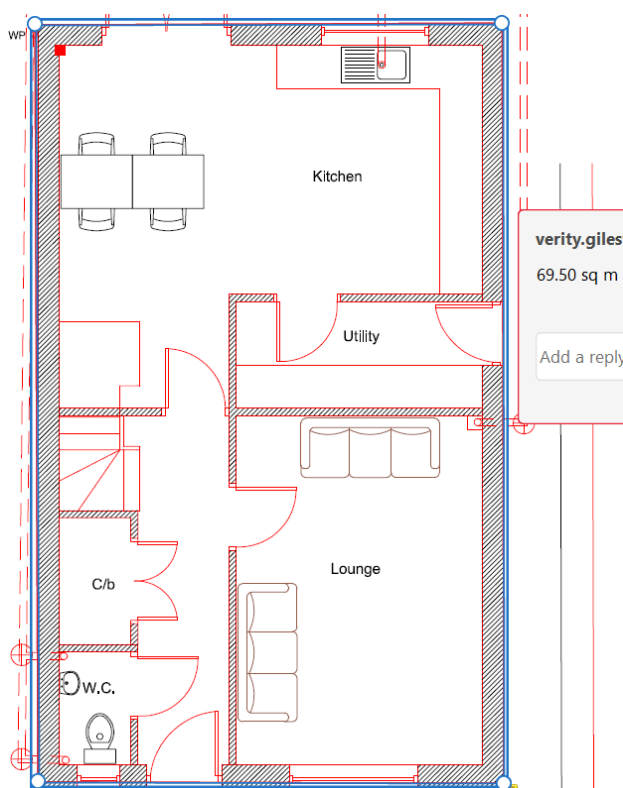
9.6 The new house above adds further variety in terms of house type, style and use of materials within the immediate neighbourhood, which is not considered out of keeping or overdevelopment. The proposed design and finish for the new dwelling opposite No. 54 at No. 39 Craybourne Road, is also considered acceptable, and would not appear discordant or out of keeping with the character of the area.



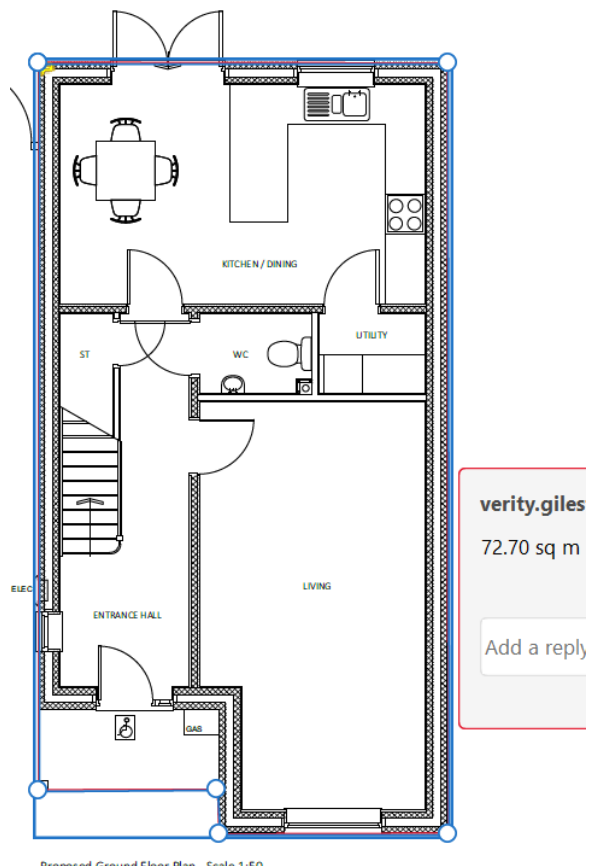
9.7 Officers acknowledge that the proposed dwelling at No.39 would extend further back than the existing dwelling by just over 3m. However, the plot is of a sufficient size to accommodate it as the above plan extract reveals. The proposed dwelling would be sited detached from other properties leaving a commensurate separation similar to that found between many other properties along Craybourne Road. In addition, officers have calculated that the proposed dwelling would have a footprint of just under 73sq.m including the covered porch and be accommodated on a plot extending to 435sq.m – equating to under 17% of the plot, which is not overdevelopment.

9.8 Officers submit that the proposed dwelling would be sited and designed that would complement the existing building line. The proposed dwelling would be set back from the boundary to No. 39, to provide site access to the proposed rear garden and to the rear garden of No. 39. The proposal granted under application reference 16/11318/FUL consented a dwelling positioned against the shared boundary. The proposal before the committee would provide further separation between the two dwellings, and an overall betterment.

9.9 The previously consented 16/11318/FUL proposal comprised a new detached dwelling with a footprint of just over 69sq.m (4sq.m less than what is proposed now). Officers do not raise any objection to such a marginal footprint increase, and it would have no discernible material impact on the streetscene compared to what was previously consented. The two footprint plans for the consented 16/11318/FUL application and the current application are shown below left and right respectively.



**Footprint of consented dwelling - 16/11318/FUL**



**Footprint of proposed dwelling - 20/10572/FUL**

9.10 In both applications, the detached dwelling would project beyond the existing rear wall of the host property at No. 39 Craybourne Road. However, no harm was previously identified and the same applies to the current submission. Officers therefore submit that the proposal complies

with the requirements of CP57 of the adopted WCS, by reason of the satisfactory design, layout and choice of materials.

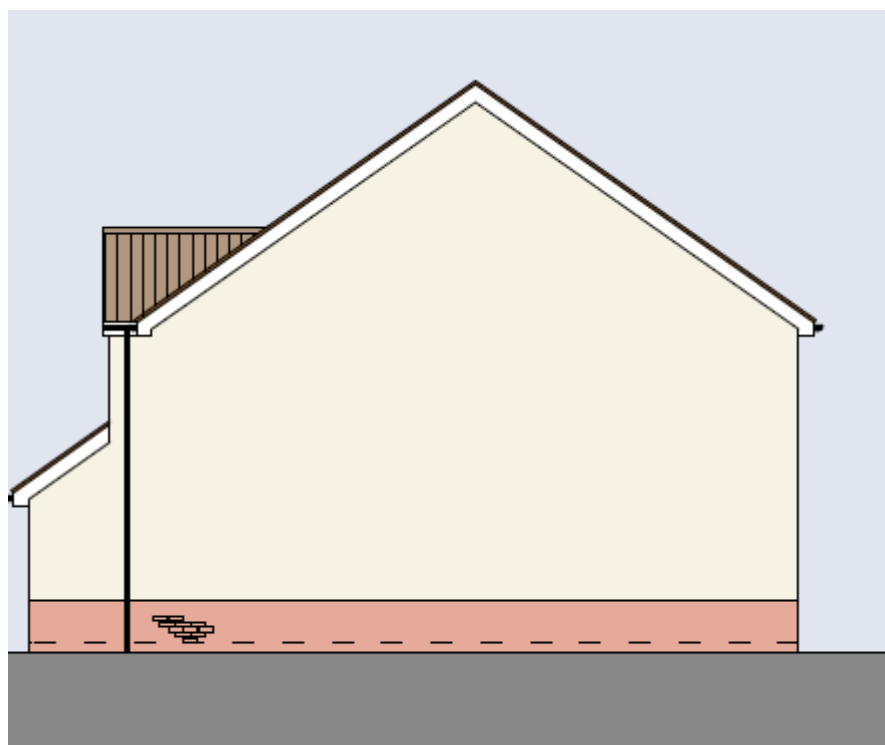
9.11 Impact on Neighbouring Amenity for Existing and Future Occupiers: In addition to the abovementioned criteria, CP57 of the adopted WCS requires development proposals to have regard *“to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)”*.

9.12 A distance of c.1.4m would exist between the existing dwelling and the proposed dwelling, but this would not have an adverse impact on the living conditions of the neighbouring occupiers. This is due to the orientation of the properties, with any overshadowing to No. 39 being predominately limited to the afternoon hours and during the winter months. There are no gable wall windows at No.39 to be cast in shadow, and no flank wall openings are proposed for the new house, and as such, the current and future living conditions of the neighbouring occupiers would not be significantly impacted in terms of loss of light, overshadowing, overlooking or overbearing impacts.



9.13 To the rear of the plot, an existing row of trees would be retained. These trees would continue to provide a natural boundary separation between the proposed plot and No. 39 and the properties of Heathcote Road beyond. To the rear, a separation distance exceeding 21 metres would exist between the proposed rear elevation of the new dwelling and the plot

boundary with Nos 7-9 Heathcote Road, which is considered an adequate distance to prevent any harmful overlooking or loss of privacy. No flank wall openings are proposed on the south east elevation that face the PRow and 22 St Margaret's Gardens beyond (which can be seen in the following google street view photograph). Officers therefore submit that the proposed dwelling would not have an adverse impact on the amenity of neighbouring occupiers, due to its location, fenestration arrangement and design.



Proposed South East (Side) Elevation - Scale 1:100

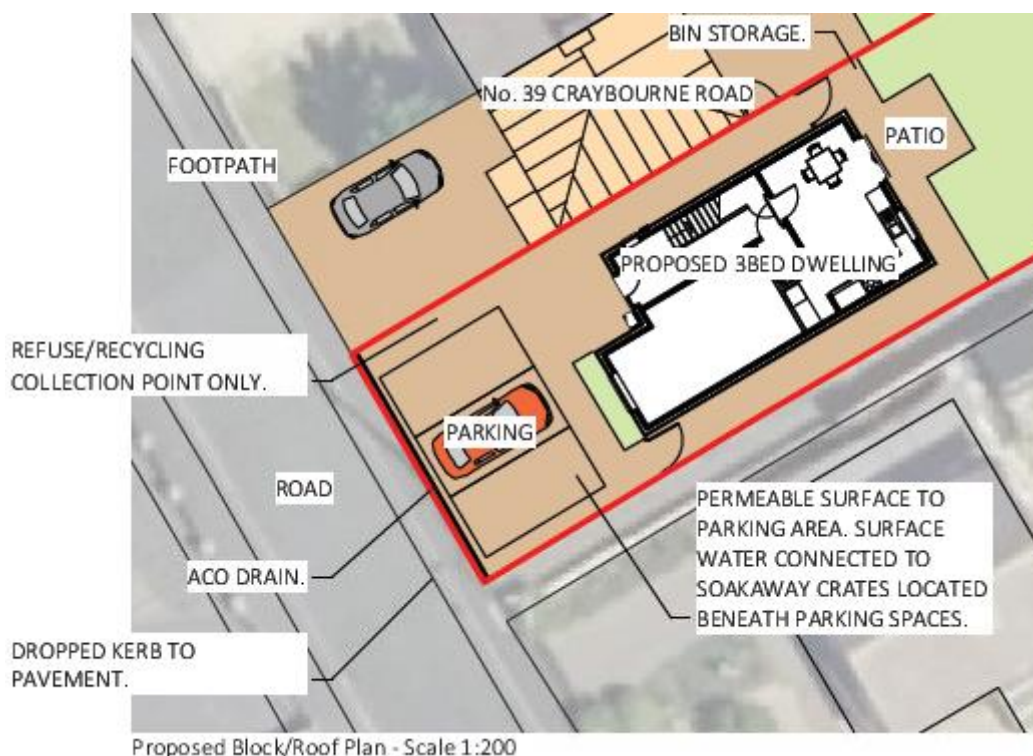
9.14 Whilst Wiltshire Council does not have a prescribed garden size standard or policy, the Building for Life 12 publication sets out an industry standard for the design of new housing development and recommends as a general 'rule of thumb' that the extent of outside amenity space should be, as a minimum, at least equal to the size of the ground floor footprint of the dwelling. In this instance, the garden area to be retained for No. 39 and that proposed to serve the new dwelling would both exceed that basic requirement, with the rear gardens for No. 39

having an excess of c.107.9m<sup>2</sup> and the garden for the proposed dwelling having c.260m<sup>2</sup>. As such, officers are satisfied that both properties would benefit from adequate private rear amenity space.

9.15 The proposed dwelling would also meet the nationally described space standards set out within the Technical Housing Standards guidance based on between 5-6 people sharing, which would ensure that the proposed dwelling would be of an adequate size internally to be capable of family occupation.

9.16 In light of the above assessment, officers consider the proposed dwelling to be of an adequate size and to be served by a suitably sized rear garden, with the retaining garden space for No. 39 to provide an acceptable rear amenity space for the occupiers of the existing dwelling. Therefore, the proposal would not have an adverse impact on the existing occupiers or future occupiers of the proposed dwelling. As such, officers are satisfied that the proposal would comply with the requirements of CP57 and there would be no conflict with the NPPF.

9.17 Highway Matters: Criterion xiv of CP57 of the adopted WCS requires new housing development to meet the requirements of CP61. CP61 requires new development to be capable of being served by a safe access to the highway network. This proposal seeks to utilise an existing access to provide access and off-road car parking for both the existing and proposed dwelling. The submitted site plan illustrates that on-site car parking provision would be available for both the existing dwelling and the proposed dwelling to the front of the respective dwellings.



9.18 In this instance, the proposal includes the provision of three on-site car parking spaces to serve the proposed dwelling, which complies with the requirements of CP64 and the Council's adopted car parking strategy, which requires 3 on-site car parking spaces to be provided for dwellings with 4+ bedrooms.

9.19 The concerns raised within the submitted representations are duly noted, however in this instance the required car parking provision would be satisfied for both No. 39 and the proposed

dwelling. Although the development would likely introduce additional traffic accessing and leaving the site, the access has appropriate levels of visibility and the provision of one additional house within the town would not lead to demonstrable highway harm and the impacts on the road network would not be severe – which are the leading considerations as set out by paragraph 109 of the NPPF.

9.20 The Council's highways department raise no objections subject to conditions and an informative. The applicant's agent has confirmed that the street signage and telegraph pole at the front of No. 39 would be relocated, and that would require separate consent and agreement via the utility company (and as a statutory undertaker, such work can be undertaken without planning permission). Also, it is proposed that the existing fence along the boundary with the PRow would be reduced in height to improve intervisibility between oncoming vehicles using Craybourne Road and pedestrians. These matters can be secured by imposing planning conditions and informatives.

9.21 Community Infrastructure Levy (CIL): This development would be liable to CiL and prior to any on site commencement the applicant would be required to complete the necessary CiL liability forms and pay the requisite CiL contributions of circa £5,000 with 15% of the total sum going to the parish council until they have a made Neighbourhood Plan in place (which would return a 25% CiL receipt).

**10. Conclusion (The Planning Balance):** The proposed development is considered to comply with the requirements of the adopted Wiltshire Core Strategy in particular CP1, CP2, CP15, CP57, CP60 and CP61 as well as the NPPF. As such, it is considered that planning permission should be granted subject to conditions.

**RECOMMENDATION:** Approve subject to the following 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:

Drawing No. 188/101, Site Location Plan, Existing Block/Roof Plan, Proposed Block/Roof Plan, Proposed Floor Plans, Proposed Elevations and Material Details, as received on 27 November 2020

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

3 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 north-west or south-east (side) elevations above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

4. No development above ground floor slab level 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: To ensure that the development can be adequately drained.

5. No development above ground floor slab level shall commence on site until 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: -

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- means of enclosure including details and elevations of the fence bordering MELK14
- car park layouts;
- other vehicle and pedestrian access and circulation areas; and
- all hard and soft surfacing materials.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

7. The dwelling hereby approved shall not be occupied until the telegraph pole at the site frontage has been relocated to enable unrestricted vehicular access to the car parking spaces for the new dwelling as shown on approved plan drawing no. 188/101 and for this car parking area to be consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

#### **INFORMATIVES TO APPLICANT:**

1. The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and



Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

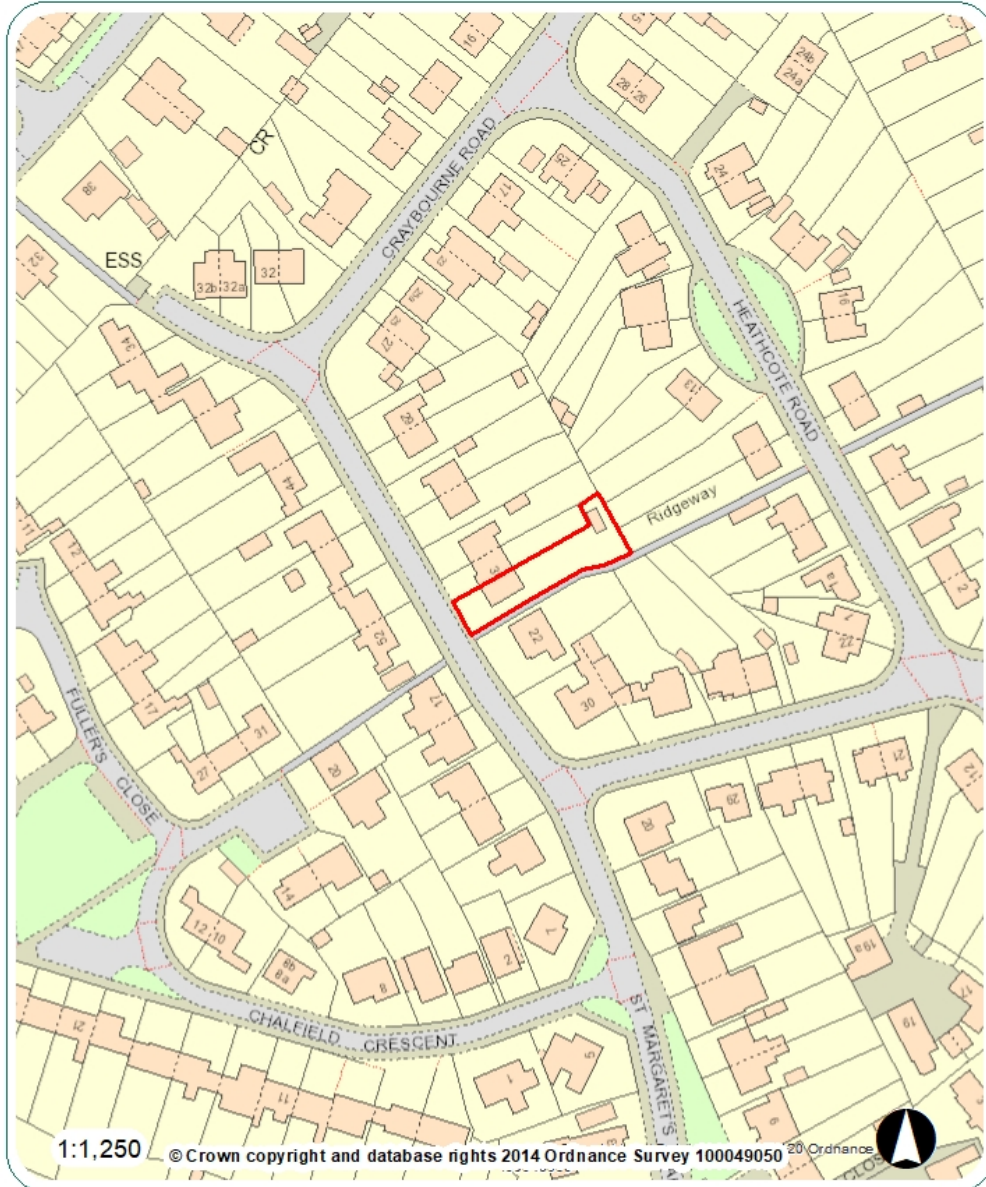
<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

2. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

3. The application may involve the need for a new dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on: [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.

4. The relocation of the telegraph pole and street name signage would require the relevant prior consent of the appropriate utilities' undertaker and the Council.

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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17.02.2021
<b>Application Number</b>	20/04400/FUL
<b>Site Address</b>	16 Conway Crescent, Melksham SN12 6BD
<b>Proposal</b>	Retrospective application for erection of an annex to be used as ancillary accommodation
<b>Applicant</b>	Mr Ross Thomas
<b>Town/Parish Council</b>	MELKSHAM (TOWN)
<b>Electoral Division</b>	Melksham South - Ward Member Cllr Jon Hubbard
<b>Grid Ref</b>	390861 162825
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Yancy Sun

### **Reason for the application being considered by Committee**

In accordance with the Council's Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Jon Hubbard who has cited having concerns about the scale of development, the visual impact upon the surrounding area, its relationship with adjoining properties (pursuant to the design, bulk, height and general appearance), and environmental or highway impacts; and specifically about flooding and storm drainage impacts.

### **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 planning considerations; and to recommend that the application should be approved subject to conditions.

### **2. Report Summary**

The main issues discussed in this report are as follows:

- The principle of the development
- Impact on neighbour amenity
- Impact on visual amenity
- Drainage and flooding
- Environmental impact

### **3. Site Description**

The application site at No.16 Conway Crescent is located within the settlement limits of Melksham and comprises a two-storey detached dwelling, which has an attached single-storey garage along the western site boundary.

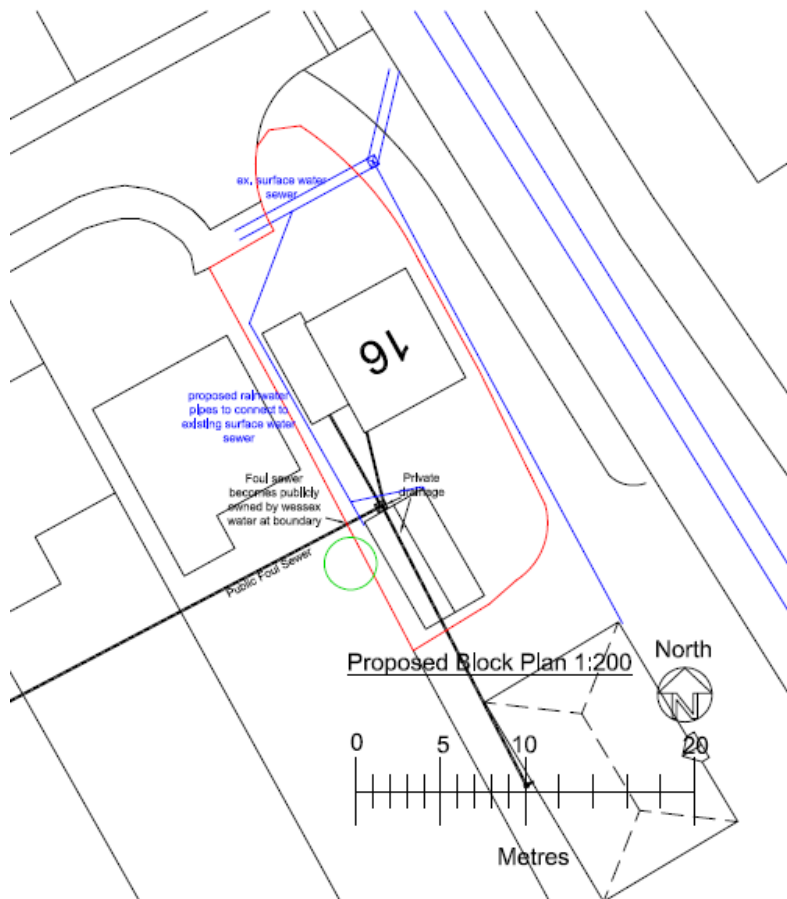
The application site is not subject to any specific land designation constraints and it is not within Flood Zone 2 or Flood Zone 3.

The subject property at No.16 Conway Crescent is shown on the following map extract.



The property numbered No. 18 was approved and constructed relatively recently following planning permission being granted for application 15/11734/FUL (which was subject to a planning condition removing PD rights) and was modified by consented 16/04689/VAR, and is accessed via a driveway along No.16s eastern site boundary as shown below.

The insert below illustrates the location of the erected annex within the rear garden ground of No. 16 and illustrates its relationship with the neighbouring properties (No. 14 – a 2-storey detached dwelling and No.18 – which is a bungalow).



**Proposed Block Plan for the Constructed Annex with sewer routing**

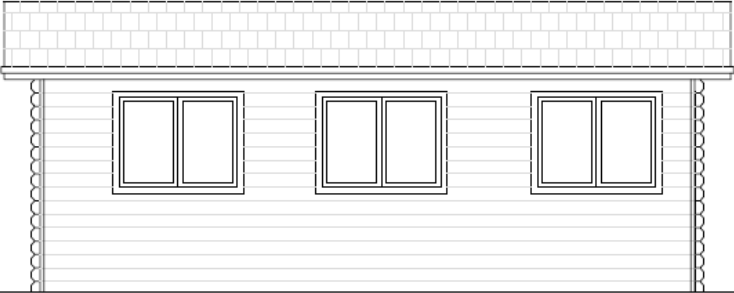
To provide Members with a fuller site context, the following site photos are included to illustrate the siting and design of the annex and its visual relationships with the immediate surroundings. The below photo looks in a southern direction towards the rear garden boundary with the bungalow at No.18 beyond. The constructed annex is the shown on the right of the photograph.



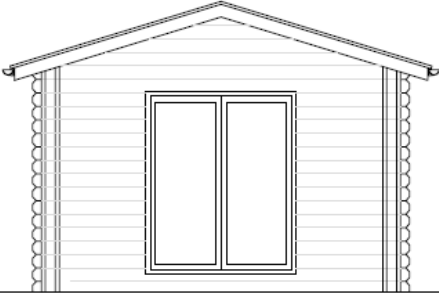
**View towards No.18 Conway Crescent from No.16's rear garden**



**View looking west from within No.16s garden towards No.14 (right of photo)**



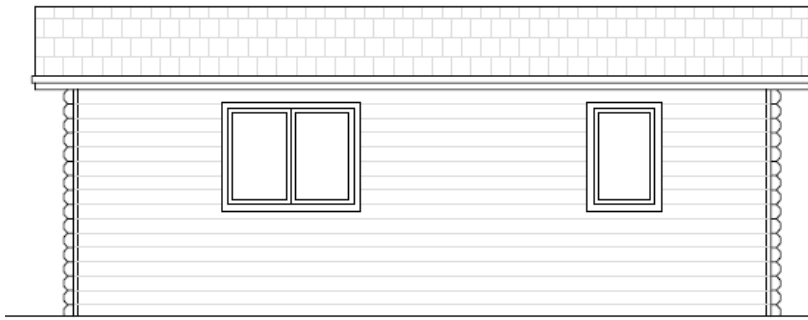
**Existing East Elevation 1:50**



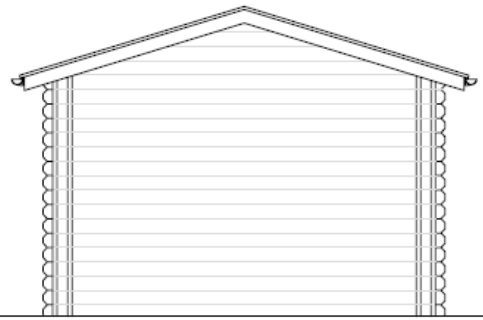
**Existing North Elevation 1:100**

**Building Materials:-**  
 Walls- Painted Timber  
 Roof- Felt  
 Windows & Doors- Timber

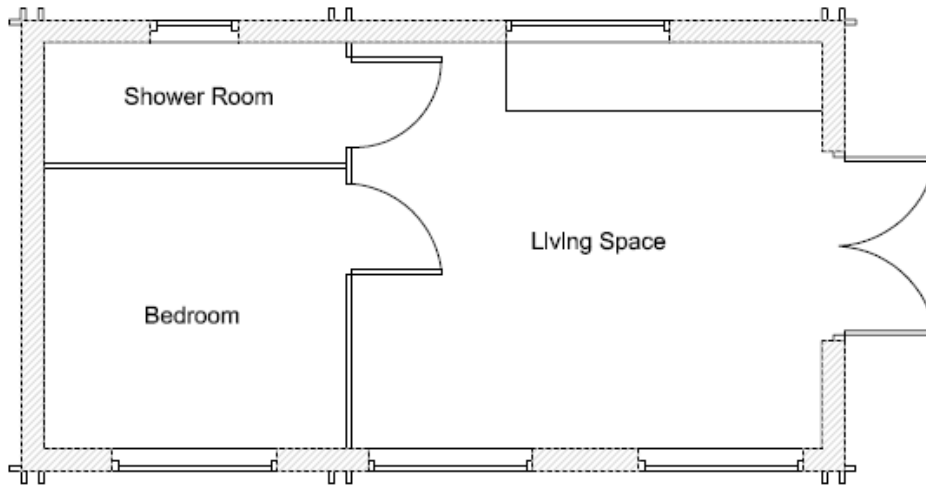




Existing West Elevation 1:100



Existing South Elevation 1:100

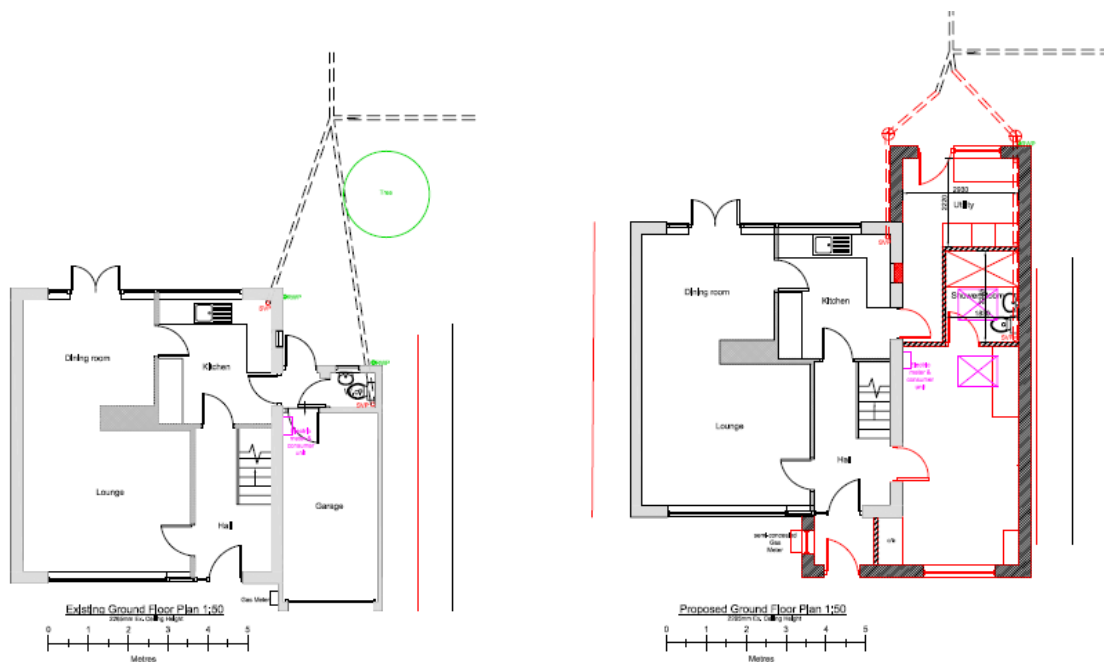


Existing Floor Plan 1:50

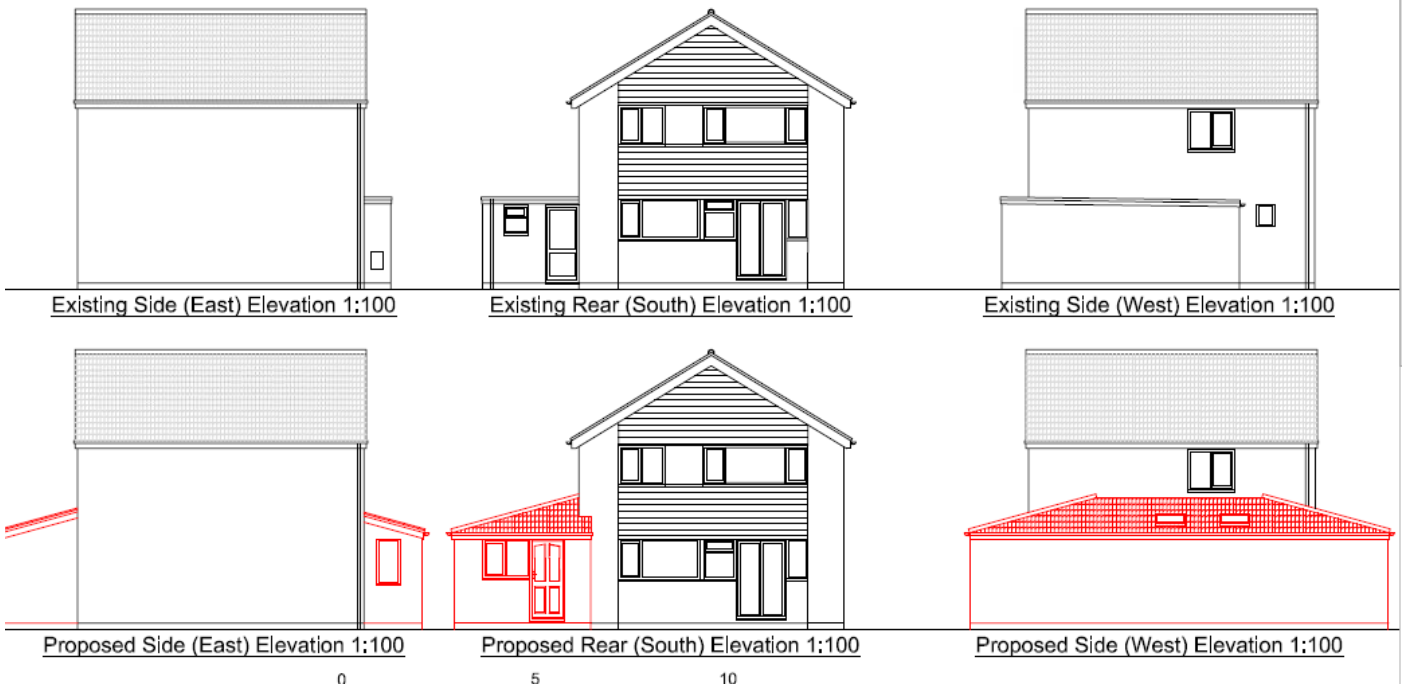
#### 4. Planning History

**19/05319/FUL** – Proposed single-storey extensions – Approved with Conditions – which is extant pursuant to a single storey link extension, to convert the existing garage to habitable accommodation as well as an extension to the rear, which the following inserts reveal:

#### *Associated Plans for Approved Application 19/05319/FUL*







## 5. The Proposal

This application seeks retrospective planning permission for the construction of a single-storey outbuilding, which is occupied by an elderly relative of the applicant, and is used as ancillary accommodation to the main dwelling, and as shown below, is sited within the rear garden of No. 16 Conway Crescent. The outbuilding has a footprint of just under 29 sq.m and is 3.2m high to the ridgeline and 2.4m to the eaves (marginally higher than the common fence boundary) – and has a grey painted timber wall finish and a felted pitched roof.



There are windows on the eastern, northern and western elevation.

Following the neighbour notification exercise, and concerns expressed, it has been confirmed that the annex has not been constructed over the private surface water sewer, although as the below photo reveals, it has been constructed very close to it.



**View of the drain within the rear garden of No.16 Conway Crescent (dated 25.08.20)**

In September 2020, following a series of officer exchanges with the applicant's agent and the concerned neighbour, a revised plan was submitted to illustrate and confirm the means by which the annex is served by foul and surface water drainage connections. The insert below reveals these connections.



**Revised Proposed for Application 20/04400/FUL**

## 6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015): in particular: CP1 – Settlement Strategy CP2 – Delivery Strategy; CP15 – Spatial Strategy Melksham Area; CP57 – Ensuring High-Quality Design and Place Shaping; CP60 – Sustainable Transport and CP67 – Flood Risk.

Saved Policies for the West Wiltshire District Local Plan (1st Alteration): U1a Foul Water Disposal and U2 Surface Water Disposal

National Planning Policy Framework 2019 (NPPF) and Planning Practice Guidance (PPG)

## **7. Summary of Consultation Responses**

Melksham Town Council – Objects on the basis of the scale of development, the visual impact upon the surrounding area, the relationships with adjoining properties, the design, bulk, height, general appearance, and environmental or highway impacts.

Wessex Water – No objection. Existing and available and sewerage arrangements have been used to serve the additional water supply and foul disposal requirements, which requires building regulation approval. Wessex Water also confirmed that the foul drain crossing underneath the applicant's and neighbouring garden site is private and not the responsibility of Wessex Water. There are no known public sewers or other Wessex Water infrastructure within the red lined site boundary parameters.

Wessex Water are aware of the third-party concerns made relative to the private sewer and have reported that the additional predicted foul flows from the annex would be minimal.

The surface water sewer connection that leads to an existing watercourse is a matter for the local authority to consider. The planning authority should be satisfied that the site is not at risk from surface water flooding and the proposal should not increase surface water flood risk elsewhere.

Wiltshire Council Drainage Team – No objection. The surface water drainage in the area is private, therefore any connections to the private system would need to be agreed with the respective owners. The Council does not own any surface water sewers in the area. As the application is a minor development, and Building Regulations would address the site's drainage requirements.

## **8. Publicity**

The application was subject to individually posted out neighbour notification letters. In response to the notifications, one representation was received from the owner/occupier of No.14 who reported the following concerns:

- The subject building was constructed in late November/December 2019 without planning permission – which is considered an overdevelopment of the plot;
- The original combined drainage for plots 15 and 16 was installed in the 1960s and it cannot cope with the additional drainage requirements.
- On 21 April 2020, the occupant of No.14 contacted Wessex Water following a sewer leak due to a split pipe.
- The ancillary accommodation is occupied and has been built over the foul drain.
- Third parties own the private surface water sewer and there is a concern as to whether there is enough storm drainage capacity in the sewer to prevent future sewer problems or ground water pooling in the rear garden of No.14 Conway Crescent

In addition to the above, following an officer site visit to the neighbouring property at No.14 Conway Crescent, the owner verbally informed the officer that a tree within their curtilage had died following the construction of the annex (possibly due to root severance). The neighbour also voiced concerns regarding the fire safety of the annex.

## **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.

## 9.1 Principle of Development and Permitted Development Fall Back

9.1.1 The application site is located within the defined town limits, and is a sustainable location.

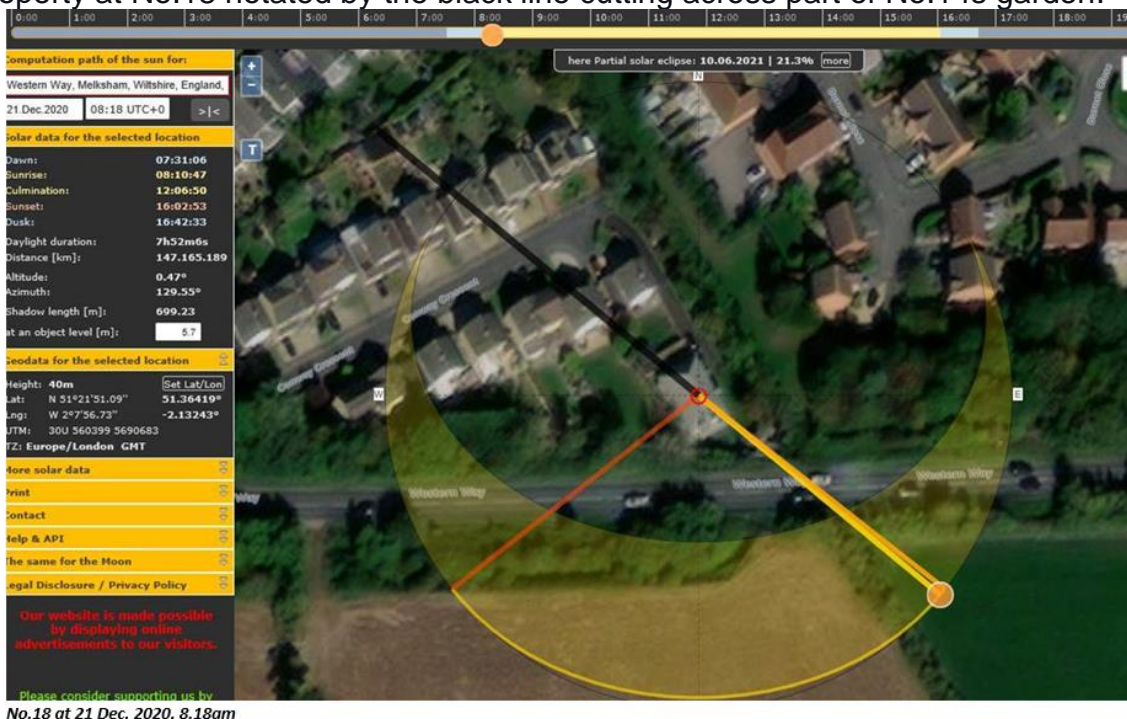
9.1.2 The modest annex occupies about 20% of the rear garden and it is not considered overdevelopment of the plot. Although the annex has a bathroom, there remains a direct, functional and dependent relationship with the main dwelling. Should members concur with the officer recommendation to grant planning permission, a planning condition is recommended to ensure that the annex remains ancillary to the residential use of the main dwelling.

9.1.3 Officers are also mindful that the host property benefits from permitted development rights, which would allow the owner to construct a similar sized outbuilding incidental to the enjoyment of a dwellinghouse under Schedule 2, Part 1, Class E provided that it meets the provisions set in the General Permitted Development Order (2015) (as amended). The constructed annex exceeds the maximum height parameters for a structure being within 2m of the boundary. The siting of the annex is not considered harmful and having it located centrally within the garden would not be good planning. Should Members resolve to grant permission, a planning condition is recommended to remove any residual PD rights for other outbuildings to be constructed on the plot. Thereby requiring the submission of planning applications for any future proposed additions.

## 9.2 Impacts on Neighbour Amenity

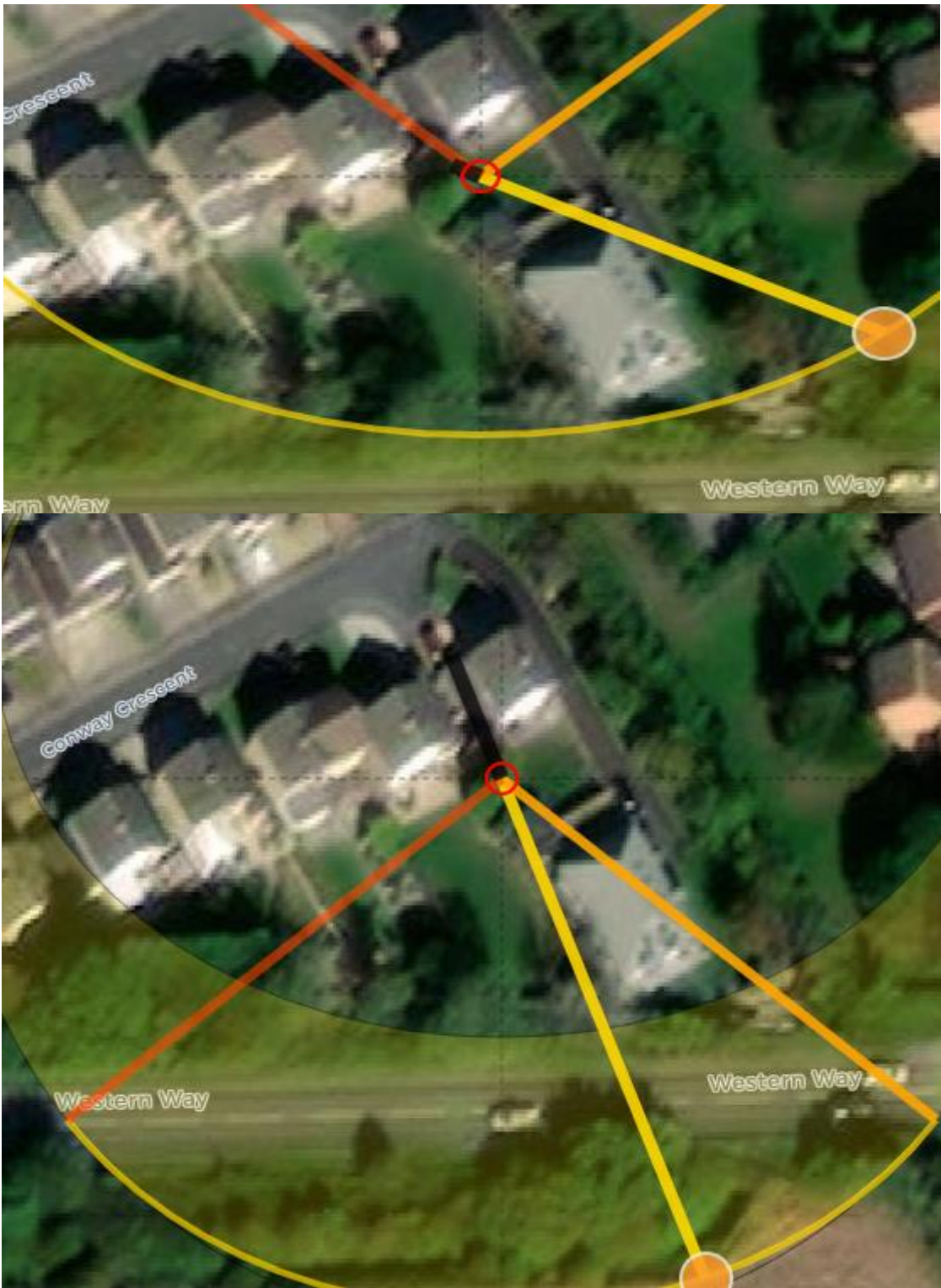
9.2.1 Paragraph (vii) of adopted Wiltshire Core Strategy Core Policy 57 requires new development to have regard to the compatibility of adjoining buildings and uses, as well as to consider the impacts on the amenities of existing and neighbouring occupants, and this application should consider overshadowing, overbearing and loss of amenity impacts.

9.2.2 In terms of overshadowing, the baseline conditions must be first understood, and it should be noted that the neighbouring property at No.14 Conway Crescent, experiences levels of overshadowing at different times of the day to varying degrees throughout the year from both the No.16 and the bungalow at No.18 Conway Crescent. Officers have modelled the existing impacts by inputting the known details of the existing properties into a sun cast shadow program (an online model provided by <https://www.suncalc.org> which can model shadowing cast by buildings across neighbouring property). In this case, the following insert illustrates the direction of a shadow cast by the property at No.18 notated by the black line cutting across part of No.14s garden.



**Calculated overshadowing impact on No. 14 created by the bungalow at No.18 at the Winter Solstice where the sun is at its lowest (above example timed at 08:18)**

9.2.3 In modelling the overshadowing impacts of the annex, officers are fully cognisant of the existence of the c.2m high common boundary fence, and in running a test on the proposed 3.2m high annex and the shadowing it creates across No.14s property and garden, the extent of the shadow was found to be imperceptible, beyond that which is created by the fence and the existing boundary vegetation. By mid-morning on a sunny morning on the shortest day of the year, the extent of the shadow would mostly affect the host property rather than No.14 as illustrated by the following inserts – due to the siting and orientation of the annex in the context of the sun’s orbit.



9.2.4 Officers are satisfied that the annex, being only marginally higher than the boundary fence (as shown below), would not lead to substantive overshadowing harm to the neighbouring property at No.14, and by virtue of the siting and orientation and intervening boundary treatments, the annex has no material impact on No.18. Page 37



9.2.5 Officers appreciate that the proposed ancillary outbuilding is positioned close to the common fenced boundary, as shown above, but it is not considered visually obtrusive and nor would it result in a substantive loss of privacy. The annex is positioned just under 5m from the nearest window at No.14 Conway Crescent. The existing house at No.16 Conway Crescent is only about 2m from No.14, and officers are mindful of the extant nature of consented application 19/05319/FUL which permits the applicant to extend along the western elevation of the host property. There is no conflict in terms of window relationships and the 25-degree rule of thumb test for assessing overbearing effects. In applying the 25-degree test, a reference line is taken from the centre of No.14's nearest window/opening and a 25-degree line is drawn towards the proposed building. Since the entire annex falls outside a 25-degree line taken from the neighbouring property window, officers find that there are no substantive grounds to object to the annex on privacy/amenity impacts.

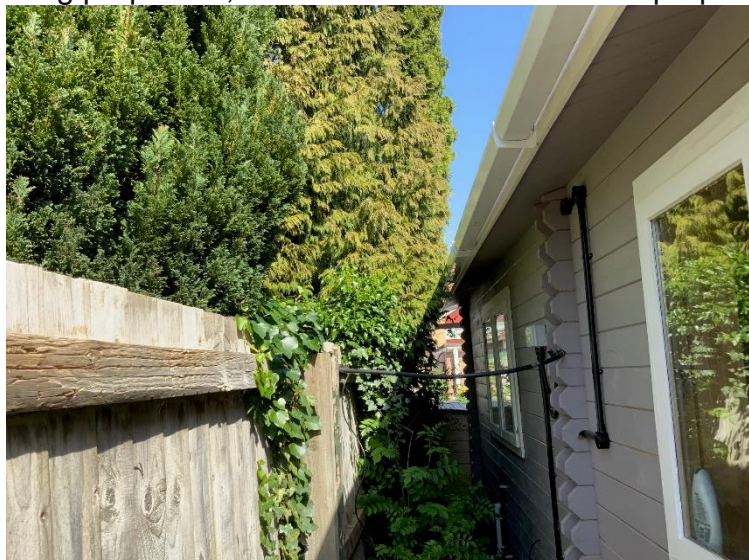




**Views of the ancillary outbuilding from No.14 Conway Crescent's rear garden – noting that the third image immediately above, shows the annex on the left behind the trees/landscaping and the bungalow at No.18 further along the boundary fence – which forms no part of this application.**

9.2.6 There is no substantive harm created through overlooking mindful of the modest height of the annex and its siting behind the common boundary fence as shown in the previous insert (noting the annex is on the far left and the bungalow at No.18, which is far more visible from the garden of No.14 is seen further along the common boundary fence as shown above right).

9.2.7 There are unobscured windows set within western rear elevation of the annex, facing towards No.14 Conway Crescent, but as shown below, the windows – which serve a bathroom and lounge are more or less in line with the top of the common boundary fence and set behind some significant boundary planting. Following the case officer's site visit, the subject windows are not considered to be harmful to the neighbouring amenity, and it should be noted that the trees along the boundary shown below are within the garden of No.14 and these provide ample additional screening. Mindful of the modest size of the annex and its relationship with the site boundary and neighbouring properties, officers are satisfied that the proposal is CP57 compliant.



**Eastern elevation of the annex**

9.2.8 Building Regulations would address fire safety matters, and it may be necessary for the applicant to complete some residual modifications. Officers have ensured that the applicant is aware of the necessity for a building warrant and a pre-application enquiry has been lodged with the Council's building control team. DM officers maintain that building control considerations should be fully addressed outside of the planning regime.

9.2.9 In response to the concerned neighbour's representation about the decay of a tree within No.14s garden, officers have received no evidence. It is possible that roots may have been severed during the formation of the concrete slab on which the annex sits, but this would be a civil matter and it cannot be used as grounds to refuse planning permission. The owner of No.14 has been advised to speak with the applicant and a tree surgeon to ascertain the reasons for the decay of the tree.

### **9.3 Drainage Matters**

9.3.1 Wessex Water and the Council's drainage team report no objections on drainage matters, and as previously discussed, the case officer secured a revised plan from the applicant to establish the routing of the sewers and the available connections. At present the foul and roof water connect with the private sewer, but the applicant intends to connect to the private surface water sewer pending third-party agreement and building regulation approval. A planning condition is recommended to secure the splitting of the foul and the surface water drainage disposal and to conform with the recommendations of Wessex Water and WCS Core Policy 67.

9.3.2 Although a concern has been raised by the neighbour about ground water pooling, the site is not at risk of flooding (pluvial or fluvial), and through the building regulation requirements and third-party agreements, there is an alternative means of disposing the surface water drainage from the annex building.



***Map showing the risk of flooding from surface water in the area***

### **9.4 Impacts on Surroundings – Design**

9.4.1 Adopted Wiltshire Core Strategy Core Policy 57 states that a high standard of design is required in all new developments, and development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Paragraph (iii) of CP57 requires that new development should respond positively to the existing townscape features in terms of height, mass, scale, elevation design and materials.

9.4.2 Conway Crescent is mainly characterised by detached, two-storey dwellings with various additions (mostly single-storey). The detached dwellings are either a dark red/brown brick or a cream coloured brick, with timber/plastic cladding elevation features as shown below. The exception to this is No.18 - which is a bungalow and is constructed from red brick with a hipped roof.





*View of No.16 from public domain*

9.4.3 The 3.2m high annex is a modest addition within the domestic garden of No.16 and does not appear out of keeping or obtrusive. Painted timber is a common material for domestic outbuildings within residential gardens, and the structure is considered acceptable in terms of its design and appearance.



## **9.5 Highway Impacts**

9.5.1 The annex does not create any highway concerns. The Wiltshire Car Parking Strategy (which was adopted in 2015) states that the minimum parking standards for 2-3 bed dwellings require 2 allocated parking spaces. Dwellings with 4 bedrooms or more require 3 allocated parking spaces. The minimum parking requirement for each external parking space to be 'counted' is 2.4m x 4.8m. The host dwelling is a 3-bed property, and the annex provides for one additional ancillary bedroom 1 additional bedroom. It is also important to appreciate that the property benefits from extant planning permission to convert the garage to accommodate an extra bedroom – which cumulative requires 3 on-site parking spaces, which can be accommodated.

## **10. Conclusion (The Planning Balance)**

Overall, officers are satisfied that this retrospective application complies with the relevant policies of the adopted Wiltshire Core Strategy and the NPPF, and subject to planning conditions it is recommended for approval.

**11. RECOMMENDATION – Approve subject to the following conditions.**

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

AH2019/60, Sheet 1 of 1, Received 3 September 2020

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

2. Within three months of the date of this permission, written confirmation shall be provided to the local planning authority to evidence the annex being connected to the surface water drainage sewer, or to a suitable alternative system.

REASON: To annex requires building warrant approval which shall confirm the most appropriate surface water disposal option to ensure that the development is provided with a permanent satisfactory means of drainage.

NOTE: Off-site connections are understood to require third-party agreements and the applicant should not delay in terms of seeking to secure these.

3. The ancillary annex accommodation hereby approved shall only enure for the benefit of the owner/occupiers of the host dwelling at No.16 Conway Crescent and it shall only be used for purposes ancillary to the residential use of the main dwelling, and shall remain solely within the same planning unit as the main dwelling and not be sold or let as a separate unit of accommodation.

REASON: To define the terms of this planning permission and in the interests of good planning.

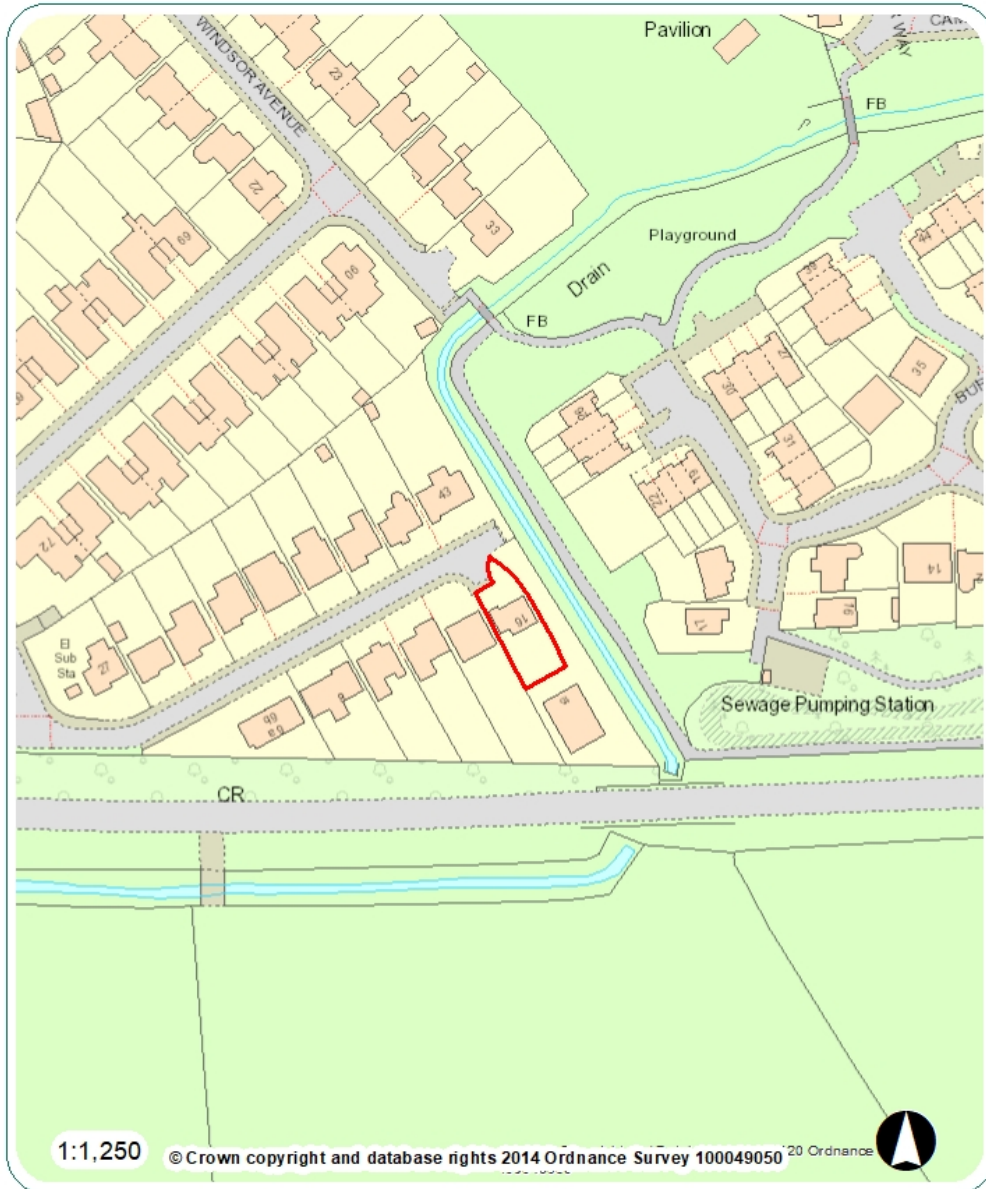
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses or any other ancillary domestic outbuildings shall be erected within the curtilage of the host dwelling unless approved under a separate planning application.

REASON: The Council is mindful of the extant nature of application 19/05319/FUL and in combination with this annex, it is considered necessary to remove any residual Permitted Development rights for any additional outbuildings in order to safeguard the character and appearance of the area.

#### Planning Informatives

Pursuant to condition 3, the applicant is advised that this application is approved on the basis that it has and maintains a direct, functional and dependant relationship with the main dwelling.

The applicant is advised that the development requires a retrospective building warrant, to include surface water drainage connections.



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