

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Monkton Park, Chippenham
Date: Wednesday 22 June 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713035 or email roger.bishton@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Peter Colmer	Cllr Peter Hutton
Cllr Christine Crisp	Cllr Simon Killane
Cllr Peter Davis	Cllr Howard Marshall
Cllr Peter Doyle	Cllr Toby Sturgis
Cllr Alan Hill (Vice-Chairman)	Cllr Anthony Trotman (Chairman)

Substitutes:

Cllr Desna Allen	Cllr Mollie Groom
Cllr Chuck Berry	Cllr Mark Packard
Cllr Bill Douglas	Cllr Bill Roberts

Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 01 June 2011 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Director of Resources) no later than 5pm on Thursday 09 June 2011. Please contact the officer named on the first page 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 Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Planning Appeals** (*Pages 9 - 10*)

An appeals update report is attached for information.

7. **Planning Applications** (*Pages 11 - 12*)

To consider and determine planning applications in the attached schedule.

- 7.a **11/01055/FUL - Spindleberry, Pew Hill, Chippenham, SN15 1DH - Detached Double Garage With Store/Workshop Over** (*Pages 13 - 16*)
- 7.b **09/01844/S73A - Westwood Farm, Rode Hill, Near Colerne, Wiltshire, SN14 8AR - Alterations and Formation of A Private Way for Agricultural Purposes, and Installation of Associated Access Gates and Railings off Road Hill (Retrospective)** (*Pages 17 - 24*)
- 7.c **11/01156/FUL - David Hendry Cars, White Lodge, Filands, Malmesbury SN16 9JN - Retention of Existing Wall and Reinstate Original Coping Stones** (*Pages 25 - 28*)
- 7.d **11/01157/ADV - David Hendry Cars, White Lodge Farm Buildings, Filands, Malmesbury, Wiltshire, SN16 9JN - Display of One Internally Illuminated Pole Sign** (*Pages 29 - 32*)
- 7.e **11/00619/LBC - Culver View, 15 Culver Gardens, Malmesbury, Wiltshire, SN16 9BY - Replace Existing Unauthorised Modern Double Glazed Windows with New Double Glazed Windows, Remove Internal Wall & Chimney, Alterations to Doors & Windows.** (*Pages 33 - 38*)

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

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 1 JUNE 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane, Cllr Howard Marshall, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Nina Phillips and Cllr Jane Scott

49. Apologies for Absence and Changes to Committee Membership

- (1) There were no apologies for absence.
- (2) It was noted that at the Annual Meeting of the Council held on 17 May 2011, the following changes in membership were agreed:-
 - Cllr Simon Killane was appointed as a member in place of Cllr Bill Douglas.
 - Cllr Desna Allen and Cllr Bill Douglas were appointed as substitute members in place of Cllr Paul Darby and Cllr Simon Killane.

50. Minutes

Resolved:

To confirm and sign the Minutes of the meeting held on 11 May 2011.

51. Declarations of Interest

Cllr Peter Doyle declared a personal interest in Minute No 55 (c) – Application No 11/00173/S73A – Castle Combe Circuit, Castle Combe, Chippenham, SN14 7EY – Variation of Condition 1 of 06/01814/S73A to Allow 6 Additional Club Sprint Meetings Per Year (10 Days Total), because he was a member of the

Cotswold Conservation Board. He stated that he would take part in the debate and vote with an open mind.

52. **Chairman's Announcements**

The Chairman reported that due to an analysis carried out of the Peterborough Appeal Decision Letter dated 22 September 2009 and Counsel's Advice dated 15 March 2010 re the Gateshead ILVA Unit followed by further legal submissions from objectors including their own Counsel's Advice, the following application had been withdrawn from the agenda and deferred to a future meeting of the Committee to allow the Council's Legal Services to properly consider the implications of those submissions:-

Item No 7a – 10/03664/FUL – Methuen Park, Bath Road, Chippenham, SN14 0UL - Reconfiguration and Refurbishment of Existing Retail Warehouse to Create Three Retail Warehouse Units together with Improvements to Car Parking, Landscaping and Servicing

53. **Public Participation and Councillors' Questions**

Members of the public addressed the Committee as set out in Minute No 55 below.

There were no questions received from members of the public or members of the Council.

54. **Planning Appeals**

The Committee received and noted a report setting out details of:-

- (i) Forthcoming hearings and public inquiries between 19 May and 31 August 2011.
- (ii) Planning appeals received between 26 April and 19 May 2011.
- (iii) Planning appeals decided between 26 April and 19 May 2011.

55. **Planning Applications**

1a **10/03664/FUL - Methuen Park, Bath Road, Chippenham, SN14 0UL - Reconfiguration and Refurbishment of Existing Retail Warehouse to Create Three Retail Warehouse Units together with Improvements to Car Parking, Landscaping and Servicing**

It was noted that due to an analysis carried out of the Peterborough Appeal Decision Letter dated 22 September 2009 and Counsel's Advice dated 15 March 2010 re the Gateshead ILVA Unit followed by further legal

submissions from objectors including their own Counsel's Advice, the application had been withdrawn from the agenda and deferred to a future meeting of the Committee to allow the Council's Legal Services to properly consider the implications of those submissions.

1b 11/00102/FUL - 32 Hardenhuish Lane, Chippenham, SN14 6HN - Demolition of Existing Dwelling and Erection of New Dwelling with Detached Garage

The following person spoke against the proposal

Mr David Fullbrook, an adjacent neighbour

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to conditions. It was noted that the application had been deferred from the meeting held on 30 March 2011 so that the officers could seek to determine if there was a suitable engineering solution to the disposal of surface water from the site and assess the effect of the proposed basement upon the water table. He also drew Members' attention to the late items which set out the additional comments of the Council's Drainage Engineer.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding the planning application.

Members heard the views of Cllr Nina Phillips, the local member, objecting to the application.

After discussion,

Resolved:

To grant planning permission for the following reason:-

It is considered that the high quality bespoke design of the proposed new dwelling will be a striking addition to the street-scene. The Local planning authority has therefore determined that the development is considered to be acceptable on its planning merits as the proposal is compatible and complimentary to policies C3 and H3 of the North Wiltshire Local Plan 2011 and having regard to all other matters raised, planning permission is granted subject to the following conditions.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

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, or the installation of any outdoor plant/machinery.

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

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

4. No part of the development hereby permitted shall be first occupied until the parking and turning area, indicated as 'Gravel Drive' on drawing T309/10 titled 'Site Plan' spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

5. 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 and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be

implemented in accordance with the agreed timetable.

REASON: To ensure that the development can be adequately drained.

6. No development shall commence on site until a schedule detailing access times for construction traffic to the site has been submitted to and approved in writing by the Local Planning Department. Development shall be undertaken in complete accordance with that schedule so approved.

REASON: In the interests of highway safety.

7. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

H309/7, T309/12, T309/9, T309/11, T309/6, T309/8, T309/10, date stamped 13.01.11

REASON: To ensure that the development is implemented as approved

Informatives

- 1.** The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 2.** This decision does not grant any permission for any additional hardstanding or outbuildings not shown on the approved plans.
- 3.** You are advised that the drainage details required under condition 5 of the application should be in complete accordance with the advice provided by the Council's Drainage Engineer.(Email - dated 10.05.11)

1c **11/00173/S73A - Castle Combe Circuit, Castle Combe, Chippenham, SN14 7EY - Variation of Condition 1 of 06/01814/S73A to Allow 6 Additional Club Sprint Meetings Per Year (10 Days Total)**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that planning permission be delegated to the Area Development Manager, subject to a legal agreement and conditions. She explained that the proposal was to vary Condition 1 of Application No. 06/01814/S73A to allow six additional club sprint meetings per year to make a total of 10. The proposal also involved the giving up of 6 Defensive Driving Days (where 4 cars were on track at any one time). The proposal had arisen from the current days on the Colerne Airfield needing to be relocated. She also drew Members' attention to the late items which stated that the Highway Authority raised no objections to the proposal.

Members of the Committee then had the opportunity to ask technical questions.

On hearing the views of Cllr Jane Scott, the local member, in support of the application and after discussion,

Resolved:

To delegate the Area Development Manager to issue planning permission for the following reason:-

To allow officers to draw up a suitably worded legal agreement for the circuit to enter into to secure the removal of 6 days of Defensive Driving Days allowed under existing permissions and also to limit the noise levels on the existing permissions for Club Sprint days to 100dBA.

56. **Urgent Items**

There were no urgent items.

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line (01225) 713035, e-mail roger.bishton@wiltshire.gov.uk

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

**Wiltshire Council – Area North
Planning Committee
22nd June May 2011**

Forthcoming Hearings and Public Inquiries between 09/06/2011 and 30/09/2011

Application No	Location	Parish	Proposal	Appeal Type	Date
10/03915/S73A	BRIDGE PADDOCKS, BRAYDON ROAD, LEIGH, WILTSHIRE, SN6 6RQ	Leigh/Purton	Removal of Condition 1 of Planning Permission 10/00794/FUL to Permanent Stationing of Caravans for One Gypsy Pitch.	Informal Hearing	06/07/2011

Planning Appeals Received between 19/05/2011 and 09/06/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
10/03034/FUL	Hillcrest Farm, Upper Wraxall, Chippenham, Wiltshire, SN14 7AG	North Wraxall	Change of Use of Buildings from Agricultural to Equestrian	DEL	Written Representations	Refusal
11/00001/FUL	INNISFREY, WASHMERES, COLERNE, CHIPPENHAM, WILTSHIRE, SN14 8DQ	Colerne	First Floor Extension to Bungalow to Form House	DEL	Written Representations	Permission
11/00293/FUL	2 Wilton Cottages, Doctors Hill, Ashley, Box, Wiltshire, SN13 8AT	Box	Two Storey Side Extension	DEL	Written Representations	Refusal

Planning Appeals Decided between 19/05/2011 and 09/06/2011

Application No	Location	Parish	Description	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
10/03766/FUL	LAND TO REAR OF 13 CHURCH STREET, WOOTTON BASSETT, WILTSHIRE, SN4 7BQ	Wootton Bassett	Detached Double Garage	DEL	Appeal Dismissed	Refusal	Written Representations
10/04364/FUL	6 FAIRVIEW, CRICKLADE, WILTSHIRE, SN6 6BE	Cricklade	Two Storey Extension to Rear	DEL	Appeal Dismissed	Refusal	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 22/06/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	11/01055/FUL	Spindleberry, Pew Hill, Chippenham, SN15 1DH	Detached Double Garage With Store/Workshop Over	Refusal
7b	09/01844/S73A	Westwood Farm, Rode Hill, Near Colerne, Wiltshire, SN14 8AR	Alterations and Formation of A Private Way for Agricultural Purposes, and Installation of Associated Access Gates and Railings off Road Hill (Retrospective)	Permission
7c	11/01156/FUL	David Hendry Cars, White Lodge, Filands, Malmesbury SN16 9JN	Retention of Existing Wall and Reinstate Original Coping Stones	Refusal
7d	11/01157/ADV	David Hendry Cars, White Lodge Farm Buildings, Filands, Malmesbury, Wiltshire, SN16 9JN	Display of One Internally Illuminated Pole Sign	Refusal
7e	11/00619/LBC	Culver View, 15 Culver Gardens, Malmesbury, Wiltshire SN16 9BY	Replace Existing Unauthorised Modern Double Glazed Windows with New Double Glazed Windows, Remove Internal Wall & Chimney, Alterations to Doors & Windows.	Refusal

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	22 June 2011		
Application Number	11/01055/FUL		
Site Address	Spindleberry, Pew Hill, Chippenham, SN15 1DH		
Proposal	Detached double garage with store/workshop over		
Applicant	Paul Kalbskopf		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Monkton	Unitary Member	Chris Caswill
Grid Ref	392360 174654		
Type of application	FUL		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

The application has been called to Committee by Councillor Caswill to consider car parking and impact on the appearance of the area.

1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report summary

Planning permission is sought for the erection of a detached double garage with store/workshop over. The proposal will also involve the change of use to land to residential. The main issues in the consideration of this application are:

- Impact upon visual amenity and the character of the area
- Impact on neighbour privacy and amenity

Chippenham Town Council raises no objection.

1 letter of support has been received.

3. Site Description

The application site comprises an area of land opposite and separated from the curtilage via a residential access road off Pew Hill. The land forms part of a wider stretch of landscaped verge where houses are set back from the main road, Maud Heaths Causeway.

The application land, as with some of the adjacent units, is used for the informal parking of vehicles although no permission has ever been granted for such a purpose.

The application site and adjoining land is landscaped providing a screen to the properties from the main road. An identical area of verge is situated to the north west.

4. Relevant Planning History

There is no history of relevance to this site.

5. Proposal

Planning permission is sought for the erection of a double garage with a store/workshop over and the associated change of use of land to residential.

The detached double garage will be sited on the north western part of the site adjacent the boundary with the property known as Millcott which is situated at the end of this spur road and towards the rear boundary of the verge closest to Maud Heath's Causeway.

A privet hedge exists along this boundary as do a number of trees of a variety of species and sizes. The proposal will require the removal of several trees. The garage would need to be constructed carefully in order to avoid root damage to neighbouring off-site trees.

The proposed garage will measure 6.72 metres in width, 6.7 metres in depth with a ridge height of approximately 7 metres. The building has been designed to provide first floor accommodation which will feature a large dormer with double casement. No details have been provided in respect of materials proposed to be used.

6. Planning Policy

North Wiltshire Local Plan 2011: Policies C3 and NE18

7. Consultations

Chippenham Town Council – no objection

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

1 letters of letter of support was received

9. Planning Considerations

Impact upon visual amenity and the character of the area

The proposed garage will be a substantial structure with a significant former feature on the first floor front elevation.

The application site is located on one of the main approaches into Chippenham at Pew Hill and development in this location has been specifically designed to be set back from the road by structural landscaping. The area on which the garage is to be sited replicates another area to the north east which is densely screened.

It is considered that from outside the site on Maud Heath's Causeway, the two storey garage would be visible through the tree line and vegetation, particularly in the winter months when the screening would thin out considerably.

It is also considered that the visual impact from the main road would be increased due to the direct and indirect effect the proposal would cause through the loss of trees to facilitate the development, notably T5, T6 and T7 (as shown on the applicants tree plan). If constructed appropriately and subject to further details, the garage should not affect the root system of well established trees

adjacent the boundary in the neighbouring property known as Millcott. It is also considered that the proposal would harm the visual amenity of the cul de sac itself. This is due to the form of physical and visual encroachment forward of these residential properties and its associated scale. The scale and design of the garage would mean it is a prominent feature in the street scene to the detriment of the immediate area.

It is accepted that Millcott itself has a detached garage forward of the building line, however, Millcott is an enclosed curtilage and the garage clearly visually and physically falls within that enclosed curtilage. It is thus seen within that context and screened off from view from both the cul de sac and Maud Heath's Causeway.

For this reason the proposal is considered to conflict with Policy C3, H8 and NE14 being out of keeping with the character and appearance of the area in terms of scale, design and siting.

Impact on neighbour privacy and amenity

The provision of the first floor window would be set at an oblique angle some 22 metres from the front elevation of the adjacent property Amberley. It would be difficult to refuse the application on grounds of overlooking or perceived overlooking in respect of this property.

It is considered that due to the scale and siting of the scheme, it would have an overbearing impact on the front of the neighbouring property Millcott since it is only 13.5 metres from the front (south) elevation and will be clearly visible from the front south elevation of that property.

The proposal also fails Policy C3 for this reason.

10. Conclusion

The proposed development by reason of its scale, design and siting would result in an incongruous feature on the street scene of both the cul de sac and Maud Heath's Causeway to the detriment of the character and appearance of the area. Such impact is compounded by the direct and potential indirect loss of trees to facilitate the development.

The scale and siting of the garage would also have an overbearing impact on the southern aspect of the property Millcott.

11. Recommendation

Planning Permission be REFUSED for the following reason:

1. The proposed garage and store / workshop by reason of its scale, design and siting would result in an incongruous feature on the street scene of both the cul de sac and Maud Heath's Causeway to the detriment of the character and appearance of the area. Such impact is compounded by the direct and indirect loss of trees to facilitate the development.

The scale and siting of the garage would also have an overbearing impact on the southern aspect of the property Millcott.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	22nd June 2011		
Application Number	09/01844/S73A		
Site Address	Westwood Farm, Rode Hill, Box, SN14 8AR		
Proposal	Alterations and formation of private way for agricultural purposes and installation of associated access gates and railings		
Applicant	Mr T Mordant		
Town/Parish Council	Box / Colerne		
Electoral Division	Box & Colerne	Unitary Member	Councillor Sheila Parker
Grid Ref	380398 170118		
Type of application	S73A		
Case Officer	Simon T Smith	01249 706 633	Simon.smith @wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Parker requests that this application be determined by the Development Control Committee so that the potential impact the new tracks and gates have upon the landscape and Green Belt are fully considered.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to receipt of comments from the Environment Agency and conditions.

2. Main Issues

The proposal is for the formation of new tracks and associated gates and railings on land that is part of the Western Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty. As such, the main considerations are as follows:

1. To consider the proposal against Policies C3, NE1, NE4, NE7, NE10, NE23 of the adopted North Wiltshire Local Plan 2011 and guidance contained in PPG2 and PPS9.
2. "Presumption against inappropriate development" (PPG2: Green Belts 1995)
3. Visual impact
4. Impact upon biodiversity
5. Flood risk

The Box Parish Council objects to the proposal. The Colerne Parish Council supports the proposal.

3. Site Description

The proposal is submitted pursuant to the 2006 grant of planning permission for the creation of a sizeable new dwelling in an elevated position above the Box valley. That dwelling is now

constructed and sits within substantial domesticated grounds on a East facing slope to the South West of Colerne. A hinterland of woodland and open fields surrounds that domestic curtilage. The entire 105Ha landholding remains in the same ownership and may only be lawfully used for agricultural or forestry purposes.

The application site is set within both Green belt and Area of Outstanding Natural Beauty designations.

4. Relevant Planning History		
Application Number	Proposal	Decision
06/02554/FUL	Demolition of Existing Farmhouse, Annexes and Associated Agricultural Buildings. Construction Of Two Storey and Attic Private Dwelling With One Storey and Attic Annex	Granted 13/02/07
09/01666/FUL	Erection of 1 no. Outbuilding (Equipment Store/Bothy) Ancillary to the Main Residence Together with Associated Landscape Works	Granted 17/02/10

5. Proposal

This is a retrospective application for the creation of a network of private ways across land under the ownership of the applicant. Via a new gates and railings (also part of the application), the tracks would link from the Rode Hill access to points close to the new dwelling, points close to Ranch House Farm (also under the control of the applicant) and to several points in between.

The applicant contends that the proposal primarily consists of the resurfacing and realignment of existing tracks with crushed Cotswold stone. The application suggests that the tracks are required for the ongoing maintenance of the agricultural landholding, which includes designated County Wildlife Sites.

6. Consultations

Highway Officer – No objection.

Forestry Commission – “...I believe that a new track has been created through one of the woodlands, in these circumstances the applicant is required to apply to the Forestry Commission to request a determination as to whether our consent is required.”

Environment Agency – To be reported.

County Ecologist - *“Having reviewed the recently submitted County Wildlife Site Management Plan for the above site, I am pleased with the level of detail and scope of proposed measures set out in this comprehensive report. I am satisfied that provided this plan is implemented, it will fully mitigate and compensate any damage caused to the onsite County Wildlife Sites during the construction of the access tracks. The access tracks themselves will also help significantly with the implementation of the management plan, and facilitate the long-term favourable management of the nine onsite County Wildlife Sites, with significant benefits for the local ecology. As such I am satisfied that the permission may be granted in accordance with policy NE7 of the local plan, and the advice set out in PPS9. I would however advise that any permission granted be subject to a suitably worded condition such that:*

'All nine County Wildlife Sites, namely Draught Wood, Draught Wood Downland, Ryder's Wood and Breach, Ryder's Wood North, Medley's Wood Downland, Sidney Farm Fields-Northern Parcel, Sidney Farm Fields-Southern Parcel, Westwood Farm Down, and Westwood Farm Down East, shall be managed in complete accordance with the submitted County Wildlife Site Management Plan (The Landmark Practice, 2011. Ref E2280/TMOR). Any monitoring reports produced as part of the required annual monitoring programme shall be made available to the Local Planning Authority.'

Colerne Parish Council - Support

Box Parish Council - Objections. 17th November 2010 response: *"The Parish Council would dispute that there were roads there previously....The Parish Council do not agree with the description of agricultural and it is a road leading to the house and there is no evidence for agricultural need. This is a residence not a farm and it is new development in the Green Belt which is urbanising the AoNB."*

1st March 2011 response to further information: *"Strong objections. Local knowledge refutes the previous existence of the tracks and states that the gates were never used for access. Aerial photos show that there were no tracks previously."*

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Thirteen (13) letters of letters received (11 in objection and 2 in support). Summary of key relevant points raised:

- Tracks highly visible in AoNB and Green Belt – inappropriate development which has an urbanising effect
- Tracks are being used for private/domestic purposes for the new house at Westwood Farm
- No need for exit onto Rode Hill as there is already access from Westwood Farm into the valley
- Tracks are new and not realigned or reinstated as claimed by the applicant
- Trees and hedgerows effected by creation of tracks
- Proposal would have an impact upon biodiversity, geological conservation and hydrology of area
- Applicant failed to explore alternative, less damaging routing of tracks
Proposal and associated felling of trees has caused considerable damage to ancient woodland and tributary of Bybrook River and Lid Brook.

8. Planning Considerations

"Presumption against inappropriate development" (PPG2: Green Belts 1995)

Long standing national planning guidance in PPG2: Green Belts contains a prescriptive schedule setting out the types of new building in the Green Belt that is appropriate. New building that is not contained within that list is presumed to be "inappropriate" development and therefore, by definition, harmful to the green Belt. Paragraph 3.4 states that development for the purposes of agriculture or forestry would be appropriate development.

The proposed tracks have been variously described throughout the life of the application as being required for the purposes of agriculture, forestry and for management of woodland biodiversity gain – with some evidence submitted to that end from those persons who work the land for those stated purposes. The true objective of the tracks has, of course, been disputed by local residents and the Box Parish Council (who claim that the tracks are for cosmetic or domestic purposes).

Whilst it is evident that at least one “spur” of the tracks leads to the new house at Westwood Farm, the remainder are spread across the landholding and would serve no obvious domestic link from public highway to house. To this end the claims made by the application that the tracks are indeed required for agricultural/forestry/land management purposes are considered plausible and therefore not thought to justify a defensible reason to refuse planning permission.

The proposed development is therefore thought to be appropriate development in the context of guidance contained in PPG2.

Visual impact

In terms of planning policy, the application site is part of the probably the most protected landscape in the North Wiltshire district. Furthermore, the site is set upon a slope and topographical ridge that can be seen from distance in the Box Valley.

It is undeniably the case that the new dwelling at Westwood Farm remains highly visible in the landscape. Local concerns that further development (in this case that might easily be construed as estate roads) should not add to that visual impact are understandable. Those concerns were particularly evident upon the tracks first being created in 2009, with the light colour of the crushed Cotswold stone laid having a stark appearance.

In response to the concerns raised a Landscape Visual Impact Assessment was prepared and submitted. This concludes that to a large extent the sections of tracks are screened by vegetation and topography, but with some open views possible from public rights of way that cross the landholding. It ends with the assertion that the works would assimilate into the landscape over time.

Despite the most immediately visible sections of track, and particularly that stretch leading up to the junction and new gates at Rode Hill, presenting quite a stark visual difference from the previous situation (ie. a shift from typical field access to estate type gates/railings and hard surfaced track), it is true that the works have mellowed and weathered significantly since 2009. To a very large extent the tracks are not substantially different from many other agricultural tracks that can be seen across the countryside, including the Green Belt and AoNB. The gates railings at Rode Hill point of access, whilst perhaps more ornate than a typical farm access, are by no means unprecedented.

It has been suggested that in contrast to that claimed by the applicant, the tracks are entirely new and are not simply a resurfacing of existing. Available aerial photographs of the site possibly show impressions of the route taken by (presumably farm related) vehicles across land, but possibly not a surfacing of that route. To this extent, the photographic evidence is thought inconclusive. However, in any event, the critical consideration is whether the proposed works have a harmful effect rather than whether the tracks did or did not exist in the past.

Impact upon biodiversity

The application site includes nine (9) designated County Wildlife Sites (CWS). The CWS predominantly comprise ancient and semi-natural woodland, secondary woodland, scrub and unimproved neutral and calcareous grassland. It is understood that the proposed works have resulted in damage to five (5) of the CWS.

As a result of the impacts a full and detailed County Wildlife Management Plan was required, prepared and subsequently submitted. It was assessed by the County Ecologist and his comment are reported in full above.

Importantly, notwithstanding the damage caused, the County Ecologist does point out that it can be mitigated and compensated for. He is also of the opinion that the tracks will in fact facilitate the

favourable management of all the CWS, with significant benefits for local ecology. In effect exactly the requirement of Policies NE7 and NE10 of the adopted North Wiltshire Local Plan 2011.

Flood risk

Sited in Flood Zone 1, the site is at a low risk of flooding.

In response to concerns raised by local residents that works had taken place close to (and in places, culverts created under the tracks) watercourses leading to the Lid Brook, the Environment Agency raised concerns over the proposal and its potential to increase flood risk. The applicants were subsequently compelled to prepare a Hydrology Report. That report broadly concludes that the works and culverting will not cause additional flood risk and that measures can be put in place to prevent erosion and land slip (which were symptoms identified by local residents of the works being carried out without the proper assessment and measures being undertaken).

The physical works required to prevent erosion and land slip appear to comprise more substantial works than the application, as originally submitted, suggested. However, they appear to take the form of retaining type structures around the culverting, albeit of substantial depth, which are likely to have only a localised visual impact.

The final comments of the Environment Agency are awaited and will be separately reported, taking account of any effect their response has upon the recommendation.

9. Conclusion

The works subject to this application have already been carried out and it is undeniable that the works have had an impact both in visual terms and upon the ecology of several of the CWS.

Nevertheless, it has become clear that over time the stark tone of the stone used in construction has mellowed and weathered to the extent that it is now little different in appearance and extent to those type of works carried out in support of many agricultural holdings across the countryside. In this way the proposal is considered to be appropriate development in the Green Belt that will not have such an effect upon the landscape that would warrant a refusal of planning permission.

The submission of specialist reports and the use of appropriately worded planning conditions are considered sufficient to overcome concerns in relation to hydrology and ecology.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be an appropriate form of development in the Green Belt that will not have a significant detrimental impact upon the landscape, ecology or hydrology of the area. Subject to the imposition of appropriately worded planning conditions, the proposal would comply with the provisions of Policies C3, NE1, NE4, NE7, NE10, NE23 of the adopted North Wiltshire Local Plan 2011 and guidance contained in PPG2 and PPS9.

Subject to the receipt of comments from the Environment Agency and the following conditions:

1. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Planning, Design and Access Statement (including Agricultural Access Track plans BRS.2189_02-1b) dated October 2009
Landscape Visual Impact Assessment (dated February 2010)
Hydrology Report (dated August 2010)
County Wildlife Site Management Plan 2011 - 2015 (dated April 2011)

REASON: To ensure that the development is implemented as approved.

2. All nine County Wildlife Sites, (namely Draught Wood, Draught Wood Downland, Ryder's Wood and Breach, Ryder's Wood North, Medley's Wood Downland, Sidney Farm Fields-Northern Parcel, Sidney Farm Fields-Southern Parcel, Westwood Farm Down, and Westwood Farm Down East), shall be managed in complete accordance with the submitted County Wildlife Management Plan 2011 – 2015 (prepared by The Landmark Practice – dated April 2011), and the 5 year action plan that is incorporated in that plan. Any monitoring reports produced as part of the required annual monitoring programme shall be made available to the Local Planning Authority upon request.

Reason: In the interests of securing the required biodiversity mitigation and compensation measures following the damage caused by the proposed works and so as to secure future management of the County Wildlife Sites to the benefit of local ecology.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	22nd June 2011		
Application Number	N/11/01156/FUL		
Site Address	White Lodge Farm Buildings, Filands, Malmesbury, SN16 9JN		
Proposal	Retention of existing wall and reinstate original coping stones.		
Applicant	David Hendry Cars		
Town/Parish Council	St Paul Malmesbury Without		
Electoral Division	Sherston	Unitary Member	Cllr John Thomson
Grid Ref	393127 188724		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr John Thomson has requested that the Planning Committee consider this application to assess the impact of the wall.

1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report summary

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

- Principle of development
- Impact upon visual amenity and landscape character
- Previous appeal decision

St Pauls Malmesbury Without Parish Council object and the application has generated one letter of objection from Malmesbury & St Paul Without Residents' Association.

3. Site Description

4. Relevant Planning History

The site has a significant amount of planning history, but the most relevant is listed below.

Application Number	Proposal	Decision
06/03236/FUL	Change of use of buildings to garage, showrooms, offices, warehouse and spare parts stores.	Permission
07/01443/S73A, 08/0601/S73A	Amend condition 11 of 06/03236/FUL which required the front wall to be built up to a height of 1.8m so that it is built at 1.2m and 600mm in height respectively.	Refused

08/02753/S73A	Amend condition 11 of 06/03236/FUL and build wall to 0.9m above internal tarmac level.	Dismissed at appeal.
10/0087/S73A	Amend condition 11 of 06/03236/FUL and build wall at 1.5m above internal tarmac level	Permission.

5. Proposal

The application is to not comply with condition 11 of 06/03236/FUL, which required the front wall to be built to a height of 1.8m, but to build it to a height of 700mm by replacing the coping stones to the top.

6. Planning Policy

North Wiltshire Local Plan: Policies C3 and NE15.

7. Consultations

St Pauls Malmesbury Without Parish Council consider:

- The bricks to match the existing can be sourced from a specialist company.
- The costs quoted are due to a failure of the applicant not to comply with condition 11 of 06/02636/FUL and are irrelevant.
- The plans describing the wall are misleading as they do not reflect the fact that the internal ground level has been built up, so that cars are almost sitting on top of the present wall. The Inspector found this unsatisfactory.

Highways raise no objections.

Malmesbury & St Paul Without Residents' Association take the view that the 1.8m high wall was approved and required by Planning Committee as an integral and essential part of the permission. The application site history shows the attempts to get easement on this requirement. Nothing material has changed and companies exist which can match the bricks and Wiltshire Council should not need to take account of the financial issues described in the application. If the condition had been complied with originally the costs could have been accounted for and it is the delay with compliance with the condition that has added to the costs.

The applicant states cost of building the wall and lack of matching materials to be the main reasons for this application.

8. Publicity

The application was advertised by site notice and neighbour consultation.

9. Planning Considerations

Condition 11 of 06/03236/FUL was imposed by the Development Control Committee (of North Wiltshire District Council) to ensure that the visual amenity of the area is protected. The imposition of the condition was not appealed against although the planning history quoted in this report demonstrates that the applicant has consistently avoided building the approved wall and tried to implement alternatives. All such attempts to construct the wall differently have been resisted by the Council and when the decision on 08/2753/S73A was considered by the Planning Inspectorate the appeal was dismissed.

The application taken to appeal was for a 0.9m high wall (measured above the internal tarmac level). In dismissing the appeal, the Inspector was clear that although the recently built residential development opposite would have an impact, it lies within the framework boundary of Malmesbury and that the road provides a discernable demarcation between the north which has a generally rural agricultural character and the south which has a suburban appearance. She states that, "I consider that the premises sits within the rural agricultural context and the displayed cars are in my view a jarring interruption to the otherwise largely enclosed and verdant countryside on the north side of the B4014. Raising the wall by the proposed 300mm would do very little to either effectively screen the cars or visually enclose the site and the harmful impact of the cars would thus remain."

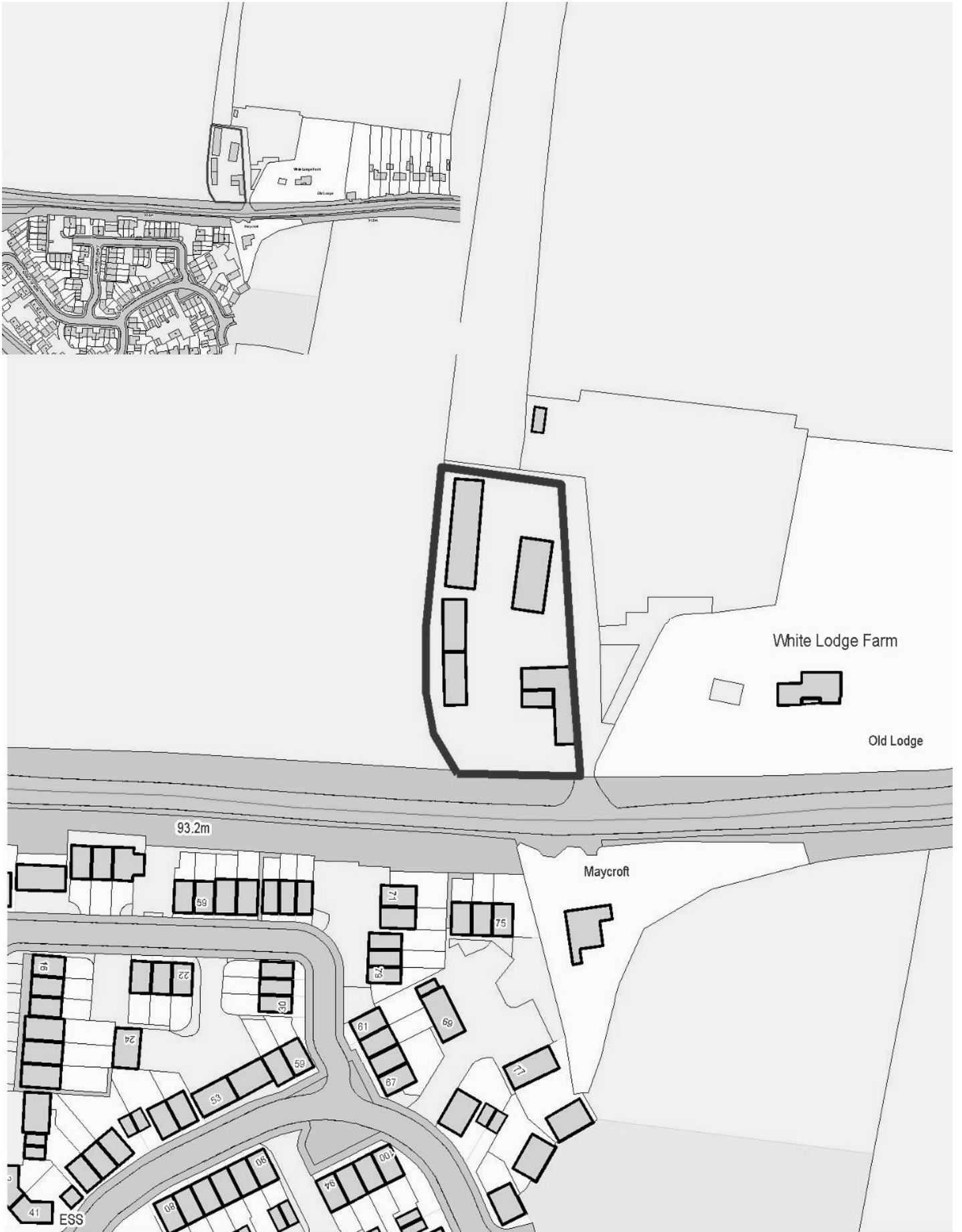
The wall now proposed would achieve a maximum height of 0.7m in height some 200mm lower than the wall the Inspector considered inadequate.

The applicants concerns over costs were always known to him and there are specialist brick companies which will adequately match historic bricks. Circumstances have not changed since the previous refusal and thus the application should be refused for the following reason:

11. Recommendation

Planning Permission be REFUSED for the following reason:

1. Non compliance with condition 11 of 06/03236/FUL and construction of a 700mm high wall would lead to the resulting development, associated deliveries and, notably, the parking and display of vehicles, being overly visible and prominent in the countryside contrary to policies C3 and NE15 of the North Wiltshire Local Plan 2011.



REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	22nd June 2011		
Application Number	N/11/01157/ADV		
Site Address	White Lodge farm Buildings, Filands, Malmesbury, SN16 9JN		
Proposal	Display of 1 internally illuminated pole sign		
Applicant	David Hendry Cars		
Town/Parish Council	St Paul Malmesbury Without		
Electoral Division	Sherston	Unitary Member	Cllr John Thomson
Grid Ref	393127 188724		
Type of application	Advertisement		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr John Thomson has requested that the Planning Committee consider the application in order to review the impact of the signage.

1. Purpose of report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report summary

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

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character

The application has generated one objection from the Malmesbury & St Paul without Residents' Association.

3. Site Description

4. Relevant Planning History

The site has a significant amount of planning history, but the most relevant is listed below.

Application Number	Proposal	Decision
06/03236/FUL	Change of use of buildings to garage, showrooms, offices, warehouse and spare parts stores.	Permission
08/00061/ADV	Display of 5 illuminated signs including pole sign and wall mounted sign	Split decision – refusal of pole sign

5. Proposal

The application is for a 6m high internally illuminated pole sign to the front of the forecourt, but behind the existing wall. The sign is complete with a new concrete base. The pole is steel coloured blue which is clad with panels sprayed silver grey. The sign contains the corporate ford logo and is a mixture of grey and blue.

6. Planning Policy

North Wiltshire Local Plan: Policies C3 and NE15.

7. Consultations

St Pauls Malmesbury Without Parish Council and highways comments are awaited.

Malmesbury and St Paul Without Residents' Association object on the grounds that the previous reasons for refusal are still valid today and point to the Inspector's comment that despite being opposite more urban development, the premises sits within a rural agricultural context. The sign would be an eyesore.

8. Publicity

The application was advertised by site notice and neighbour consultation.

9. Planning Considerations

The proposal is for an internally illuminated single 6m pole sign outside the car garage and showrooms approved under permission 06/03236/S73A. Advertisement consent was refused for a similar sign to that now proposed under a split decision for 08/00061/ADV for the following reason:

"The sign due to its size, position and illumination would be an incongruous, intrusive and overtly commercial feature in the countryside to the detriment of the amenity of the area and contrary to policies C3, NE15 and BD9 of the North Wiltshire Local Plan 2011."

Some signage was approved under this application and it is considered that the approved signage is sufficient and appropriate for this rural commercial business.

An illuminated 6m pole sign would be an incongruous feature in what is open countryside and would be clearly visible from the surrounding area. The sign would measure 1.37m x 0.9075m and be 260mm deep. The proposed sign materials are a steel pole clad with SMC panels with the main face panels of the sign being of radiused aluminium sprayed silver grey. To the face of the sign is added another secondary text alucobond panel on each side. The sign is to be illuminated together with the pole sign also being illuminated via a blue light channel positioned on the rear face of the pole. The button oval logo is designed to provide a halo illumination effect. Such materials and methods of illumination add to the unacceptability of what would be a rather alien form of development in the countryside.

In dealing with the appeal for the wall (08/02753/S73A), the Inspector noted ... "The location in this case is unusual. Notwithstanding the suburban development on the other side of the road, I consider the premises sits within rural agricultural context and the displayed cars are in my view, a jarring interruption to the otherwise largely enclosed and verdant countryside to the north of the B4014". This paragraph highlights the Inspector's understanding of the difference between the more built up south side of the road and the rural openness the north, which is key to the unacceptability of such a urban sign feature in this rural area.

Circumstances have not changed since the previous refusal and thus the application should be refused for the same reason.

A more simple (less strident and less urban) design of pole sign may be acceptable here but the applicant has been unwilling to consider any alternative.

11. Recommendation

Planning Permission be REFUSED for the following reason:

1. The sign due to its size, position and illumination would be an incongruous, intrusive and overtly commercial feature in the countryside to the detriment of the amenity of the area and contrary to policies C3, NE15 and BD9 of the North Wiltshire Local Plan 2011.



REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	22nd June 2011		
Application Number	N/11/00619/LBC		
Site Address	Culver View, 15 Culver Gardens, Malmesbury, Wilts		
Proposal	Replace unauthorised modern double glazed windows with new double glazed windows, remove internal wall and chimney, alterations to doors and windows		
Applicant	Miss Miranda Winram		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Cllr Killane
Grid Ref	393476 187000		
Type of application	Listed Building Consent		
Case Officer	Caroline Ridgwell	01249 706639	Caroline.ridgwell@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Killane has requested that the Committee consider this application so the Members can consider the scale and design of the development.

1. Purpose of report

To consider the above application and to recommend that listed building consent be REFUSED.

2. Report summary

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

- Impact on the listed building
- Impact on the conservation area

The application has generated:

- Support from Malmesbury Town Council, Malmesbury Civic Trust and Malmesbury & St Paul Without Residents' Association
- Comments have been received from the English Heritage.

3. Site Description

15 Culver Gardens forms one part of what was originally Culver House that has now been divided into three properties known as 15-21 (odd) Culver Gardens. The building dates from the C16 with C16-C17 North East range divided in the mid C19 and a C20 extension to the South West. 15 Culver Gardens is the southern portion of Culver House and it sits in a prominent location on top of the former town walls, overlooking St John's Street and the valley below. The building was listed Grade II* on the 18th January 1949, which was one of the very first dates that buildings were listed. The description includes mention of the mullion windows with metal frames. Works have subsequently been carried out to the building without listed building consent, including replacement of the metal framed windows with modern softwood framed double glazed windows,

infilling the cellar floor with concrete and blocking up the ground floor fireplace in the sitting room. Also evident is the addition of a modern porch over the front door, rendering the single storey Victorian extension with cement render and the replacement of some internal doors and partitions. There is a garden serving 15 Culver gardens to the south west of the house. This has low walls and a garden building in the south west corner, which was the subject of a previous application by the current owner.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/00612/LBC	Replace existing porch with smaller porch, plus internal alterations including installation of two bathrooms and central heating	Permitted
11/00621/FUL	Demolish existing porch and erect smaller porch	Permitted

5. Proposal

The proposal is to make internal and external alterations to the house, including replacement of modern windows, alterations to the size and design of openings in the single storey Victorian extension and the cellar, removal of the internal section of the central chimney breast in the Victorian section of the building, alterations to internal partitions to reduce the ground floor bathroom to a cloakroom and re-arrangement of the kitchen layout. Also included is the addition of central heating which will require a new combi-boiler and flue to be installed in the ground floor cloakroom and the reuse of an old cupboard door that is currently positioned across half of the cellar window but will be used to enclose a niche elsewhere in the cellar.

The main areas of concern are removal of the Victorian chimney breast and replacement of some of the unauthorised double glazed windows with new double glazed windows.

Chimney breast

This is located in the centre of the single storey Victorian extension to the house. Although it has a modern fire inserted in the hearth, the older structure sits behind and could be re-opened to create a feature. Due to its size and location this chimney breast has a structural function so its removal will require the insertion of structural steels to support the roof and the chimney flue which is not being removed. The proposal is to clad the structural steels in timber to create mock beams. The walls either side of the chimney will be removed entirely and a new ceiling added at the first purlin. The effect when looking up will be to see a mock timber beam under a chimney flue with no chimney breast or fireplace disappearing up into a new ceiling. The room will become a large kitchen with new glazed double doors added in the gable wall. The cloakroom will be in the corner of the kitchen by the double doors to the garden.

PPS5 part 179 states that the fabric will always be an important part of the asset's significance and that retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion. Parts 180 to 182 go on to state that some degree of compromise in use may assist in retaining significance and that the plan form of a building is frequently one of its most important characteristics. If alterations are to take place they should be done in such a way as to be reversible.

Windows and glazing

The existing windows and doors are poorly designed with modern softwood frames and double glazed units. Had an application been received for listed building consent to replace the original windows with those seen on the building now, consent would not have been granted. The design and materials for the windows are an important characteristic and given the high listing grade of this building, together with its prominent site it is important to ensure that the unauthorised windows are returned to those that existed before the unauthorised replacement was carried out.

The proposal is to replace some – but not all – of the unauthorised windows, which in principle is supported. However, the proposed new windows are timber framed, double glazed and crudely

and incorrectly detailed. The use of timber frames in stone mullions will result in a far heavier frame than would originally have existed. This in turn will reduce the amount of light entering the rooms but more importantly, will give a much heavier appearance to the openings of the building. However, by detailing the frames and casements correctly, it may be possible to lighten the impact of the timber frames but they will never be as slim as metal frames.

The gravest concern is the use of double glazing, which necessitates a deeper frame than single glazing, as well as the slight reflection that double glazing gives. There is a misconception that double glazing is better than single glazing as it will mean less heat loss through the windows. Chapter 5 of Energy Efficiency and Historic Buildings published in March 2011 by English Heritage as an update to guidance on Part L, mentions the importance of traditional fenestration and detailing. They go on to state that in terms of heat loss, draught-proofing a single glazed window has roughly the same effect as fitting an additional sheet of glass and tests have shown this can reduce heat loss by nearly 90%. Details for draught-proofing steel and timber casement windows are also given in this document.

6. Planning Policy

The site is a grade II* listed building and lies within a conservation area.
Central government planning policy PPS5
Part L of the Building Regulations

7. Consultations

Malmesbury Town Council – support this application
English Heritage – support in principle but feel that metal casements would be the most appropriate replacement but that timber frames would be possible although the detailing of the windows submitted are rather crude and need to be improved.
Victorian Society – no response
Neighbours – no comments

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

2 letters of letters of support received

9. Planning Considerations

Impact on the listed building

The property has undergone a number of unauthorised alterations since it was listed in 1949, resulting in the loss of original windows and harmful materials used on walls and floors. Whilst the fabric that has been lost cannot be resurrected, it is imperative that as much of the remaining original fabric and details are retained in this building. Although the Victorian section is arguably less significant than the C16 and C17 parts of the building, the chimney breast does provide a feature which denotes a phase in the architectural and social development of the building. Removal of the chimney breast would therefore be extremely regrettable and detrimental on the character and appearance of the listed building.

Replacement of the inappropriate windows is applauded in theory but can only be supported if a suitable replacement is proposed. The new windows may be slightly better on paper but in reality they will merely be differently inappropriate. Furthermore, as the proposals omit three windows on the south east elevation, there will be an even greater variety of windows found on this building than already seen which will increase the harm to this prominent listed building and leave unauthorised works to be resolved. These works will be contrary to PPS5 and to guidelines set out in the application of Part L.

Impact on the conservation area

The proposal site is located within the Malmesbury conservation area and set on the edge of part of the former town walls, which are a Scheduled Ancient Monument. The building can be seen from some distance both when looking from streets near the river below and across from the edge of town. As 15 Culver Gardens is on the southern side of what was Culver House, it is the most exposed and most prominent of the properties. Alterations to windows – their details and materials are therefore crucial if changes from what exists are to be considered an improvement in architectural and conservation terms. What has been detailed in the submitted proposals would not be a suitable replacement due to the scale and details shown. In addition, the use of double glazing is inappropriate and will necessitate inaccurate sizes and detailing of frames and glazing bars to new windows. This flies in the face of guidance given within English Heritage's latest publication on the application of Part L of the Building regulations.

10. Conclusion

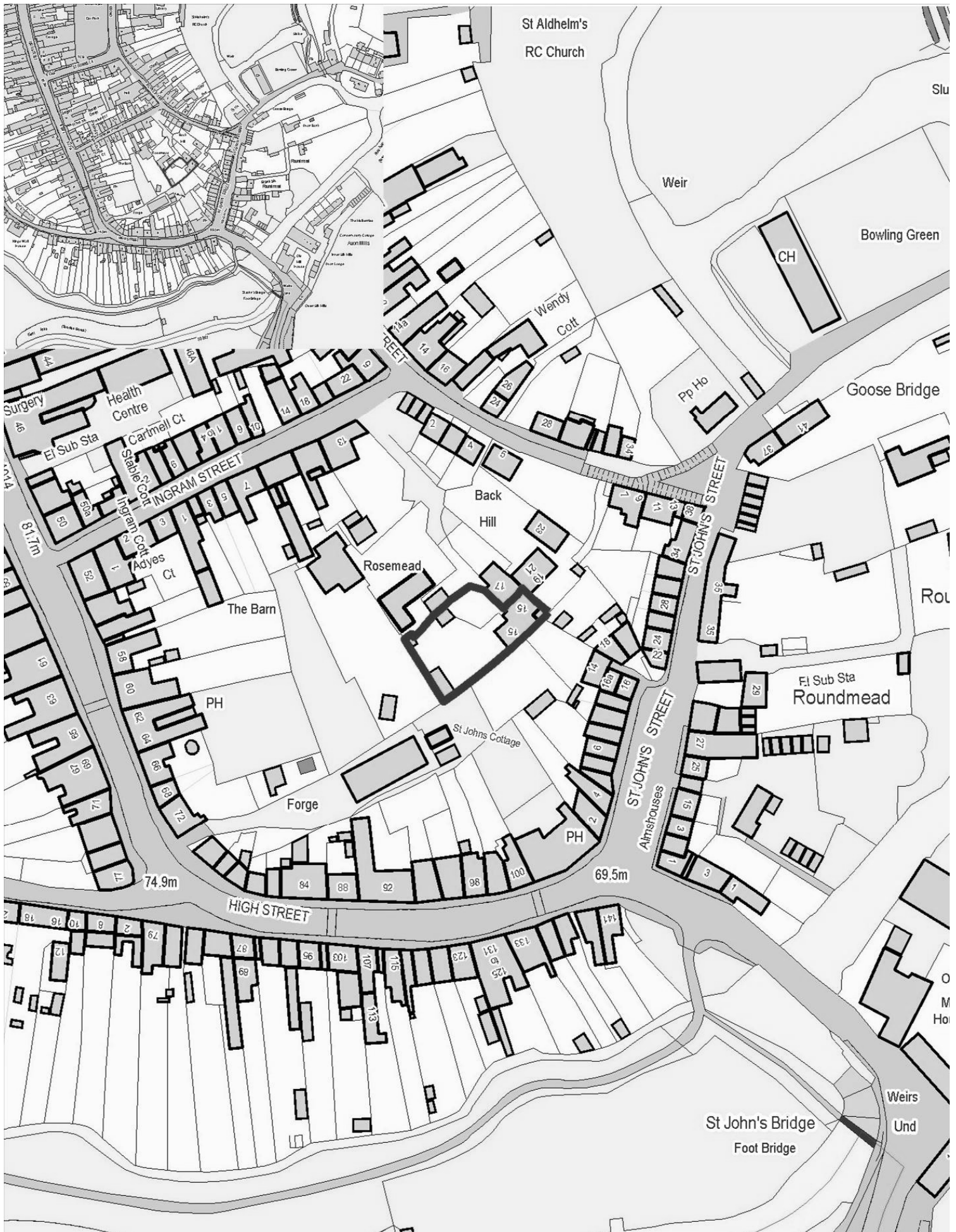
Factors included in making this judgement were the historic importance of the floor plans and openings to be altered, the scale, design and materials for the windows and the impact of the works on the character, appearance and setting of the listed buildings and surrounding conservation area.

The scale, materials and design of the proposed new windows will have an extremely detrimental impact on the setting, character and appearance of the listed building and the amenity of the Malmesbury Conservation Area. The floor plan of the Victorian extension will be destroyed, resulting in the loss of historic fabric.

11. Recommendation

Listed Building Consent be REFUSED for the following reason:

Due to the design and details of the replacement windows and the inclusion of double glazing, loss of historic fabric through removal of the chimney breast and loss of historic floor plan, the proposals would be exceedingly harmful the historic character, and appearance and setting of the listed building. These proposals would be contrary to advice contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS 5.



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