

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

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| <b>Date of Meeting</b>     | 04 October 2017  |
| <b>Application Number</b>  | 17/06718/FUL   |
| <b>Site Address</b>        | The Old Dairy<br>2 Court Farm<br>Oaksey<br>Malmesbury<br>Wiltshire<br>SN16 9TF                           |
| <b>Proposal</b>            | Oak framed mansard (garden room) at rear, removal of timber cladding and making good with matching stone |
| <b>Applicant</b>           | Mr Hathaway  |
| <b>Town/Parish Council</b> | OAKSEY   |
| <b>Electoral Division</b>  | MINETY – Councillor Chuck Berry  |
| <b>Grid Ref</b>            | 399260 193668  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Alla Hassan  |

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

This application was called in to committee by Councillor Berry due to the site's previous history of restrictive conditions attached.

**1. Purpose of Report**

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

**2. Report Summary**

The key issues in considering the application are as follows:

- The principle of Development
- Impact on the scale and character of the existing dwelling
- Impact on the context and character of the surrounding area & the Conservation Area.
- Impact on residential amenities

As a result of the consultation exercise, the Parish Council objected to the proposals. In addition, an objection was also received from a local resident.

### **3. Site Description**

The application relates to The Old Dairy, 2 Court Farm, Oaksey. Within the Wiltshire Core Strategy, Oaksey is designated as a large village within the community area of Malmesbury (CP13). The detached dwelling is located within the defined settlement boundary, and is part of a modern housing development which consists of eight individually designed properties. The property is constructed of stone and partially timber clad under a tiled roof and is also located within the Oaksey Conservation Area.

### **4. Planning History**

N/91/01160/CAC PROPOSED DEMOLITION OF VACANT AND REDUNDANT AGRICULTURAL BUILDINGS- Approved with conditions 26/07/91  
N/91/01159/FUL BARN CONVERSIONS & DEVELOPMENT TO FORM EIGHT RESIDENTIAL UNITS- Approved with conditions 22/08/91  
N/05/02045/FUL Roof Light Window- Approved with conditions 12/10/05

### **5. The Proposal**

The proposal seeks permission for the erection of an oak framed mansard (garden room) at the rear, the removal of timber cladding and making good with matching stone.

### **6. Local Planning Policy**

#### NPPF:

Core Planning Principles, paragraphs 7 & 14 and Section 7 paragraphs 56, 57, 58, 59 & 64 and Section 12 paragraphs 131, 132, 133 and 134.

#### Wiltshire Core Strategy:

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring the Conservation of the Historic Environment

### **7. Summary of consultation responses**

Oaksey Parish Council made the following objection: *“the application to extend the footprint of the barn conversion would change the character and layout of the Court Farm environment. The extension is in front of the building line and would overlook other properties with the consequent loss of privacy. The Parish Council wishes to retain the heritage value within our conservation zone and this or any other extension in this vicinity would be a negative influence on this environment.”*

In addition, a local resident who lives at 3 Court Farm submitted an objection on the grounds of adverse impacts on daylight and privacy. The objection submitted also indicated that there has been a precedence of refusals for householder extensions within the locality, and was therefore of the view that no extensions were acceptable within the conservation area.

In addition to the above, no objections or comments were received from internal consultees.

## 8. Publicity

The publicity for this application was by way of site notice and neighbour notification letters.

## 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.

### Principle of Development

The principle of householder extensions and alterations is considered acceptable under the provisions of Core Policies 57 and 58 of the Wiltshire Core Strategy. Core Policy 57 requires, amongst other things, that new development must be of high quality design. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment. As mentioned in the reasons for the call in and objection received from the local resident the original planning consent granted under planning application N/91/01159/FUL had various restrictive conditions attached, of which the most relevant being Condition 5 states:

*Notwithstanding the provisions of the Town & Country Planning General Development Order, 1988, there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without the prior grant of planning permission in the behalf.*

*Reason: In order to safeguard the amenities of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions or alterations.*

The removal of permitted development rights in this instance does not mean that any proposals for extensions should be automatically refused. Instead, the above condition allows the Local Planning Authority the opportunity to fully assess any proposal and its impacts on the property, neighbouring properties, residential amenities, character and appearance of the locality including the conservation area.

### Impact on the scale and character of the existing dwelling

The proposed garden room measures 4.2m in length, 3 metres in depth and 3.3 metres in height. It will therefore have a subservient appearance in relation to the host building, and sits comfortably within the site. In addition, the materials proposed are appropriate to the host dwelling and will not appear visually intrusive.

### Impact on the context and character of the surrounding area & the Conservation Area

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in determining planning applications affecting a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The application site is located within the Oaksey Conservation Area. There is currently no conservation area appraisal published for this designation. However, the conservation area, by virtue of its designation is significant in heritage terms and this significance is likely to arise primarily from its historical (illustrative), aesthetic (fortuitous) and evidential value. The proposals are not considered to cause harm to the setting of the conservation area due to their modest nature and positioning. It should also be noted that the setting of the conservation area in this locality is characterised by the existing modern residential development that has already taken place, therefore the erection of an oak framed garden room will not appear as an alien addition within its context. It is therefore concluded that due to the limited scale of the proposal, positioning and lack of visual prominence within its locality, there will be no detrimental effect on the rural character of Oaksey.

#### Impact on residential amenities

As seen from the objections submitted, concerns were raised that the proposals will result in loss of privacy to neighbouring properties. The resident of No.3 Court Farm, who is situated approximately 10m to the east of the application site was also concerned that the proposed garden room will have adverse impacts on the level of daylight and privacy. Upon the site visit, it was clear that there is already an intimate relationship between No.2 and No.3 with a degree of mutual overlooking, due to the low boundary treatment between the two properties. Given the modest scale of the proposals, it is considered that the increased level of overlooking would not be significantly over and above what already exists thus having no significant adverse impacts on residential amenities such that consent ought to be refused on this basis.

#### Other matters

In the objection letter submitted from a local resident, it was mentioned that the previous owners of No.4 and No.8 were turned down over proposed extensions. The case officer is not aware of the circumstances that lead to those decisions made, but it is important to note that under national planning legislation each application must be assessed and determined on its own merits, and therefore the mentioned decisions do not provide a sound and defensible basis for refusal of this application in and of themselves.

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

The principle of householder extensions is considered acceptable under the provisions of Core Policies 57 and 58 of the Wiltshire Core Strategy. The proposal is considered to be acceptable on its planning merits and would not be significantly detrimental to the character and appearance of the Conservation Area, the locality, the property itself or to any residential amenities due to its modest scale and positioning. The proposal is therefore considered to comply with Core Policies 57 and 58 and guidance contained within the NPPF.

### **RECOMMENDATION**

Grant 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be carried out in accordance with the materials listed on the applications form.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing No 10650/04), Block Plan (Drawing No 10650/03), Proposed Plans and Elevations (Drawing No 10650/02) received by the LPA 12/07/2017.

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

- 4 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 5 INFORMATIVE TO APPLICANT:

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.

- 6 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 7 INFORMATIVE TO APPLICANT:

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.

