

Date of Meeting	11 July 2018
Application Number	17/12403/FUL
Site Address	Land at Kent End Back Street Ashton Keynes SN6 6PF
Proposal	Erection of two bedroom holiday cottage with mostly natural stone elevations and a natural slate roof above
Applicant	Mrs Laura Glynn Jones
Town/Parish Council	ASHTON KEYNES
Electoral Division	Councillor Chuck Berry
Grid Ref	
Type of application	Full Planning
Case Officer	Victoria Griffin

Reason for the application being considered by Committee

The application has been called in to Committee if minded to support by the local Councillor in order to consider the proposal in relation to the site context, scale and residential amenity. However, whilst the officer recommendation is now to refuse planning permission it is nonetheless considered necessary that the item should be determined by members.

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 **REFUSED**.

2. Report Summary

The key issues in the consideration of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the Conservation Area and its setting;
- Impacts on local highways/parking; and

- Impact on neighbour amenity

Ashton Keynes Parish Council objects to the proposals.

3. Site Description

The application relates to a plot occupied by a building and its modest curtilage situated close to the junction of Back Lane, Kent End, Ashton Keynes, on the north side of the village of Ashton Keynes. The site is located within the Conservation Area and is bounded to the north by historic residential properties including no's 1-2 Kent End and no.4 Kent End which are delineated by high sided natural stone boundary walls which provide a reasonably rigid pattern of development along this part of the street. The site itself forms a small pocket of open space and greenery which punctuates the fairly built-up residential development situated in this part of Kent End. To the south the nearest neighbour is a property known as Willows, Kent End which is a detached dwelling.

The amenity space around the building is limited in size and is bordered by stone tiles with the area of grass presently overgrown with a small parking area accessed from the highway to the front of the garage/outbuilding and is situated on a left hand junction leading through Kent End. To the southern boundary is a vehicular access that serves No.4 Kent End leading to a detached single storey outbuilding.

A Scheduled Ancient Monument earthworks is located to the north of the site. There are no notable trees of character within the existing application site that are affected by the proposals.

No.11 North End Road is a grade II listed building situated to the south-west of the site and is visible from the site.

4. Planning History

No relevant planning history located on the site.

5. The Proposal

Planning permission is sought in respect of the erection of a 2 no. bed holiday cottage with natural stone elevations and a natural slate roof above following the replacement of the existing natural stone

outbuilding/garage. The site has been previously in use as a garden area and garage/outbuilding for no.2 Kent End, Ashton Keynes.

The garden area would be retained to provide a modest amenity space for the users of the holiday let with a parking space to the front. The site falls within the Ashton Keynes Conservation Area and is within the settlement framework boundary of Ashton Keynes.

6. Policies / Legislation

The Core Strategy for Wiltshire was formally adopted by the Council in January 2015. The Core Strategy forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's development Plan now comprises of:

- Core Strategy
- Saved Policies in the North Wiltshire Local Plan 2011
- Strategic Allocations plans (where relevant)
- Neighbourhood plans (where relevant)
- Minerals and Waste plan

Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 3 – (Infrastructure requirement)

Core Policy 13 – (Spatial Strategy for the Malmesbury Community Area)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 58 (Ensuring the conservation of the historic environment)

Core Policy 60 (Sustainable transport)

Core Policy 61 (Transport and new development)

Core Policy 64 (Demand management)

National Planning Policy Framework

Paragraphs 14 & 17

Section 4 (Promoting sustainable transport)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

National Planning Policy Framework (March 2012)

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Section 7 – Requiring good design

Section 12 – Conserving and enhancing the historic environment

Paragraphs 128 – 138 including:

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

Ashton Keynes Neighbourhood Plan July 2017

Policy HSP3 – Additional Housing Developments

Policy HSP4 – Mix of housing types and tenure

Policy HSP6 – Housing for Older People

Policy INP1 – Flood risk mitigation in new developments

Policy INP2 – Road and pedestrian safety

Policy ENP1 – Protection of biodiversity and wildlife sites

Policy ENP3 – Enhancing the landscape character of the Parish and retaining the character of the village including the tranquillity of its setting

Policy HCP1 – Local character

Policy ECP3 – Recreation and Tourism

Legislation:

- Planning (LB&CA) Act 1990,
- Planning and Compulsory Purchase Act 2004

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Other guidance:

Ashton Keynes Conservation Area Statement (1998)

- Ashton Keynes existing buildings key plan:

No's 2-4 Kent End are identified as being pre-1900

Buildings to the south of the application site are identified as being 1901-1994

Key features of the Ashton Keynes Conservation Area are identified to include:

- Protected buildings and features
- Buildings pre-1900
- Significant trees and foliage
- Valuable open space, paths and water courses

The site falls within Identity Area 10 – Kent End North (extract):

It states the properties are of irregular shape and size as well as not being in a straight line. They are mainly to one side of the northerly path. Many have smaller garages utilising smaller garages or former cottages (see figure 3).

Page 22 a photo (figure 3.) shows the garage/outbuilding and denotes "*the missing no.3 (Kent End) now a garage for Wall Cottage*".

7. Summary of consultation responses

Ashton Keynes Parish Council – Objection – (summarised):

- Harm to character of area
- Conflict with Neighbourhood Plan
- Proposal would dominate access to SAM
- Too large for small plot
- New holiday let is at variance with housing objectives of NP and need for smaller homes for elderly people

Highways – No objection – adequate access and parking provision shown

Ecology – No objection – subject to informatives

Environment Protection – No objection

Public Rights of Way Team – No objection subject to the footpath not being obstructed

Archaeology – No comments

Drainage – Recommend conditions following submission of further details

8. Publicity

The application was advertised by site notice and neighbour notification.

17 no. letters of objection were received from neighbours, raising the following points (summarised):

- Scale errors on plans – application should not have been validated
- Unclear on materials proposed
- No clarification on drainage and meeting BR compliance
- Should be a home for an elderly person in line with needs set out in NP
- Description as wasteland is misleading
- Just because it has been sold off does not mean it is acceptable for development
- Out of keeping with surrounding area
- Concern over building heights
- Harm to character and appearance of Conservation Area
- Over-development
- Design and Access Statement is not clear
- Inadequate parking and access
- At odds with AKNP
- Loss of historic standing stones
- Dormers are not in keeping with surrounding
- Roof profile out of context
- Openings on to the PROW
- Overlooking to no.2
- Rooflights highly visible
- Flues not PD and cannot be added
- Means of escape inadequate
- Level of parking inadequate
- Ecological assessment should be provided
- Loss of trees

- Inconsistencies with site area measurements
- Higher than existing buildings
- Demolition of historic building in Conservation Area
- Encroachment of holiday homes in conflict with AKNP
- Need for holiday accommodation not made
- Highway conflicts
- Overhanging eaves and incorrect certificates

One letter of support was also received from Willows Cottage situated to the south of the site.

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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Ashton Keynes Neighbourhood plan; and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of development

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Plan saved in the WCS set out in Appendix D, forms the relevant Development Plan for the Malmesbury Community area.

Accordingly WCS Core Policies 1 and 13 identify Ashton Keynes as one of a number of large villages. They are defined as settlements with a limited range of employment, services and facilities. Development at Large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

WCS Core Policy 2, amongst other components, establishes a minimum housing requirement for each of the County's Housing Market Areas and sets out a role for settlement boundaries. Within a settlement boundary development is acceptable in principle; outside, other than in circumstances as permitted by other policies within the WCS, identified in paragraph 4.25, residential development will not be permitted.

It is widely established that the use of a building as holiday accommodation is considered to fall within Use Class C3 and would normally be described as a dwellinghouse. However the characteristics of

the proposed holiday accommodation use would need to be taken into consideration and would need to be appropriately controlled if a holiday letting were considered acceptable. This application seeks the demolition of the existing garage/outbuilding and the erection of a 2 no. bed holiday let within an identified settlement boundary, as such would accord with Core Strategy policies 1 and 2 and is generally considered to be acceptable in principle.

Impact on character and appearance

The site is located in a Conservation Area, and is surrounded by undesignated heritage assets and is visible from the entrance of no.11 North End Road a grade II listed cottage, to the south of the site which is set within large gardens. Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraph 135 states that the significance of a non-designated heritage asset should be considered, and that regard should be had to the scale of any harm or loss and the significance of the heritage asset.

The Conservation Area Statement (1998) for Ashton Keynes describes the village as an 'agglomeration type, irregular grid' in which the most notable and unique features are the river and the four ancient crosses. The conservation area, by virtue of its designation is significant in heritage terms and this significance is likely to arise primarily from its historical and aesthetic value. Section 2.2 of the CAA identifies that there are no set features that can contribute to the Conservation Area; it can include the relationships of buildings and the spaces between them not just the designated buildings within them.

The site is positioned on a corner junction within a prominent part of Back Street/Kent End close to the junction and highly visible from the wider street. Presently, the existing building is single storey and subservient within this part of the street scene situated along the northern side of the plot. The proposal would introduce a two-storey 'L' shaped' dwellinghouse to be used as a holiday letting that would span the north and eastern edge of the site within a considerably constrained plot. The applicant has sought to address concerns raised with the reduction in the size of the building and the ridge height so that it appears less dominant within the wider area relative to the buildings that surround it. Having regard to the individual site's characteristics it is your officers' view that the relationship between the buildings and the site, including its open character in this part of the street scene and conservation area, is a significant and determinative factor.

The site, albeit whilst unkempt, does make a contribution to the verdant character of the area and this would be irrevocably harmed by the proposal. It is considered that the proposal would be of significant proportions that would appear unduly large and dominant having a considerable urbanising impact on

this part of the street which would be viewed within the wider context of the part of the setting to heritage assets, and influences the way these heritage assets are experienced by the public.

The existing low level building allows view of the cottages beyond the site and the view from the east towards the public footpath which are features of interest referenced in the Ashton Keynes Conservation Area Appraisal (1998). In this regard and in relation to the application site and its immediate surroundings in which it is experienced, the character remains that of a site of open character, which provides some relief within the more built-up surrounding area from public and private views.

The position, size and scale of the holiday let and its newly created domestic curtilage is such that it would stand alone within this plot and would fail to be visually connected to any of the surrounding groups of buildings, appearing at odds with the modest proportions of the site relative to the wider context. In coming to this view, officers' accept that the Ashton Keynes Conservation Area (1998) appraisal suggests that a cottage may have existed on the site, now in use as a garage/outbuilding. However the modest proportions of the existing building and its undeveloped nature of this space has since and for a considerable amount of time formed part of the character and appearance of the conservation area and setting of heritage assets.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The level of harm would be 'less than substantial' but significant importance and weight is being attached to it. To that end it is considered therefore that the size, position and scale of the proposed holiday let is considered to cause harm to the significance of the conservation area and setting of heritage assets within this part of the wider street scene. Notwithstanding the use of high quality materials the proposal is considered to fail to accord with CP 57 and 58 of the Wiltshire Core Strategy and paragraphs 131, 132, 134, 135 and 137 of the NPPF.

Impact on highways/parking

The proposals have met with concern over the lack of allocated parking and existing/increased pressure for on-street spaces from immediate neighbours and on a prominent junction with Kent End/Back Street. Despite the lack of parking, current Wiltshire Car Parking Strategy require two on-site parking spaces to be provided for a two or three bedroom dwelling, this proposal demonstrates 1 no. allocated parking space. Despite this, the Council's Highway Engineer has had regard to the existing informal situation which provides some parking within the existing garage and as such having regard to the existing site context has not generated an objection from the Highway Engineer. However it is possible that this would result in increased pressure on an already informal highway

arrangement to the detriment of all other road users having regard to the safe access of the Public Right of Way that runs along the northern boundary and the parking area that is currently utilised by the occupiers of No's 1 and 2 Kent End.

Given the limited amount of accommodation, it is not considered that the number of domestic vehicles associated with the property would reach a point at which its local impact would result in 'severe' harm as directed by Paragraph 32 of the Framework. There may already be issues with parking in the vicinity however it is not the applicant's responsibility to resolve these and the outcome is likely to be added inconvenience, rather than outright loss of highway safety.

As there is unlikely to be a significant adverse effect on highway safety caused by irresponsible parking around junctions or in narrow sections, for instance, reliance upon the un-allocated spaces in the near vicinity of the building is considered acceptable in this instance and preferable rather than further parking within the modest site.

The Public Rights of Way has commented that the proposed parking area does raise some concern due to its proximity to the line of the right of way (AKEY39) and any recommendation in support should explicitly state the legal requirements not to obstruct the right of way.

Impact on amenity

The nearest neighbouring properties surrounding the site include no's 1 and 2 Kent End and The Willows situated to the south of the property. Revisions to the scheme have sought to reduce the scale of the building relative to its surroundings. No windows are proposed facing onto these properties within the main elevations of the dwellinghouse however there is a single rooflight within the northern roof slope. Due to its size and position, however, this is not considered to generate significant overlooking or loss of privacy concerns. The outlook to this property would be altered by the proposal as all front windows are orientated facing this site, in particular Wall Cottage, no.2 Kent End. Having regard to daylight analysis it is not considered to cause undue harm by way of a loss of light to justify an additional reason for refusal on this basis. Comments have also been received in respect of the impact on the solar panels that serve an outbuilding to the rear. Whilst this may have an impact it is not considered to be to such a degree to justify a refusal of the proposal.

Other matters

Other matters have been raised in respect of the accuracies of the proposed plans and the section drawings being misleading and inaccurate. The applicant has also clarified that no eaves line would overhang the property to the east. The applicant has met the requirements for formal planning

submissions and the details contained within the submissions are considered to be sufficient in this respect.

10. Conclusion

It is considered that the proposed holiday let would lead to harm to the setting of heritage assets and historic street within the Conservation Area by reason of its scale, size and position in conflict with Core Policy 57 (i) and Core Policy 58 of the Wiltshire Core Strategy (2015). In accordance with the advice contained in the NPPF, this harm can be qualified as less than substantial., in such circumstances this harm can be weighed against the public benefits of the proposal. However, it is considered that the public benefits, which include the provision of a single 2 no. bedroom holiday let, would not outweigh the aforementioned harm. As such, the proposals would conflict with the statutory requirements, as well as the national and local planning policies and cannot be supported. In conclusion the adverse impacts 'significantly and demonstrably' outweigh the benefits of the proposal and it is therefore recommended that the application should be refused.

RECOMMENDATION

That Planning Permission be REFUSED for the following reason:

The proposal would create a large dominant detached dwellinghouse within a modest plot which would cause an unacceptable level of visual and physical harm to the wider historic setting and setting within the Conservation Area contrary to policies CP58 & CP 57 (i) of the Wiltshire Core Strategy and the aims and requirements of Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework.

This decision relates to the following plans/documents titled:

Location Plan Revision B date received 26/04/18

Elevations Revision B date received 26/04/18

Floor Plans Revision B date received 26/04/18

Indicative street elevations Revision D date received 16/05/18

Survey date received 16/05/18