

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

Date of Meeting	04 April 2019
Application Number	18/03678/FUL
Site Address	4A & 4B The Crescent Hill View Road Salisbury SP1 1HY
Proposal	Reversion of 4A and 4B The Crescent to a single dwelling including side/rear extension with parking.
Applicant	Mr G. Mundy
Town/Parish Council	SALISBURY CITY
Electoral Division	Salisbury St. Edmund and Milford
Grid Ref	414915 130033
Type of application	Full Planning
Case Officer	Tim Pizzey

1. REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

Councillor Sven Hocking has requested this item be determined by Committee due to:

- Scale of the development
- Visual Impact
- Relationship with adjoining properties

- Design
- Environmental and highway impact
- Car parking

2. PURPOSE OF THE REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be APPROVED subject to conditions.

3. REPORT SUMMARY

The main issues for consideration are:

- (1) Principle of the development
- (2) Scale and design
- (3) Impact on the conservation area
- (4) Residential amenity / living conditions
- (5) Highway safety and parking

The site has been the subject of previous planning applications for development involving an additional dwelling. The last two applications were refused and dismissed on appeal. The current application differs to the previous applications in that it proposes a reversion from flats back to a single dwelling but still includes a proposed side and rear extension. Objections have been from third parties and Salisbury City Council. The Highways Officer has raised no objection subject to conditions.

4. POLICIES

Adopted Wiltshire Core Strategy:

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 3: Infrastructure requirements

Core Policy 22: Salisbury community area

Core Policy 45: Meeting Wiltshire's housing needs

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable transport

Core Policy 61: Transport and development

Core Policy 63: Transport strategies

Core Policy 64: Demand management

Saved Policy H8: Residential development in Salisbury

Supplementary Planning Guidance: 'Creating Places'

Milford Hill Conservation Area Appraisal and Management Plan (2014)

National Planning Policy Framework 2018 (NPPF), in particular Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment).

National Planning Policy Guidance (PPG)

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

Section 72 Planning (Listed Building and Conservation Areas) Act 1990

Section 66 Planning (Listed Building and Conservation Areas) Act 1990

5. SITE DESCRIPTION

The Crescent is a short cul-de-sac (private road) at the bottom of Milford Hill on the east side of Churchill Way and the historic Chequers area of the city. The site is within the Milford Hill Conservation Area and immediately to the north of the grounds of the Grade II listed Milford Hill House (the youth hostel).

The Crescent is a narrow private road that accommodates a row of five houses. Nos. 1 and 2 are detached dwellings with a bungalow adjacent. Nos 3 & 4 are semidetached dwellings. No 4 converted into two flats. There is a bank and a number of established trees located along the east and south boundaries, forming a significant feature of the site.

6. PLANNING HISTORY

The following recent planning applications and decisions relate to the site:-

14/12193/FUL Extension to east elevation to create 2x flats. REFUSED 23/04/14 for the following reasons:-

- 1) *The proposed development, by reason of its size (height and width), the amount of excavation works/tree removal required to enable the development, and the number of additional residential units created at the site, would result in a cramped form of overdevelopment for this small, narrow parcel of land, which would be harmful to the character of the existing property, the semi-detached pairing and the wider Crescent which is designated as a Conservation Area. As such the proposal is considered to be contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy.*
- 2) *The proposed development, by reason of its location at the top of a narrow and congested private driveway, with limited parking for motorised vehicles, would provide insufficient parking for future occupiers of the site, and is likely to result in unauthorised parking and obstruction on and around the existing parking spaces and the vehicular access leading to the site. The scheme is therefore considered to result in an adverse impact on the amenities of properties along the Crescent, contrary to Policy 57 of the Wiltshire Core Strategy.*

14/10146/FUL Extension to east elevation to create 3x flats. WITHDRAWN.

15/04378/FUL Detached three bed dwelling. REFUSED for the following reasons:

- 1) *The proposed development, by reason of its size (height and width), the amount of excavation works/tree removal required to enable the development, and the number of additional residential units created at the site, would result in a cramped form of overdevelopment for this small, narrow parcel of land, which would be harmful to the character of the existing property, the semi-detached pairing and the wider Crescent which is designated as a Conservation Area. As such the proposal is considered to be contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy.*

- 2) *The proposed development, by reason of its location at the top of a narrow and congested private driveway, with limited parking for motorised vehicles, would provide insufficient parking for future occupiers of the site, and is likely to result in unauthorised parking and obstruction on and around the existing parking spaces and the vehicular access leading to the site. The scheme is therefore considered to result in an adverse impact on the amenities of properties along the Crescent, contrary to Policy 57 of the Wiltshire Core Strategy.*

APPEAL DISMISSED 10/03/2016 (Appeal Ref: APP/Y3940/W/15/3136252).

16/05491/FUL Erection of a detached one bedroom dwellinghouse. REFUSED 15/07/16 for the following reason:

- 1) *Whilst adjustments have been made to the visual appearance of the building, the proposed dwelling remains of a similar scale, overall design, and location to that previously refused. Consequently, the proposed dwelling by virtue of its cramped and contrived siting would appear incongruous in the street scene and in the wider context of the Conservation Area. Therefore, the development proposal does not preserve or enhance the appearance and character of the Conservation Area, and does not overcome the previous reasons for refusal stated by the Inspector as part of application 15/04378/FUL. The proposal is therefore contrary to the objectives of Core Policies 57 and 58 of the Wiltshire Core Strategy and the aims of the NPPF.*

16/01910/FUL Extension to enlarge existing ground floor flat and create additional flat. REFUSED 25/11/2016 for the following reasons:

- 1) *Whilst the reduction in scale to a single storey dwelling is considered to be more sympathetic than the previously refused designs, the proposed dwelling by virtue of its cramped and contrived siting would appear incongruous in the street scene and in the wider context of the Conservation Area. Therefore, the development proposal does not preserve or enhance the appearance and character of the Conservation Area, and does not overcome the previous reasons for refusal stated by the Inspector as part of application 15/04378/FUL. The proposal is therefore contrary to the objectives of Core Policies 57 and 58 of the Wiltshire Core Strategy and the aims of the NPPF.*
- 2) *The proposed development, by reason of its location at the top of a narrow and congested private driveway, with limited parking for motorised vehicles, would provide insufficient parking for future occupiers of the site, and is likely to result in unauthorised parking and obstruction on and around the existing parking spaces and the vehicular access leading to the site. In addition the nature of the narrow congested private road leading to the site would lead to difficulty accessing and servicing the new dwelling contrary to Core Policy 57 of the Wiltshire Core Strategy.*

APPEAL DISMISSED 30/08/2017(Appeal Ref. APP/Y3940/W/17/3174421).

Adjacent site – Milford Hill House

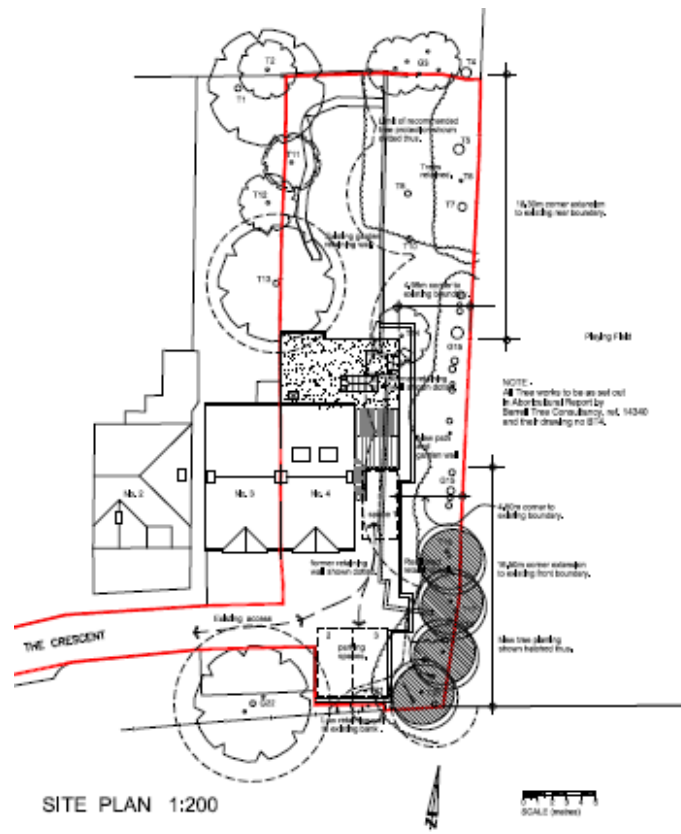
Planning permission has recently been granted for 11 houses and 4 apartments on this site under references 16/03966/FUL and 18/00903/VAR.

7. THE PROPOSAL

Planning permission is sought for the erection of a single storey rear and side extension and conversion of the existing two flats to a single 4 bed dwelling, with some re-arrangement of the internal layout. The existing flat roof extension at the rear of the dwelling would be

removed. The extensions would provide additional living accommodation at ground floor level. The rear elevation shows large folding doors to a garden / sitting room under a canopy / over-sailing roof. The entrance door to the house would be on the east side of the property (currently the entrance to flat 4A) and the existing door to the front elevation (currently serving flat 4B) would be removed.

A new / realigned retaining wall is proposed to the bank on the east boundary extending to the side and rear of the two parking spaces set against the south boundary. The proposals originally included a car port but this has been removed from the proposal following the submission of revised plans.



Site plan proposed

8. CONSULTATIONS

Conservation Officer:

"...I have no concerns about the use as a single dwelling. The car port, however, is tight to the boundary with Milford Hill House, a grade II listed villa. There is no southern elevation of the car port, and it isn't clear what materials it is to be constructed from so it is hard to assess its visual impact properly (as required by s66 of PLBCA Act 1990 and NPPF). The open sides are rather unusual and it certainly looks like it would be difficult to manoeuvre into. If the car port were to be omitted from the scheme then I would have no concerns, otherwise more details should be sought..."

Arboricultural Officer:

“...I have no objection to the proposal subject to the trees being retained in accordance with the revised Barrells tree report dated 15th January 2019.

The report refers to new planting to reinforce the existing line of trees along the eastern boundary of the site. A landscape plan will be required to demonstrate what will be planted and how it will be maintained.

To ensure the retained trees are adequately protected during the development process it will be necessary to condition compliance with the Arb Report. The following may prove useful:

The development shall be undertaken in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, unless the Local Planning Authority has given its prior written consent to any variation.

The protective fencing should be erected in accordance with BS5837:2012 before any work commences, including demolition or other enabling works. The fencing, or other protection, which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including internal works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction...”.

Highways:

The Highways Officer objected to the plans as originally submitted on the grounds that as shown the parking spaces would not be in accordance with the Wiltshire Local Transport Plan and would be impracticable to use and, therefore, recommended refusal. Following the submission additional information revised plans, the Highways Officer is content with the parking arrangements and has commented as follows:

“...The number of car parking spaces parking associated with the development proposed accords with current standards and the swept path details indicated on the submitted Drawing No. 218023/04 are acceptable to me.

It is considered that the development proposed will not have any significant impact on highway safety and I therefore recommend that no highway objection be raised to it subject to the following condition being attached to any permission granted:-

No part of the development hereby permitted shall be first brought into use until the vehicle turning area and parking spaces have been completed in accordance with the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety...”.

Archaeology:

“...The proposed development is located in an area known to have potential for Palaeolithic remains, which has been demonstrated in recent months, immediately to the south, at the former Youth Hostel site. The proposed works have potential to afford extra information about the topography and archaeological potential of the Milford Hill area. It is this potential

that has led to recommendations for archaeological work on previous applications for this site.

In this instance, it is my recommendation that the following condition be attached to any permission that is granted on this planning application:

Therefore in line with the NPPF (2018), PPS5 (2010) and the earlier Planning Policy Guidance Note 16: Archaeology and Planning (DoE 1990) the following recommendations are made:

Recommendation: Full condition

No development shall commence within the area indicated (proposed development site) until:

A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

Informatives:

The work should be conducted by a suitably experienced and professionally recognised archaeological contractor in accordance with the written scheme of investigation approved by this office and in line with the Standards and Guidance of the Chartered Institute for Archaeologists. There will be a financial implication for the applicant...".

9. REPRESENTATIONS

Salisbury City Council

SCC objects to this application due to overdevelopment, loss of on-street parking and requests that the planning officer notes neighbours' concerns.

Revised Plan / Additional Information - "...SCC objects to this application due to overdevelopment and impact to neighbours on this small private road and requests that the planning officer notes neighbours' concerns. Furthermore, SCC asks that Conservation Officer comments be sought regarding the damage to the bank adjacent to the property...".

Neighbour/third parties:

2 letters of objection (one letter submitted under two names). Summary of main points raised:

- There is a restricted covenant preventing building within 40 feet of southern boundary.
- Involves removal of more of the bank.
- Overdevelopment of site
- Extension /footprint too large

- Site area should not include the site access when comparing percentage of site covered by the extension in relation to size of site
- Lack of light to extension
- Damage to trees / tree roots
- Impact on Conservation Area
- Inadequate room construction machinery
- History of refusals and appeal

A further letter of objection from a previous objector has been received in response to revised plans, maintaining objections to the proposal on impact to bank / trees / conservation area and inadequate parking / turning, could be used for multiple occupancy.

10. ASSESSMENT

(10.1) Principle of development

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.

Core Policies 1 and 2 of the adopted Wiltshire Core Strategy set out a settlement strategy and a delivery strategy. The policies categorise Salisbury as being a 'Principle Settlement', where the principle of development is considered acceptable. The site is located within an established residential area within the settlement boundary of the city. The site is also located in the housing policy boundary for Salisbury where in principle new residential development is considered acceptable under saved Policy H8.

It can be seen from the planning history that a number of previous applications for additional dwellings have been refused planning permission. Two have been dismissed on appeal, including the most recent previous application that reduced the bulk of the development and proposed a ground floor flat in addition to a rear extension to the existing ground floor flat.

Notwithstanding the above, it is considered that the acceptability of the proposal rests with site specific considerations when considered against relevant local and national planning policy, taking into account the previous appeal decisions where of relevance.

(10.2) Scale and design

The NPPF requires good design including, inter alia, a strong sense of place responding to the character and history and reflecting the identity of local surroundings and materials.

Amongst other criteria, Core Policy 57 states "...a high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality".

The Council's Supplementary Planning Guidance "Creating Places" provides further detailed guidance on household extensions. For example it states:

- "Avoid large extensions which overwhelm the original dwelling". (page 84)
- "In all circumstances the key principle is that it will still be obvious what part of the building was original, with later extensions being clearly subordinate". (page 84)
- "Extensions should complement the style, proportions, detailing and materials of the original building". (page 85).

- *“It will generally be appropriate for most extensions to be constructed in walling and roofing materials which match, or are sympathetic, to those of the original building”. (page 85)*
- *“Flat roof extensions will not normally be allowed as they represent a crude and harmful addition to most buildings. New roof pitches should match those of the existing dwelling but should be of a narrower span achieved by the use of setbacks and a dropped ridge”. (page 86)*

The Government attaches great importance to the design of the built environment and the Framework states that *“...Good design is a key aspect of sustainable development,, creates better places in which to live and work and helps make development acceptable to communities...”* (paragraph 124). The Framework states that planning policies and decisions should ensure that developments...

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

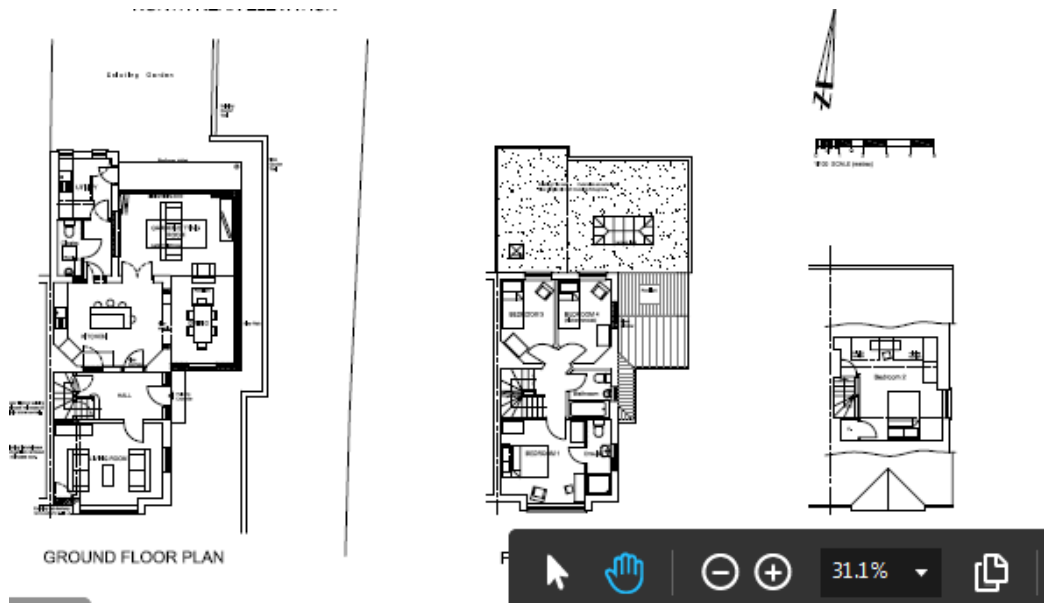
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

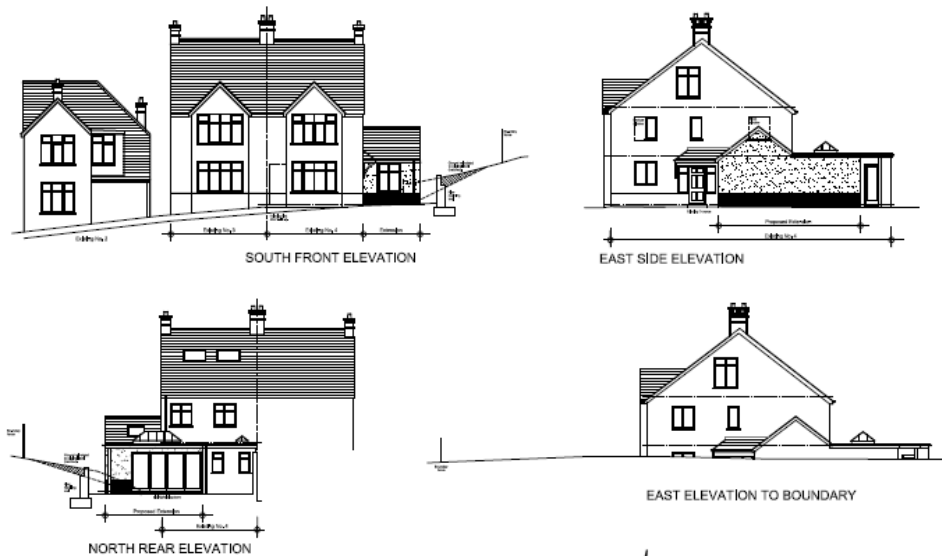
Comparing with the previous refused schemes, the current proposal has been reduced in scale in terms of the proposed built form and number of dwelling units; the proposal now involves conversion back to a single dwelling from the existing two flats. The currently proposed extension does not extend as close to the boundary as the previously proposed extension under 16/09610/FUL that was refused.

The floor plan drawing lists the existing gross footprint as 66.8m² and the proposed extensions as 31.5m², i.e. just under 50 % increase. The existing footprint figure would include the existing rear extension and so the percentage increase over the original dwelling footprint would actually be larger. The proposed extensions clearly have a substantial footprint in relation to that of the existing dwelling but it is considered that they are not objectionable in their own right in terms of design and scale. Whilst the rear extension has a flat roof, which can sometimes result in incongruous and unsympathetic additions to dwelling, in view of its discrete location, it is not considered that this would be harmful to the appearance of the original dwelling nor the character and appearance of the area.



Proposed floor plans

The side extension, which is set back from the front elevation, has a conventional pitched roof that would also screen the flat roof element at the rear when viewed from the front. The walls are proposed to be rendered above a brick plinth, which would be sympathetic to that of the existing building.



Proposed elevations

It is noted that whilst dismissing the most recent appeal on other grounds, the Planning Inspector did not consider the extension objectionable in its own right and suitably subservient. It is similarly judged that the scale and design of the currently single storey extension to the rear and side of the dwelling is considered acceptable in its own right. However, in dismissing the last appeal the Planning Inspector nevertheless considered that the development would be unduly cramped in relation to the bank on the east side and, together with the necessary tree removal, would have a resultant harmful impact on Conservation Area. This is assessed further below in respect of the current proposal.

(10.3) Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy CP58 of the adopted WCS indicates that:

“Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

- i. Nationally significant archaeological remains*
- ii. World Heritage Sites within and adjacent to Wiltshire*
- iii. Buildings and structures of special architectural or historic interest*
- iv. The special character or appearance of conservation areas*
- v. Historic parks and gardens*
- vi. Important landscapes, including registered battlefields and townscapes.*

Distinctive elements of Wiltshire’s historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57.....”

The site is located in a designated conservation area (Milford Hill Conservation Area) and paragraphs 195 and 196 of the NPPF require an assessment of any harm to designated and non-designated heritage assets:

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The NPPF requires that the applicant to describe the significance of any heritage assets affected, including any contribution to their setting. A supporting planning statement has been submitted, referring to design, landscape and access.

In terms the character of this part of the CA (Rampart Road / Tollgate Road Character Area) the Milford Hill Conservation Area Appraisal and Management Plan (MHCAAMP) states at paragraph 7.3.6 “.....*Architecturally the terraces are very modest and undistinguished, although there are short sections of grander three storey terraces.....The Crescent, a small development of originally 4 houses accessed from Hillview Road, has a more informal and arcadian feel as this terrace faces towards the grounds of Milford Hill House and is tucked away...*”, In terms of the age of the buildings and historic maps “....*The Crescent doesn't appear until the 1919 map...*”.

The contribution of trees to the character and appearance of the CA is acknowledged in the MHCAMP. Trees along the east and south boundary of the site (with Godolphin School recreation grounds and Milford Hill House grounds) are not the subject of a Tree Preservation Order but are noted in the above document as “*other important trees*”. In assessing the contribution of the trees along the eastern boundary, the Planning Inspector in the appeal against the last refusal stated:

“..Along the top of the bank is a row of trees. Whilst individually they may be of little merit they have cumulative value and have been identified in the Council's Conservation Area Appraisal as “Other Important Trees”. They add to other trees in the vicinity to help create the attractive verdant appearance of this part of the CA. They are visible from the vicinity of the site and also from some more distant locations in the vicinity of the city centre where they assist in providing an attractive wooded backdrop to the area...”

An arboricultural report submitted with previous proposals indicated that a significant number of trees on the bank would have to be removed. In assessing the harm to the CA, the Planning Inspector took into account that “....*whilst there is some room for replacement planting it would be many years before it became fully effective...*”.

In the light of then above, further information has been requested in connection with the current proposal in order to assess the impact on the group of trees along the south and east site boundaries. The applicant has subsequently commissioned a further arboricultural report. This report includes a tree protection plan illustrating the tree locations in relation to the proposed development, tree categories, an arboricultural impact assessment and method statement. The group of Sycamore trees along the raised bank (Category C) have been previously been reduced in height to 6m. It is proposed to reduce the height of these trees back to the previous pruning locations, which the report assesses will not have a detrimental impact on their retention.

A number of trees are assessed in the arboricultural report as of low quality or unsuitable for retention. Nevertheless, in discussion with the council's Arboricultural Officer, it is now proposed to retain a number of the trees previously proposed for removal at the southern end of the site adjacent the east boundary, which are in any case less affected by the proposed development, mainly by the construction of the proposed retaining wall and associated ground works in the vicinity. Although the trees are not individually of high quality, the trees together as a group add to the verdant character of the site and surrounding and contribute to the character and appearance of the CA.

A revised arboricultural report submitted (15th January) states that three trees are proposed to be felled for management purposes. The report summary states:

“This proposal will result in the loss of tree (T14), and two further trees (T7 and T10) for management purposes, that are all low category because of their poor condition or small size. All the significant boundary tree cover will remain intact and no high or moderate category trees will need to be removed. The matter of

adverse impacts on retained trees due to post-development pressures to fell or prune has been considered and I concluded that no further trees will be affected. There is plenty of space for tree planting and a comprehensive new tree planting scheme using significant stock is feasible. The construction activity may affect further trees if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal will have no long term detrimental impact on tree health or the contribution of trees to character in the wider setting.

For these reasons, I conclude that the proposed development would not cause an unacceptable or adverse impact on the long-term vitality of the retained trees, and therefore the character and appearance of the area. Furthermore, it fully aligns with the broad guidance set out in the National Planning Policy Framework”.

It is judged that the proposed tree works (removal and height reduction / pruning) will have some local impact visually and would result in some reduction to the tree cover. It would appear that some previous work was carried out a few years ago, involving removal of some of the bank and part of the former retaining wall. Local concern has been expressed about this and objection to the need for further removal of the bank. The current proposal would involve some further removal of the bank in the area where a new retaining wall would be built around the north east corner of the proposed extension and joining up with the retaining wall to the rear (north). It estimated that the alignment of the proposed new retaining forward of the extension should not require any significant further removal of the bank but will alter its profile to some extent with a new retaining wall.

Overall, it is considered that any further visual impact in terms of opening up views of the buildings and land on the adjoining school site and Milford Hill House, will be less than the previous application proposals. In comparison with the most recent appeal scheme, the side extension is not located as close to the east boundary. As such, the group of Sycamore trees on the top of the bank nearest the extension are now shown to be retained, whereas they were proposed to be removed under previous schemes. As it is proposed to reduce the height of this group of trees back to previous pruning locations, it will still have some visual impact in the short term. However, some additional / replacement planting is also proposed in mitigation. Some further details have been added to the site plan regarding the proposed retaining wall and proposed tree planting. Taking into account the submitted arboricultural report, the Council's Arboricultural Officer is content with the tree impact and associated tree protection measures, subject to conditions, including some new tree planning.

The previous appeal decisions have been taken into account. In the planning balance, whilst there will be some loss of tree cover through the proposed re-pollarding and three trees to be removed, Officers consider that subject to conditions to ensure the tree protection measures are implemented then, on balance, it is judged that overall impact on the local visual amenity would not be to such a degree to warrant refusal of planning permission on the grounds of harm to the character and appearance of the CA.

Regarding below ground heritage assets, the Council's Archaeology Team has recommended a condition be imposed to require a Written Scheme of Investigation to be submitted and approved as the site is located in an area known to have potential for Palaeolithic remains (see full consultation response above). This resulted in recommendations for archaeological work on previous applications on this site.

It is noted that planning permission has recently been granted for the redevelopment of the adjacent Milford Hill House site (former YHA site) for housing (also within the CA), which will

have some impact on the character and appearance in the locality of the site. That approved scheme includes a pair of semi-detached houses just to the south of the application site. When built, these houses will be visible from the site and neighbouring properties. However, taking into account scale, design and separation distances, it is considered that the application proposals would not result in a cumulative adverse impact on the conservation area when considered together with the approved development of the adjacent site.

(10.4) Impact to residential amenity / living conditions

Paragraph 17 of the NPPF states that one of the overarching planning principles that underpin the planning system is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. In line with this objective, WCS Core Policy 57 states that applications must be accompanied by information to demonstrate how a proposal will make a positive contribution to the character of Wiltshire through meeting a number of criteria including, *inter alia*...

(vii) Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)

In land use terms the residential use is compatible with the adjacent uses. The principal amenity issues to consider are those relating to any overshadowing, overbearing impact on neighbouring properties, whether the proposal would result in harmful level of overlooking and loss of privacy to the occupiers of neighbouring properties, and whether the occupiers of the dwelling itself would have reasonable living conditions. Objections to the proposal (see above) have been received from third parties on a number of grounds.

In respect of the last appeal, the Planning Inspector took into account concerns from neighbouring properties that the proposed extensions would appear over-dominant and cause overlooking but concluded that that such harm to living conditions would not arise. It is considered that taking into account the siting, scale and height of the single storey extensions, there would not be any resultant adverse level of overlooking or overbearing impact to neighbour amenity. The rear extension replace would replace the existing single storey flat roof extension set against the side boundary with No.3 and has no side facing windows. The rear facing windows face into the garden of the application property. The proposed roof lantern in the flat roof and roof light in the rear roof slope to the side extension would not result in any overlooking of adjacent properties. The rear extension is positioned on the side boundary, whereas the rear extension in respect of the previous scheme was set away from the side boundary but slightly deeper. However, it is considered that the visual impact on the outlook from the rear of No.3 would not be significantly different to that of the existing single storey extension to be removed and would not result in over dominant impact.

The proposal would still require some works to the existing bank with provision of new sections of retaining walls. Further information has been submitted regarding tree impact and tree protection (as referred to above) and the local impact on the character and appearance of the CA has been taken into account. Some views would be affected as a result of the proposed tree works but the reduction in the current level screening provided is not considered to unduly harmful to the outlook from neighbouring properties or their living conditions. The proposed height reduction to the group of trees would provide more light to application site and as it has been pruned in the past will require future management. The proposed footprint would result in the loss of some outside space and rear garden but it is not considered that this reduction would unduly harm the living conditions for the occupants of the proposed dwelling.

The private road is particularly narrow and taking into consideration the limited available parking, the construction phase may cause some disruption to neighbour amenity. That said, the disruption would be for a temporary period and as the road is private, any damage that might occur from the construction phase would be a civil matter between interested parties and therefore has little weight to the determination of this planning application. However, a condition to control construction hours would seem reasonable in the interests of amenity.

A third party has also raised the matter of a covenant affecting the site which would affect the proposed garage / car port. The originally proposed car port has been removed from the scheme. However, any such covenant is a separate private / civil matter between relevant parties, rather than a material planning consideration. The grant of planning permission does not override the need for any separate consent required from relevant parties under other civil law or legislation. An Informative can be added to a planning permission regarding the Party Wall Act.

Concern has been expressed about possible conversion to multiple occupancy. Any subsequent change of use to multiple occupancy use may result in an intensification of use of the site and pressure on parking where it is acknowledged that the parking and turning area is restricted and vehicles use a narrow shared access. The description of the application refers to reversion to single dwelling, which is reflected by the submitted plans. However, it would be possible to impose a condition to restrict permitted development rights for changes between Classes C3 (dwellinghouses) and Class C4 (houses in multiple occupancy). A further planning application would then be required for such a change of use and would be assessed on its merits.

It is noted that planning permission has recently been granted for the redevelopment of the adjacent Milford Hill House site (former YHA site) for housing. The impact on amenity / living conditions on No. 4A and 4B and other neighbouring dwellings would have been assessed when that development was considered. When built, these houses will be visible from the site and neighbouring properties. However, taking into account scale, design and separation distances, it is not considered that the proposal would result in any additional harmful impacts in terms of residential amenity and living conditions affecting the site or neighbouring properties.

(10.5) Highways

Criteria (ix) of Core Policy 57 aims to ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible. Based on the originally submitted plans, the Highways Officer recommend refusal on the grounds of inadequate space available for the parking of vehicles in accordance with the Council's parking minimum parking standards and for the turning of vehicles (see full Highway Officer's comments above). However a revised plan has been submitted with vehicle turning indicated and the car port removed from the scheme. The Highways Officer is now content on the basis of the information submitted that the proposed level of parking and vehicle turning facilities would be acceptable, subject the parking and turning area being kept free for those purposes.

Although the last refusal was also on highway grounds, the Planning Inspector stated:

"...In respect Access to the proposed development would be taken from the end of The Crescent. However, although the access road is narrow it should be no more difficult to access or service the proposed development than the existing dwellings in The Crescent. In addition development of the small-scale proposed would be unlikely to significantly increase the volume of traffic using

The Crescent and should have little impact on the efficient operation of the road and its surface condition.....

.....It is concluded that the proposed development would not be detrimental to the free flow of traffic on The Crescent and that satisfactory vehicle accessing and servicing would be provided....”.

The above appeal related to a proposal for a total of three smaller dwelling units / flats. Taking into account the current proposal relates to one, albeit larger, 4 bed dwelling and the Highway Officer's recommendation, it is considered that a refusal on highway ground could not reasonably be sustained in this case, taking into account the sustainable / accessible location of the site

11. CONCLUSION

There are matters of judgement to be made, taking into account local concern and previous appeal decisions. The current application is not the same as previous applications and Officers have concluded that the current proposal would result in a less cramped form of development compared with previous schemes and, on balance, it is considered that it would not be detrimental to the street scene and visual amenities of the locality. It is judged that the character and appearance of the Conservation Area would be preserved, subject to adequate tree protection measures and replacement tree planting. The Highways Officer has raised no objection to the level of parking provision or arrangement on highways safety grounds. The impact on the residential amenities on the neighbouring properties is not considered to be unduly harmful during and after construction. Consequently it is judged that the balance of considerations weighs in favour of the proposal and would accord with Core Policies 57 and 58 of the Wiltshire Core Strategy and the NPPF.

12. RECOMMENDATION

Approve subject to:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development shall be carried out in accordance with the following approved plans and documents:

- Location plan and plans as existing 218023/02
- Site plan, plans and elevations as proposed 218023/03 Revision E
- Parking Plan 218023/04

Unless otherwise specifically required in accordance with the conditions below.

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

(3) The materials to be used in the construction of the external surfaces of the development (extensions) hereby permitted shall match in material, colour and texture those used in the existing building.

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

4) No construction shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

5) No burning of waste or other materials shall take place on the development site during the demolition / construction phase of the development.

REASON: In the interest of amenity of the area.

6) The development shall be undertaken in accordance with the Arboricultural Assessment & Method Statement (Doc Ref. 14340-AA4-CA: Barrel Tree Consultancy) dated 15th January 2019, unless the Local Planning Authority has given its prior written consent to any variation.

The protective fencing should be erected in accordance with BS5837:2012 before any work commences, including demolition or other enabling works. The fencing, or other protection, which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including internal works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction in the interest of maintaining healthy trees and the visual amenity and character of the local area.

7) No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and Further Recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

8) Prior to occupation of the development hereby approved, the parking and turning areas shown on Drawing No. 218023/04 shall be surfaced and drained in accordance with details to be submitted to and agreed in writing by the local planning authority and made available and maintained for such purposes thereafter.

REASON: In order to provide satisfactory parking and turning space e of vehicles within the site and in the interests of highway safety.

9) No development shall commence until details of the external appearance /materials, finish and precise height of the new sections of the retaining wall (shown on drawing 218023/03 Rev E) shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

10) No development shall commence on site until a landscape plan with a scheme of new / replacement tree planting has been submitted to and approved in writing by the Local Planning Authority and shall include the specific number of trees of a size, species and in a location to be agreed in writing with the Local Planning Authority. The trees shall be planted following the first occupation of the development hereby approved building or the completion of the development whichever is the sooner in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428. All trees shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11) The existing property and side extension hereby approved shall be used together as a single household dwelling only and for no other purpose (including any other purpose in Class C3 or Class C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case in the in the interests of amenity.

INFORMATIVES

INFORMATIVE TO APPLICANT: Building Regulations. 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.

INFORMATIVE TO APPLICANT: Party Wall Act. 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.

INFORMATIVE TO APPLICANT: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE TO APPLICANT: Condition 7 (archaeology). The work should be conducted by a suitably experienced and professionally recognised archaeological contractor in accordance with the written scheme of investigation approved by this office and in line with the Standards and Guidance of the Chartered Institute for Archaeologists. There will be a financial implication for the applicant.