

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

Date of Meeting	3 February 2021
Application Number	20/08777/FUL
Site Address	31 The Close Lydiard Millicent SN5 3NJ
Proposal	Proposed detached garage.
Applicant	Mr D Harden
Town/Parish Council	LYDIARD MILLICENT
Electoral Division	Royal Wootton Bassett East
Grid Ref	409617 185854
Type of application	Full Planning
Case Officer	Eleanor Slack

Reason for the application being considered by Committee

The application was called into Committee by Councillor Groom to consider the scale of the development, the visual impact upon the surrounding area, the relationship to adjoining properties, the design – bulk, height and general appearance, the environmental/highway impact including whether it creates a safety hazard and the car parking use.

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:

- Principle of development
- Impact on the character of the area
- Impact on neighbour amenity
- Parking/highways
- Impact on drainage

As a result of the consultation exercise, nine letters of objection were received across two consultation periods. The Parish Council also raised a number of concerns regarding the application.

3. Site Description

The application relates to no. 31 The Close, which is an existing residential dwelling in Lydiard Millicent. Lydiard Millicent is defined by the Wiltshire Core Strategy as a small village which does not have a settlement boundary. The proposed garage would be constructed to the north west of no. 31 on an area which is currently being used as a domestic garden. The site is situated within a contemporary housing development and it is surrounded by residential dwellings on all sides.

The site is at medium risk of ground water flooding and parts of the adjacent highway are at risk of surface water flooding. The site is not subject to any other site-specific constraints.

4. Planning History

N/10/03469/FUL - Erection of Single Storey Rear Extension (approved)

5. The Proposal

The application originally sought permission for the construction of a detached garage measuring 5 metres in height to ridge and 2.6 metres to eaves. It was a double garage measuring 6 metres by 6 metres and it was proposed to construct it in the north western most corner of the plot, adjacent to the boundary line with no. 32. The garage would have been clad in stone to match the surrounding buildings under a composite metal tile roof.

Following concerns raised, revised plans were submitted. The height of the garage was reduced to 4.2 metres to ridge and 2.3 metres to eaves. The proposal was also pulled away from the boundary line with no. 32 and the revised proposal is situated within the north eastern most corner of the site. A revised block plan was provided which clarified the extent of new hardstanding proposed, as well as the orientation of the garage and its access point. Finally, the proposed materials were amended, and the garage would now be constructed of stone cladding with interlocking tiles to match the existing dwelling.

6. Local Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 (Settlement Strategy)

Core Policy 2 (Delivery Strategy)

Core Policy 19 (Royal Wootton Bassett and Cricklade Community Area),

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

Core Policy 60 (Sustainable transport),

Core Policy 62 (Development Impacts on the Transport Network)

Core Policy 64 (Demand management)

Core Policy 67 (Flood Risk)

North Wiltshire Local Plan (2011)

NE18 (Noise and Pollution)

Emerging Lydiard Millicent Neighbourhood Plan

LM1 (Managing Design in Lydiard Millicent)

National Planning Policy Framework 2019:

Sections 2, 4, 9, 12, 14 including paragraphs 8, 11, 12, 38, 47, 48, 109, 127 and 130

7. Summary of consultation responses

Lydiard Millicent Parish Council

Objection raised. The Parish Council considered that the proposed garage constituted over-development in this area. They noted that the building would be very close to the pathway, and they considered that this would restrict visibility for both vehicles and pedestrians.

Highways

Although the Highways Officer initially raised concerns regarding the proposal, following the submission of revised plans confirming the orientation of the proposed garage, the Highways Officer raised no objection to the proposal. They were satisfied that the orientation of the garage as shown on the plans was a satisfactory arrangement and that it would not compromise highway safety or pedestrian safety.

8. Summary of representations received

First consultation period

Five letters of objection were received during the first consultation period. The main points raised were as follows:

- Highway and pedestrian safety concerns.
- The garage would block the view of the footpath and highway for drivers leaving the adjacent driveway and would create a safety hazard.
- The design and materials proposed would be out of keeping with other structures on the estate.
- There are no detached garages within the neighbourhood.
- Loss of light and overshadowing
- Noise and disruption as it is believed that a car lift will be fitted.
- Light pollution
- Due to proximity to the road, its proposed height and depth, the garage would be imposing.

Second consultation period

Four letters of objection were received during the second consultation period. The main points raised were as follows:

- Highway and pedestrian safety concerns.
- The garage would block the view of the footpath and highway for drivers leaving the adjacent driveway and would create a safety hazard.
- There are no detached garages in the area
- The garage would be imposing and would impact the character and appearance of the original dwelling and surrounding area.
- The proposed materials (metal tiles) would not be in-keeping with the surroundings.

9. Publicity

The publicity for the application was by way of neighbour notification letters. A second public consultation took place following the receipt of revised plans and this was advertised by way of neighbour notification letters.

10. 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 (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan 2011 (adopted June 2006).

The policies contained within the Lydiard Millicent Neighbourhood Plan are also material considerations. Although the referendum for the Neighbourhood Plan was due to take place in spring 2020, this was postponed due to the Covid-19 pandemic. However as the plan is at an advanced stage it can be afforded substantial weight in the determination of this application in accordance with paragraph 48 of the National Planning Policy Framework.

Principle of development

The Agent confirmed in writing that the proposed garage would be used to store the Applicant's collection of classic cars. Whilst it was initially proposed to install a car lift within the building, the Agent subsequently confirmed that this was no longer proposed and that a car lift would not be installed.

The construction of a domestic garage within an existing residential garden would not conflict with any of the policies contained within the development plan and is therefore acceptable in principle. However, given the detached nature of the proposed garage it would be reasonable to add a condition to any permission given to control its use and require that it is only used for purposes which are ancillary to the residential use of the host dwelling. This would provide clarity regarding the scope of any permission and would clarify that planning permission would be required to use the garage for any other purpose.

Impact on the character of the area

Core Policy 57 of the Wiltshire Core Strategy requires that development respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass and scale to effectively integrate the building into its setting. It states that development should take account of the characteristics of the site and the local context to deliver development which relates effectively to the character of the area. These requirements are also reflected by policy LM1 of the Neighbourhood Plan which requires that development proposals enhance the distinctiveness of the village.

The original plans sought permission for a garage measuring 6 metres by 6 metres and with an eaves height of 2.6 metres and an overall ridge height of 5 metres. It was proposed to clad the building in stone to match the surrounding built form, under a composite tile metal roof tiles.

Concerns were raised during the public consultation period that by virtue of its design and materials, the proposal was not in-keeping with the character of the area. Following receipt of these comments, revised plans were submitted showing amended materials and a reduction in the overall scale of the garage. The revised plans show that the revised garage would have an eaves height of 2.3 metres and an overall ridge height of 4.2 metres. Stone cladding and interlocking tiles to match the existing dwelling are now proposed.

It is considered that the revised scheme represents a significant improvement, and that the proposal would now be in-keeping with the surrounding built form. Although there is some uniformity in the surrounding built form in terms of design character and materials used there is also significant diversity in terms of plot size, building size, building line and layout. There are some examples of detached garages within the wider area and given the context described above the revised proposal is considered to be in-keeping with the surrounding built form.

The proposed block plan indicates that the existing hedge along the north-eastern boundary would be removed and that replacement landscaping would be implemented. As the block plan is somewhat vague about the replacement landscaping proposed, it would be reasonable to require additional information in this respect by way of condition. This would help to ensure that the proposed development has an appropriate appearance.

Impact on neighbour amenity

Concern was raised during the public consultation period that the proposal would result in overshadowing, that it would cause light pollution and that it would cause noise and disruption. Core Policy 57 of the Wiltshire Core Strategy requires that development should have regard to its impact on the amenity of existing occupants, including the consideration of privacy, overshadowing, vibration and pollution.

With respect to overshadowing, it is noted that the proposed garage would be approximately 3.4 metres away from the boundary line with no. 32, a dwelling which is located to the south west of the site. The block plan indicates that the proposed garage would be approximately 14.2 metres from the main rear elevation of this neighbour, however from the case officer's site visit it is apparent that no. 32 benefits from a single storey extension which has not been shown on the block plan. It is accepted that the proposed garage would be clearly visible

from the surrounding properties, including no. 32, however it does not follow that because the proposal would be visible, that it would also be harmful. In this case, due to the separation distances described above, the scale of the proposed garage and the orientation of the site in relation to no. 32, it is considered that the proposal would not give rise to such significant overshadowing that the application could reasonably be refused and defended at appeal on this basis. Any overshadowing caused would be within an acceptable limit, particularly when considered in light of the relatively dense urban grain in the area within which the site is located.

At its closest point, the proposed garage would be located approximately 12 metres from the neighbours to the north. The proposal would be separated from these neighbours by the highway. Given this context, separation distance and the scale of the proposal, it is considered that any overshadowing would be confined to the adjacent highway and would not significantly affect the neighbours to the north. It is considered that any overshadowing caused to these neighbours would be within an acceptable limit. The proposed garage would not overshadow any other neighbouring property.

It is also important to consider whether the proposal would appear as an overbearing or unneighbourly addition for any of the surrounding occupiers. As outlined above, the proposed garage would be approximately 3.4 metres from the boundary line with no. 32. The closest point of the garage to this boundary line would be its eaves. The garage would measure only 2.3 metres in height to the eaves, and therefore it would only be marginally taller than a standard domestic fence. The apex of the roof would be approximately 6.7 metres from the boundary line with no. 32 and due to these factors, most of the development which would be visible from this neighbour would be the expanse of its roof. Given the separation distances described above, the orientation of the garage and its relatively modest overall height; the proposal would not appear as an overbearing or unneighbourly addition for any of the surrounding neighbours including no. 32. Moreover, given the proposed use of the garage as well as the position of the proposed roof lights, it is considered that the garage would not erode the privacy enjoyed by the neighbouring properties.

Whilst the concerns raised regarding light pollution are appreciated, the plans do not indicate that any external lighting is proposed. However, in order to control this matter, it would be reasonable to apply a condition to restrict the erection of external lighting. It is accepted that the interior of the building may be lit, however this lighting is only likely to be of a domestic intensity and due to the orientation of the proposed garage when the garage doors are open any light would shine out towards the host dwelling rather than towards the surrounding neighbours.

As outlined above, the Applicant intends to store their classic cars within the garage. The use of the proposed building for this purpose is not likely to involve a significant degree or noise or disturbance for the neighbouring properties.

Due to the nature and scale of the proposal, the construction phase is not likely to be particularly noisy or lengthy and it would not therefore be reasonable to require the submission of a construction method statement or a construction and environmental plan. However, an informative can be added to recommend that the applicant adhere to the UK Constructors Group Good Neighbour Site Guide during the construction of the development

Parking/highways

Concerns were raised during the public consultation period that the proposal could cause harm to both highway and pedestrian safety. It was felt that the garage would block the view of the footpath and highway for drivers leaving the adjacent driveway, which would create a safety hazard.

The Highways Officer reviewed the proposal and raised no objection following scheme revisions. They advised that the visibility along the frontage of the proposal site would be adequate and that there would be sufficient space for turning. They acknowledged the presence of the adjacent private access and were satisfied that the garage would be set back a sufficient distance so that a minimum standard (manual for streets) of 2 metres by 2 metres pedestrian visibility could be achieved to either side of the access along The Close. They advised that when compared to the existing arrangement and given that the existing hedge would be removed, users of this adjacent access would see an improvement in visibility. On this basis the proposal is considered to be acceptable.

Impact on drainage

Although the application has not been accompanied by any drainage details, any necessary drainage provision will be addressed through approval of Building Regulations. Given the relatively low level of flood risk on the site it would not be reasonable or necessary to require the submission of additional information in this respect in support of the application.

11. Conclusion (The Planning Balance)

The development is acceptable on its planning merits. The proposal is acceptable in principle given its compliance with current planning policy including Core Policies 57, 60, 62, 64 and 67 of the Wiltshire Core Strategy in addition to policy LM1 of the emerging Neighbourhood Plan. The proposal would be in-keeping with the character and appearance of the locality and its appearance can be appropriately controlled by condition. The proposal would not cause any harm to the amenity enjoyed by neighbouring properties and it would have an acceptable impact upon highway and pedestrian safety. As such it is recommended that planning permission be granted subject to the following conditions.

RECOMMENDATION: grant permission subject to the following conditions:

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

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

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

Site location plan

Received 09/10/2020

2079.1 Rev C - Proposed floor plans and elevations

Proposed Block plan

Received 22/12/2020

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

- 3 The garage hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as 31 The Close and it shall remain within the same planning unit as the main dwelling.

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

- 4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - means of enclosure;
 - all hard and soft surfacing materials;

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.

- 5 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 6 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.

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.

8 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.

9 INFORMATIVE TO APPLICANT:

The Council recommends that the applicant notes and implements the recommendations of the UK Constructors Group Good Neighbour Site Guide during the construction of the development hereby approved.

10 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.