

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	19 January 2022
Application Reference	PL/2021/08361
Site Address	72 HIGH STREET, HEYTESBURY, WARMINSTER
Proposal (Use Class C3)	Change of use of existing annex to a standalone residential dwelling
Applicant	Mr and Mrs D Stewart
Town / Parish Council	Heytesbury Imber & Knook Parish Council
Electoral Division	Wylve Valley – Cllr Christopher Newbury
Grid Ref	392865 - 142524
Type of Application	Full Planning Application
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Christopher Newbury requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to approve planning permission for the proposed development and cited the following determinative matter:

‘To have regard to the particular circumstances advanced by the applicant in support of the development as approved.’

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.

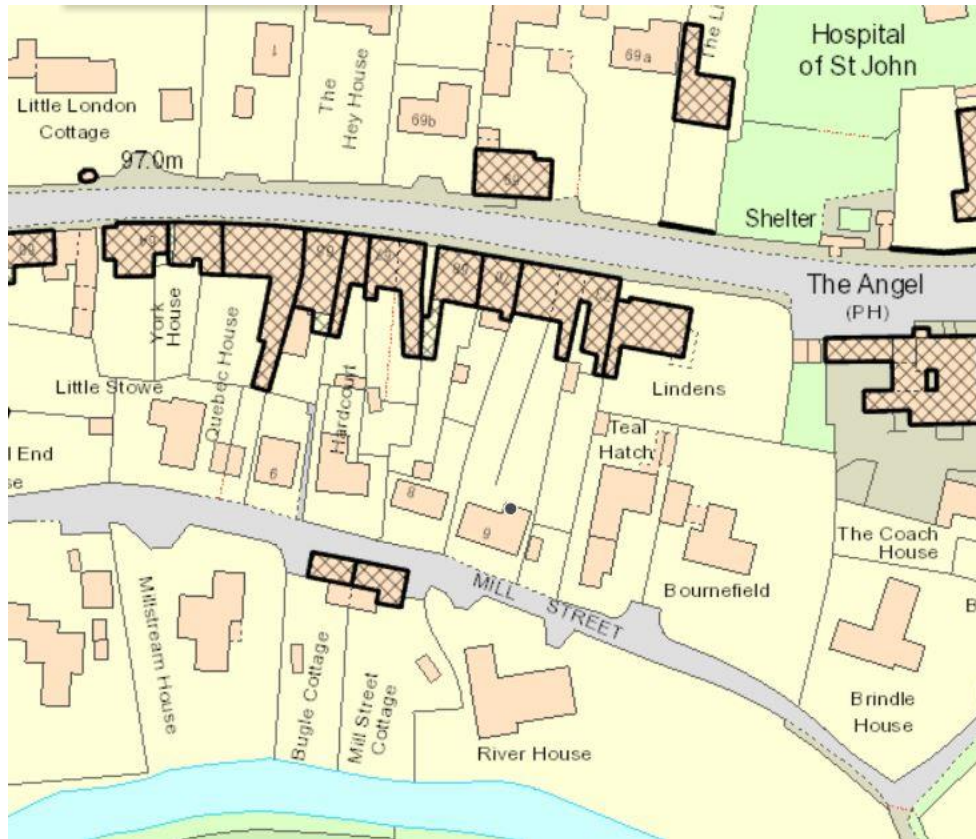
2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on heritage assets
- Impact on the amenity of neighbouring residents
- Highways/parking issues
- Drainage issues
- Other issues

3. Site Description

This application relates to an existing annex outbuilding that is located off Mill Street and is associated to and at the rear of No. 72 High Street, located within the village settlement limits of Heytesbury and within the Conservation Area. No. 72 High Street is a grade II listed building and as the following insert reveals, there are a number of listed buildings along the High Street as well as Mill Street Cottage and Bugle Cottage to the southwest, which are located along Mill Street.



Adjacent listed buildings shown as being hatched above.

The existing annex provides split level accommodation comprising an open plan kitchen, living and dining area, a study and WC on the upper ground floor with a timber decking leading to the shared garden. The lower ground floor comprises a shower room, bedroom and garage/store and a lobby. The floor area of the unit amounts to 87.6 sq. metres. Off road parking is provided directly to the south of the annex as shown below.



Existing front (south elevation)



Existing rear (north elevation)



Arial photo of the application site

4. Planning History

20/03333/VAR – Removal of Conditions 2, 3, 4, 5, 6, 7, 8 and variation of Condition 9 of 16/09923/FUL, to refer to changes to materials and design – Approved

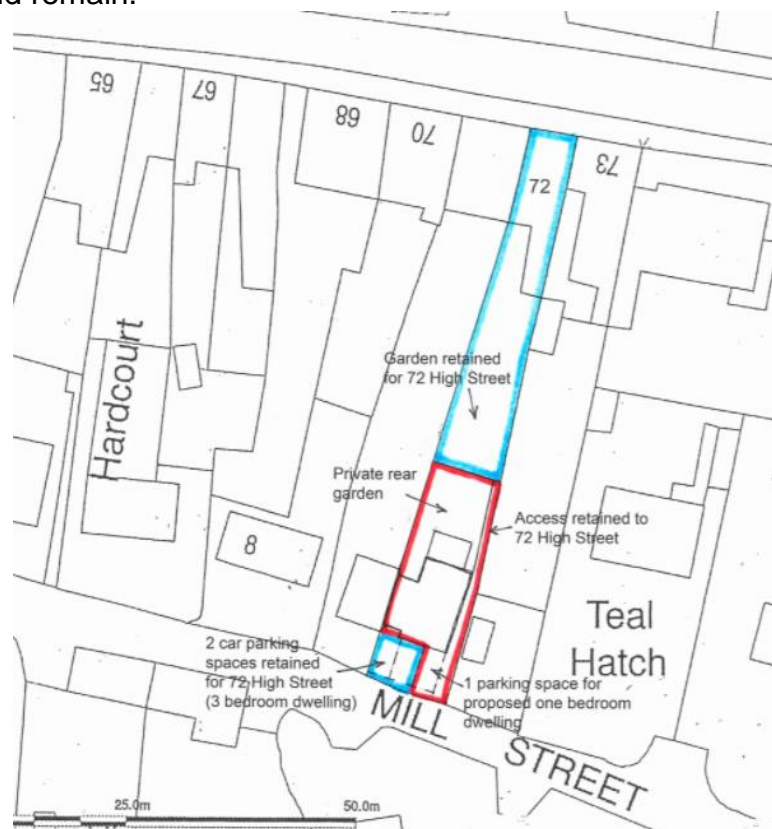
18/00952/ENF – Alleged not according to approved plans (16/09923/FUL) and unauthorised change of use – Case closed

16/09923/FUL – Demolition of existing garage and construction of a replacement garage with studio/annexe over (revised application (16/00188/FUL) – Approved

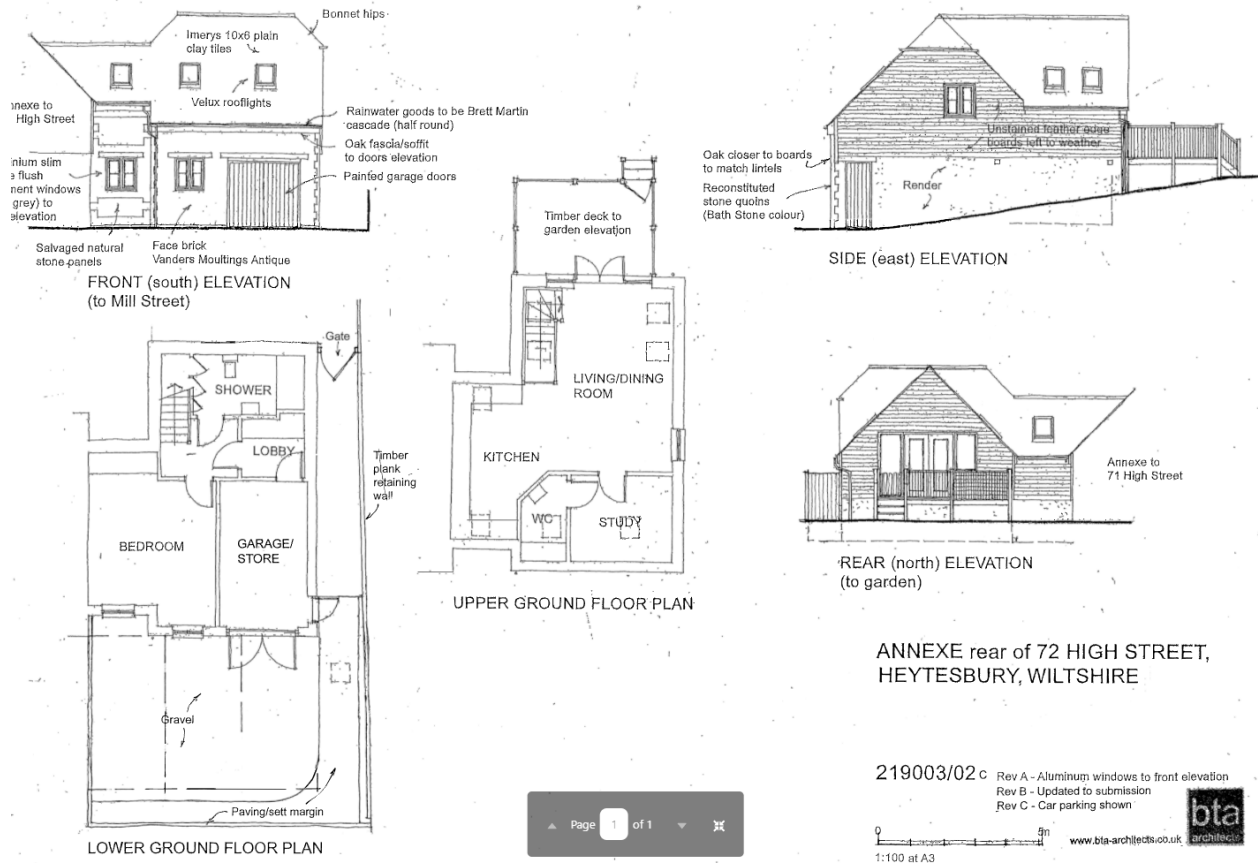
16/00188/FUL – Demolition of existing garage and construction of a replacement garage with studio/annex over – Refused

5. The Proposal

This is full application seeking permission for the change of use of an existing annex to become a separate residential dwelling. No internal or external alterations to the building are proposed. The building is as approved under application 20/03333/VAR. Three parking spaces are provided directly to the south of the property with access off Mill Street. One space would be allocated to the proposed new dwelling whilst 2 spaces would remain for the use by the residents of No. 72. The proposal allocates garden/amenity space to the north and to the rear of No. 72 High Street as shown below. The existing pedestrian access to the rear of No. 72 from Mill Street that is located to the east side of the annex would remain.



The proposed site with parking, amenity space and access



As Built / Approved Plans and Elevations

6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy – Warminster Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring conservation of the historic environment; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 64: Demand Management; Core Policy 67: Flood risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) U1a - Foul Water Disposal

National Planning Policy Framework 2021 (The Framework) and Planning Practice Guidance (PPG)

Wiltshire Council's Local Transport Plan and Car Parking Strategy 2011- 2026 Sections, 16, 66 and 72 of the Planning (Listed building and Conservation Area) Act 1990

7. Summary of consultation responses

Heytesbury, Imber & Knook Parish Council: Objects based on the following:

The Parish Council object to the change of use on the basis that the original condition of planning permission agreed in December 2016 stated that:

"The garage with studio/annex hereby permitted shall remain as permanent ancillary accommodation to the principal dwelling 72 High Street Heytesbury, and shall be occupied by the same household, it shall not be sub divided, let or sold as separate accommodation". (condition 10 refers)

The Parish Council believe that condition 10 of the planning permission should continue to be observed.

Wiltshire Council Highways Officer: No objection subject to a condition. No highway objection was raised to the studio annexe (under application 16/09923/FUL) with the creation of 3 car parking spaces. This proposal comes forward with no alteration to car parking, with the 3 spaces remaining on site, one for the proposed unit and two for 72 High Street. There is no highway objection subject to a condition securing the parking provision in perpetuity

Wiltshire Council Conservation Officer: No objection. The site is to the rear of a listed cottage located in a roadside position at the centre of the village and conservation area. The proposals relate to a recently constructed garage/annexe at the far end of the plot which fronts the rear lane, Mill Lane.

The NPPF defines significance as the *"value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting"*.

Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place. In this case the significance of the building lies largely with its historic fabric and architecture - its form, layout and use of materials which have significant aesthetic value and stand as a good example of a terraced cottage within a village location.

The proposal is for a change of use of an existing approved annex with no proposed external alterations. The current parking and access arrangement to the listed property would be maintained, and the existing property would retain a substantial rear garden. The annex fronts onto a separate street and is accessed and served entirely independently from the listed building – and as a result, the proposal would have no additional impact on either the setting of the listed building or the conservation area.

Summary & Conclusion: There would be no additional impact on the heritage assets. The requirements of current conservation legislation, policy and guidance would be entirely satisfied and there is therefore no objection to the approval of the application from the viewpoint of the historic built environment.

8. Publicity

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the site. As a result, the following comments were received from 6 third parties:

- Conditions were not properly discharged on the previous application and criticisms expressed about lack of enforcement action.
- No checks by the planning authorities were made either during or after construction.
- The annex was quickly turned into a dwelling with its own new address clearly displayed on its frontage resulting in a clear breach of planning control
- Mill Street is a very narrow lane servicing both the main frontage of houses and also back access and it is not feasible to have another permanent residence in it with parking for up to 3 cars
- The annex should not be subdivided, let or sold as separate accommodation
- There are flooding issues
- Congestion along Mill Street/unacceptable increase in traffic
- The premises have been in full residential use since 2018
- There are fire regulation issues
- There is insufficient space to park 3 cars,
- The access/egress driveway is inappropriate given the width of Mill Street
- There are surface water drainage issues
- The bin storage area is shared with No. 72
- The building can be seen from Mill Street
- Pedestrian access to No. 72 would be via rear garden of No. 73
- Shared water supply /septic tank concerns
- The property cannot be expected to accommodate up to 6 residents
- Lack of heritage details to support the application
- The garage facility is too small for a car
- Servicing/access issues regarding oil tank to rear of No. 72
- The lack of a 5-year housing supply is not relevant
- Poor positioning and display of the site notice

9. Planning Considerations

9.1 The 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. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS form the relevant development plan for the area.

The application site is located within the designated large village of Heystebury. Core Policy 2 sets out the delivery strategy for the Council and advises that within the limits of

development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Furthermore, it sets out that within Large Villages, a limited level of additional residential development will be supported by the adopted Wiltshire Core Strategy (WCS) in terms of suitable windfall proposals and for up to 10 houses on small sites.

In addition to the above, it is also necessary to be mindful that the Council cannot at the present time, demonstrate a 5-year housing land supply, and until this predicament is resolved, full weight cannot be afforded to the policies enshrined within the WCS (or the WWDP) that seek to restrict residential development.

This proposal is fully supported by officers to be used as a single dwelling and is supported by policy. However other policies set within the WCS require to be appraised, which is completed within the following sections.

9.2 Impact on Heritage Assets

NPPF paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The Planning (Listed Building and Conservation Areas) Act 1990. Section 66 requires that special regard be given to the desirability of preserving listed buildings and their settings. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance*". The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments, noting that this should respond to the value of the historic environment by relating positively to the "*existing pattern of development*".

The site is located within the Heytesbury Conservation Area and No. 72 High Street, is a grade II listed building, and as noted at the start of this report, officers are appreciative of the fact that there are numerous nearby listed buildings. However, in this case, there are no external alterations proposed and in recognition that the existing building benefits from planning permission, there are no reasonable or substantive heritage-based grounds to refuse this application.

Mill Street is a narrow road that runs parallel with High Street and the built form/character of Mill Street is set by a mix of single and two storey detached, semi-detached and terraced properties. Sitting next to these properties, along the northern side of Mill Street, are garages associated with properties fronting High Street. The proposed development

is for the change of use of an annex dwelling to a separate residential dwelling (without alteration) and there can be no reasoned opposition now to the impact the building has on the street scene or special protected character of the immediate area.



Photo of Mill Street looking north towards listed cottages on left

The NPPF defines significance as the “*value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.*”

Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place. In this case the significance of the building lies largely with its historic fabric and architecture - its form, layout and use of materials which have significant aesthetic value and stand as a good example of a terraced cottage within a village location. The proposal is for the change of use of the existing approved annex. There would be no internal or external alterations to the building. The current parking and access arrangement to the listed property would be maintained, as would a large part of its rear garden. The annex fronts onto a separate street and is accessed and served entirely independently from the listed building, and as a result, the proposal would have no additional impact on either the setting of the listed building or the Conservation Area.

It is therefore considered there would be no additional impact on the Conservation Area or adjacent listed buildings including the host property at No. 72 and the development would cause no harm to the heritage assets.

The proposed development therefore complies with Core Policies 57 and 58 of the WCS and the advice contained within the Framework.

9.3 Impact on the Amenity of Neighbouring Residents

Core Policy 57 of the WCS requires development to have 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.

The subject property is located within a residential area with extant permission for vehicular access off Mill Street. The proposed change of use proposes no alterations either internally or externally. As such, whether the building is used as an annexe or standalone dwelling, it would have no substantive adverse impacts on neighbouring residents in terms of loss of light or overshadowing, loss of privacy or overlooking – over and above what already exists.

Adequate off road parking space would be retained for the subject building and No.72 High Street. The use of the parking spaces would not result in substantive harm to adjacent residents. Officers raise no concern about the proposed amenity/garden space provision for future occupiers of the converted annexe and the garden that would remain for No.72 High Street.

The proposed development therefore complies with Core Policy 57 of the WCS and the NPPF.

9.4 Highways/Parking Issues

Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 111 furthermore states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Core Policy 64 of the WCS sets out to manage the demand for parking and sets residential parking standards based on minimum parking standards.

The current 3 off road parking spaces were approved under application 20/03333/VAR. The property has an integral garage however it does not comply with the size standards required to count as a vehicle parking space. However, the proposed one-bedroom dwelling would have access to one off road parking space while the remaining dwelling would have access to 2 of road parking spaces. It is noted the host dwelling has 4 bedrooms therefore the dwelling should ideally have access to 3 off road parking spaces in order to comply with current council standards. However, in this case, it is considered a shortfall of one-off road parking space would not lead to such high levels of harm to highway safety as to warrant a recommendation for refusal.

It is recognised that Mill Street is a narrow road where two-way traffic is difficult in parts however the number vehicle movements associated with use of the site as a single residential dwelling, would not be any greater than its use as annex accommodation and

would be limited in any case. As such it is considered the scheme would not result in additional harmful impacts to highway safety.

9.5 Drainage Matters

The change of use would not impact existing drainage arrangements which were originally dealt with under application 16/09923/FUL when the annex/garage was first approved.

9.6 Other Issues

Several representations have commented on the planning enforcement processes followed in the past for this site. In response to the reported criticisms, it is important to stress that in accordance with the Council's adopted planning enforcement protocols and best practice, enforcement related complaints are held as confidential. The planning enforcement officer did respond to raised complaints about planning breaches in the past and these were investigated and resulted in a revised variation application which is duly cited within this report.

There are no outstanding planning enforcement matters that require officer consideration or reporting for the purposes of this application.

In response to other matters raised, there is sufficient space at the front of the property to store bins without compromising highway safety. There are no known fire safety regulation concerns to report. Access to services such as water/electricity whether shared or not is not a material planning concern.

RECOMMENDATION: APPROVE: subject to 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 and block plan scale 1:1250 and 1:500
Plans and elevations scale 1:100 drg no. 219003/02c

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

3. The parking spaces shown on the approved plans (Site Block Plan) shall be maintained for parking purposes only thereafter.

REASON: In the interests of highway safety.

Informatives

1. 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/communityinfrastructuralevy