

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

Date of Meeting	2 nd February 2022
Application Number	PL/2021/05198
Site Address	Key View Stoke Common Lane Purton Stoke SN5 4JG
Proposal	Extension to side and rear with link building to garage and conversion of garage
Applicant	Mr & Mrs Atherton-Ham
Town/Parish Council	PURTON
Electoral Division	Councillor Ms. Jacqui Lay
Grid Ref	683,678
Type of application	Householder Planning
Case Officer	Hilary Baldwin

Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Jacqui Lay at the to consider concerns in relation to consideration of overbearing size in relation to adjacent properties, impact upon street scene and parking and compatibility with Wiltshire Core Policy 57 subsections i, iii, iv and vii, among others.

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 main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of nearby listed buildings
- Impact on the character, appearance, visual amenity of the locality
- Impact on the residential amenity
- Impact on Highway safety

Purton Parish Council objects to the proposals on the grounds of overdevelopment, loss of privacy for neighbouring properties, change to street scene and loss of parking

7 representations from members of the public were received all of which were objections.

3. Site Description

The application relates to a detached, brick built, two-storey dwelling located on the northern side of the highway known as Common Lane which runs through the settlement of Purton Stoke. The site benefits from highway access from Common Lane and there is an existing double garage within the front amenity space, with the side elevation of that structure forming part of front boundary wall. There is a large private rear garden which has an open outlook to fields at the rear and the dwelling is not overlooked.

Purton Stoke is designated as a Smaller Village within the Local Plan with no settlement boundary. There is an eclectic mix of dwellings within the village ranging from terraced cottages, which front directly onto the highway to larger, more spacious properties with frontage parking and detached garages.

There is no designated Conservation Area but there are listed buildings to the east of the site and both sides of the highway.

4. Planning History

The planning history of the site reveals that in 2012, permission was granted for a rear elevation conservatory and that the garage, subject of this proposal was already constructed.

N/12/03967/FUL – Erection of Conservatory
Approved with Conditions

5. The Proposal

The proposal comprises various works to enlarge the property by way of rear elevation extensions, a covered link to the garage structure from the kitchen and to convert the garage into a dining room. The roof above the front elevation porch would be revised to a gable end and a clock tower details is proposed above the former garage.

The existing property has an “L” shaped footprint, which a glazed conservatory located on the inner angle of the rear elevation. It is proposed to remove the conservatory and erect a two-storey extension to infill this area with a further single storey, flat roof extension spanning the width of the dwelling. The two-storey element would have a ridge roof profile to match the existing rear projection, whilst the single storey element would have a flat roof and glazed roof lanterns.

During the course of the application, revised drawings were received in relation to concerns raised with the garage building and its link, and the location and height of side and rear elevation windows. This assessment and recommendation is based upon those plans.

In terms of fenestration, the covered walkway and converted garage would have glazed walling opening inwards to the front amenity space. The two-storey extension on its western side would have high level, opaque windows at first floor level and the proposed new windows on the existing eastern side would also have two new high level, opaque glazed openings. At ground floor level, two sets of patio style doors are proposed within the two-storey element, with a further set in the single storey element. Glazed bi-fold doors are proposed to the rear elevation of the single storey projection.

The enlarged bedrooms at first floor level would have glazed openings with Juliet style balcony railings.

It is proposed to utilize the former garage and proposed link as a dining room and store/cellar area with a wood burning stove and associated external chimney on the eastern end of the structure.

The proposal would enlarge the habitable accommodation of the property but retain the number of bedrooms at four. Elevational materials are proposed in the form of render, brickwork and uPVC fenestration.

Off-street parking for up to three vehicles would be retained within the front amenity space.

6. Planning Policy

National Planning Policy Framework 2021

Paragraph 11 – Presumption in favour of sustainable development
Paragraph 130 - Function and form of Development
Para 195, 197 - Proposals affecting heritage assets

Section 16 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1: Settlement strategy
Core Policy 2: Delivery strategy
Core Policy 19: Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 62 - Development impacts on the transport network

Wiltshire Housing Site Allocation Plan (WHSAP) (Adopted 25 February 2020)

The Plan allocates sites for housing development to support the WCS and provides for updated settlement boundaries.

Wiltshire Local Transport Plan 2011-2026

Purton Neighbourhood Plan – Made November 2018

Chapter 3 – Vision; to protect the distinct character and identity of history rural settlements of both Purton and Purton Stoke

7. Summary of consultation responses

Purton Parish Town Council: OBJECT

to the application due to a number of reasons which can be summarised as follows:-

- Over development
- Loss of privacy for neighbouring properties
- Change the street scene
- Loss of Parking

Wiltshire Council Highways officer:

No objection. The revised plans indicate 3 parking spaces which meet minimum standards. Stoke Common Lane is an unclassified part of the highway network, therefore will not insist demonstration of turning and satisfied that adequate parking is provided.

8. Publicity

The application was originally advertised by neighbour letters and Parish council notification. Revised plans were subsequently received and re-consultation undertaken by way of further neighbour letters, Parish Council notification and Highway consultation. This generated 7 letters of objection and no letters of support. A summary of the representations based upon the revised scheme is set out below:

Main reasons for Objection

Overdevelopment. Mass and volume of existing large dwelling would overwhelm adjacent cottages. Detrimental to street scene. Overdevelopment of already large property. Would set a precedent for other development up to the highway.

Street Scene Impact. Clocktower detrimental to village street scene. Rendered elevations would be out of character. Mismatched brickwork to front and public realm. Over development fronting public realm. Overspill of noise from proposed dining room. Cellar roof out of keeping and mismatched dining room roof.

Neighbour Impact. The site is higher than adjacent properties and would result in detrimental neighbour impact by way of overbearance. Loss of outlook. Loss of privacy by way of side elevation windows. Loss of privacy by way of glazed walling to front garden link. Noise impact from frontage dining room.

Parking. Glazed elevations to former garage would result in garden/courtyard and not parking. Street parking is already an issue. No visitor parking. Loss of garage parking. Danger to pedestrians navigating frontage parking. Result in on-street parking to detriment of village.

9. Planning Considerations

This proposal has been subject of revised plans following concerns raised by neighbouring occupiers and the Parish Council in relation to loss of privacy by way of proposed window location, overbearing impact by way of the height of the glazed link and parking provision.

Policy and principle of development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory

development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); The WHSAP, (adopted February 2020) and the Purton Neighbourhood Plan (Made November 2018).

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in determining planning applications affecting a Listed Building to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Core policy 1 defines the settlement hierarchy in Wiltshire supporting the strategy for development and identifies smaller villages such as Purton Stoke to have a limited range of employment services and facilities. Development in such places will be limited to that need to help meet housing needs.

Core Policy 2 of the WCS states that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development. It advises that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan.

CP19 of the WCS states that development in the Royal Wootton Bassett and Cricklade Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The extension of existing properties is acceptable in principle under these policies and the development strategy of the plan subject to site specific impact considerations. Such matters are addressed further below.

Impact on the Nearby Heritage Asset (Listed Buildings)

Paragraphs 195-197 of the NPPF, advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that the local planning authority should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and;
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

In this case, the proposed development for extensions used in conjunction with the residential use of the site is considered to result in neutral impact to the identified heritage assets, which are nearby listed buildings located to the east of the site along Stoke Common Lane. The property itself is not listed and has been altered over time. There is an intervening residential property on the northern side of the highway and to the south, visual separation by way of the highway.

Core Policies 57 & 58 require that development should protect, preserve and where possible enhance heritage assets.

In this instance, the degree of separation between the two sites and the limited degree of development within the front amenity space is considered to result in a neutral impact and no harm would arise to the setting and significance of the aforementioned assets and the

proposals are therefore in compliance with WCS core policies CP57 and CP58 and the guidance and provisions as contained with the NPPF at paragraph 197.

Impact on the Character and Appearance of the Area.

Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

The Purton Neighbourhood Plan at Chapter 3: Paragraph 3.1 states that the vision and objectives of the plan are to protect the distinct character and identity of the historic rural settlement or both Purton and Purton Stoke.

The site already benefits from a large, two-storey dwelling which spans most of the width of the site. A detached double garage sits within the front amenity space and already forms part of the frontage boundary wall with the public realm. The dwelling is set back within the site and there are boundary fences to the sides of the front amenity space.

The works can be viewed in two parts, the works to the front of the property, which include the garage, the brick and glazed link and works to the porch; and those to the rear which comprise a two-storey and further single-storey extension and additional fenestration in the existing property.

In terms of the visual impact upon the street scene, the site already contains a large dwelling and detached garage located on the boundary. In this respect, the principle of a large outbuilding in this location has already been accepted. The additional work for the brick and glazed link, are considered to be subservient to that existing structure and only seen in conjunction with that structure. The link would be viewed from west from outside of the adjacent property to the west due to the siting of the adjacent property, itself close to the highway boundary, and only glimpses from the east, due to the location of the existing garage and backdrop of the side elevation of the adjacent dwelling. This is also considered to be similar for the revisions to the porch roof. Whilst the proposed clock tower and chimney would be viewed within the public realm, these are considered minor features that do not result in significant harm and so are not considered a reason for refusal in this instance.

The extensions to the rear would only be viewed from the adjacent dwellings with very limited impact upon the public realm. There are no public rights of way to the rear of the site and the site opens onto open agricultural land.

Concern has been raised by neighbours and the Parish Council in relation to visual impact of the development within the public realm and street scene. However, in this instance, the impact on the character and appearance of the site, the street scene, public realm and visual amenity of the locality would not be so significantly harmful such that consent ought to be refused on this basis. It is noted that the Parish Council has made no reference to the Made Neighbourhood Plan.

Therefore, the proposal on this basis is not considered to have a significantly adverse impact on the character appearance, visual amenity and openness of this part of the small village of Purton Stoke and is in accordance with WCS Core Policies 57 and guidance and principles of the NPPF, in particular paragraphs 11 and 130; and the vision and principles of the Purton Neighbourhood Plan.

Impact upon the residential amenity

Paragraph 130 of the Framework (July 2021) and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants.

During the course of the proposal, concern was raised from neighbouring occupiers and the Parish Council in relation to loss of privacy from ground and first floor fenestration, bulk scale and massing and overbearing impact, particularly in relation to the brick and glass link and the projections to the rear and the proposed ground floor windows to the eastern side elevation. Revised plans were received which have revised the height of the brick and glazed link, proposes high level and opaque glazed openings to the ground floor eastern elevation and high level, opaque glazed windows to the proposed western elevation. These revisions were subject to further consultation and the objections still maintained.

However, the revisions are considered to have overcome the concerns in relation to overlooking and loss of privacy and the revised designs can be secured by way of a planning condition appended to any grant of permission.

It is noted that the properties to the west of the site are small and sited close to the highway. Whilst the garden to the directly adjacent property (No 13) is small and the garden to No 14 wraps around the rear of it, the garden at No 13, which is directly adjacent to the site, has a garage and further outbuildings long its eastern side and on the common boundary with the application site. There are no windows on the eastern side of that property and the private driveway adjacent to the common boundary leads to the garage only.

The proposed windows within the eastern elevation of the original section of the ground floor would be adjacent to the common boundary with the private rear amenity space of the adjacent dwelling to the east known as Sutherlea. The revised plans have revised the height of these windows and it is stated that they would be opaque glazed. A condition to secure this design can be attached to any grant of permission and is considered appropriate and necessary in this instance to secure the privacy of adjacent occupiers.

Concern was raised in relation to the extent of the two and single-storey extension to the rear of the dwelling in terms of bulk, scale and overbearing impact by adjacent occupiers. However, whilst considered a large addition, the location of outbuildings adjacent to the common boundary within the garden of the adjacent dwelling at No13, and the distance between the private section of that garden and the proposed development mitigate impacts such that the proposed development is not considered so overbearing as to justify a reason for refusal in this instance. Furthermore, the garden of the adjacent dwelling to the east at Sutherlea, is significantly larger and only the single storey projection would be visible. Again, this element is not considered to result in loss of outlook, overshadowing or overbearing impact to such a degree as to justify a reason for refusal.

Concern has also been raised in relation to the use of the garage as a dining room and the potential for noise impact and nuisance. However, there is a degree of separation between the garage structure and adjacent properties which are themselves close to the highway and other properties. Furthermore, the solid brick boundary wall between the site and the driveway between No13 would provide a noise barrier. Additional noise nuisance would be subject other legislation beyond the scope of planning legislation but in any event, it is not considered that the additional residential accommodation and use would result in such additional noise generation over and above the existing approved situation such that consent ought to be refused on this basis.

Access, Parking and Highways safety

Representations received and the Parish Council have raised concerns regarding the parking provision within the site. The revised plans have demonstrated to the satisfaction of

the Council's Highway Engineers that the parking provision is suitable for the size of the dwelling. Whilst representations received have commented on the provision of parking for visitors, this is not a provision that is required for individual residential extensions. The proposal does not increase the number of bedrooms and the Highway Engineer is satisfied that additional parking is not necessary.

Furthermore, comments have been received in relation to on-street highway parking. Again, the Council's Highway Engineers have assessed this element and have reported that Stoke Common Lane is an unclassified highway and that there is no requirement to demonstrate turning provision within the site.

As such the application and parking proposals were fully assessed and considered acceptable by the Council's Highways Officers in the context of the site circumstances. It is not considered that there is a sound and defensible basis for refusal in this regard. In addition, no objection is raised to this proposal by Highways Officers.

10. Conclusion (The Planning Balance)

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.

The proposal is set within a residential part of this designated small village and from the public realm the character is one of an eclectic mix of built form, with a variety of sizes of properties, architectural styles and elevational materials. Whilst there are listed buildings within the vicinity of the site, the degree of separation is not considered to result in harm to these heritage assets. The revised plans, which this report is based upon, are considered to have overcome previous concerns with regard to loss of privacy, overbearing impact and domestic parking requirements.

Regarding impact to the highway network and parking provision, the Council's Highways officers have not raised any objection with regard to impact upon this undesignated highway and have concurred that parking levels are suitable for this four-bedroom dwelling.

As such it is considered that the proposal is acceptable in planning terms and in accordance with the provisions of WCS CP1, CP2, CP19, CP57 (i), (iii) (iv) and (vii) & CP58 of the WCS; Chapter 3, paragraph 3.1 of the Purton Neighbourhood Plan and para 11, 130, section 16 of the Framework; and in addition section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990.

11. Recommendation

That planning permission be GRANTED 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:

- 01 Location and Block Plan. Received on 02 August 2021
- 02 Existing Floor Plans. Received on 17 May 2021
- 03 Existing Elevations. Received on 17 May 2021
- 04 Existing Garage. Received on 17 May 2021
- 05 Proposed Ground Floor Plan. Received on 05 August 2021
- 06 Proposed First Floor Plan. Received on 02 August 2021
- 07 Proposed Elevations. Received on 05 August 2021
- 07 Proposed Garage Plan and Elevations. Received on 02 August 2021

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 hereby permitted shall be as stated on the approved plans and application form.

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

Informative's

CIL 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.

WP6 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.

WP13 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.

WP18 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.