

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	16 February 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	Wylde 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

This application was deferred at the 19 January 2022 Western Area Planning Committee to enable Councillors to attend a site visit and to assess the application proposal thereafter. Councillor Christopher Newbury requested that this application be called-in for the elected members 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.

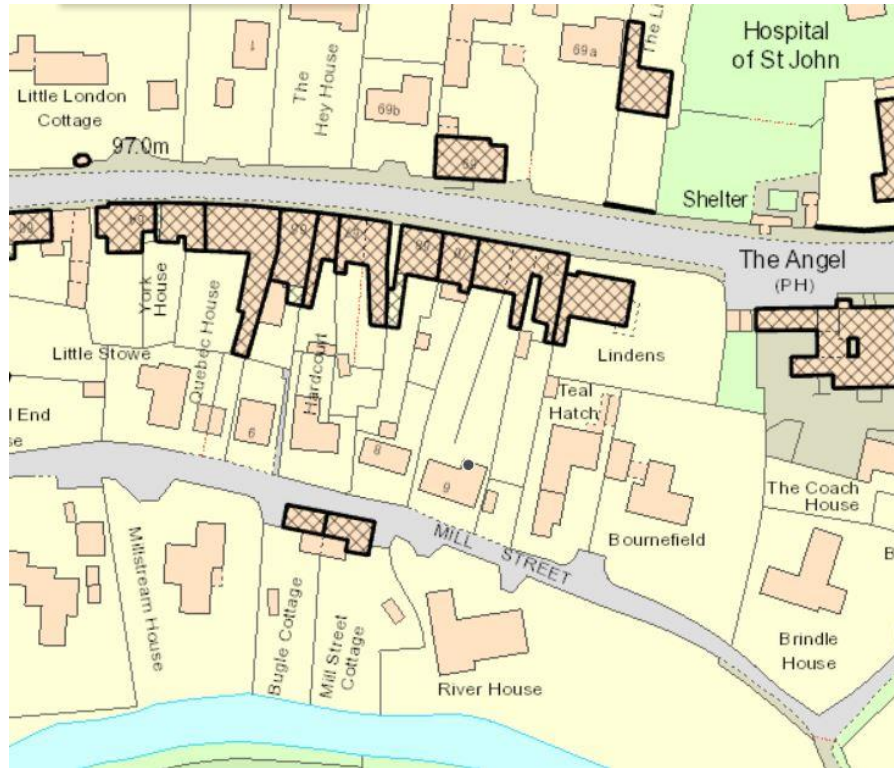
2. Report Summary

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 with and located to the rear of No. 72 High Street. The site is located within the village settlement limits of Heytesbury and within the Conservation Area. No. 72 High Street is a grade II listed 3-bedroom dwelling 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)



Aerial 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

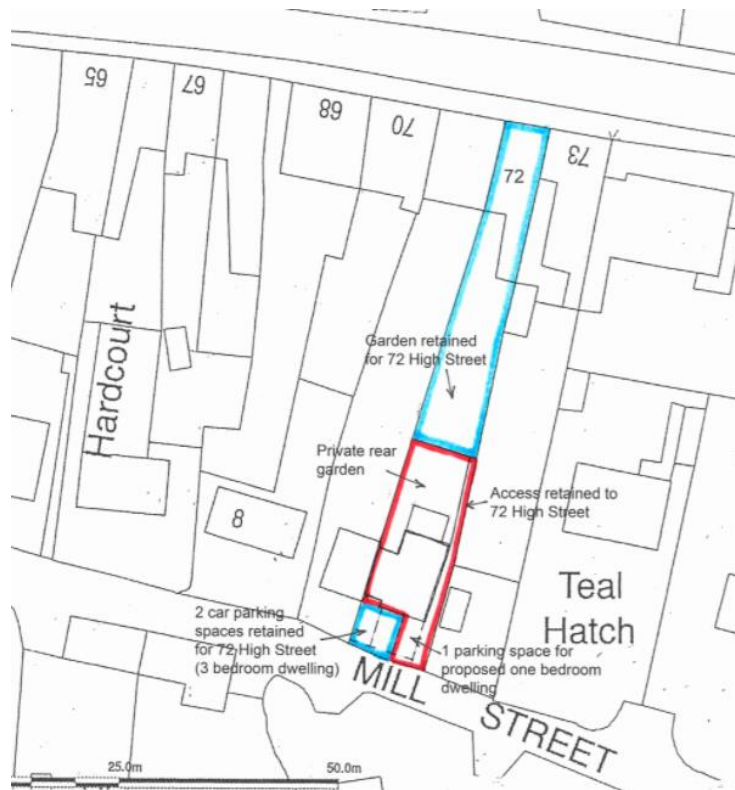
18/00952/ENF – Alleged not according to approved plans (16/09923/FUL) and unauthorised change of use – Case closed

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

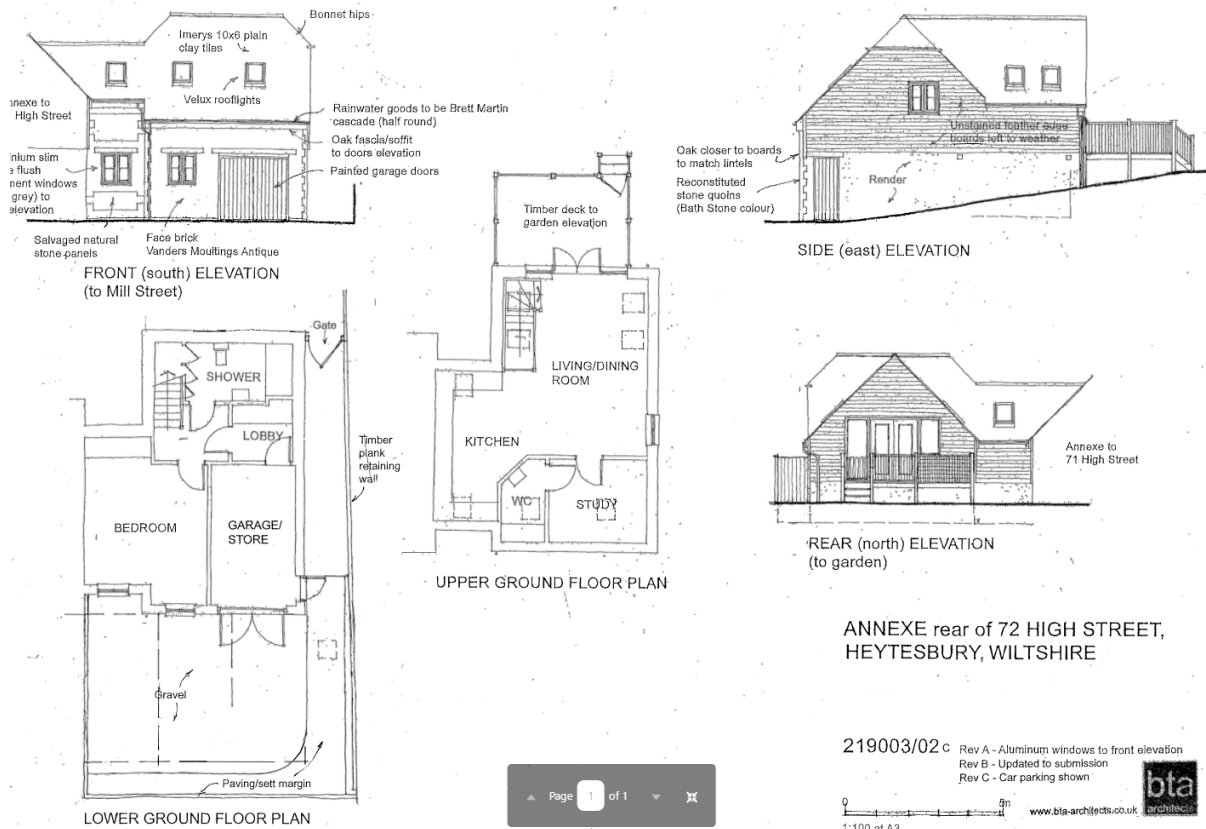
16/00188/FUL – Demolition of existing garage and construction of a replacement garage with studio/annexe over – Refused

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 is located to the east side of the annex and would remain.



The proposed site with parking, amenity space and access



As Built / Approved Plans and Elevations

Based on the submitted annex plan as built (drg no. 219003/02c (above)), the existing garage/store measures 4.6 metres by 2.6 metres while each of the three off road parking spaces measures 2.4 metres by 4.8 metres. Three cars can be seen parked on site as demonstrated in the following photograph –



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 – in particular section 7 'Parking Standards'

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

Sections, 16, 66 and 72 of the Planning (Listed building and Conservation Area) Act 1990

7. Summary of consultation responses

Heytebury 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

Following a request made by the WAPC at the January meeting, the highways team reviewed their original comments and have the following additional comments to make – which reaffirms there being no objection to the proposed development.

Whilst the car parking arrangement in terms of dimensions is not an overly generous arrangement. I do not consider it to be an unacceptable arrangement in highway safety terms (please note paragraph 111 of the NPPF). When coming to this view I am also taking into account the nature and highway conditions of Mill Lane. It is important to consider that the proposed car parking arrangement is already in place, relating to consent of the annexe. This car parking arrangement can take place today, with three vehicles parked as proposed. I do not consider that there are reasonable or even defensible grounds if a highway objection is raised.

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 proposal relates 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

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.

Five Year Housing Land Supply - As confirmed by two recent planning appeals, pursuant to land at Green Farm, Chippenham Road, Lyneham (appeal ref APP/Y3940/W/20/3253204 and Land to the south of Chilvester Hill, Calne (appeal ref APP/Y3940/W/21/3275477), the Council cannot currently demonstrate a 5-year supply of deliverable housing land – with the north and west housing market standing at 4.29 years, which is a moderate shortfall. With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for my decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application. Officers maintain that this conversion proposal would lead to no demonstrable policy harm and the windfall residential provision of one 1-bed dwelling is fully supported by the NPPF and the WCS.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Heytesbury is a designated 'Large' village in policy terms, and the proposal is considered acceptable. The scheme would result in delivering one more dwelling at a sustainable location; and in recognition that there are no substantive planning reasons to counter the titled balance engaged by the NPPF, this application is supported by officers, subject to conditions.

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.

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 Mil 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.

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 and based on the as built submitted annex plan (Drawing Mo. 219003/02c), the existing garage/store measures 4.6 metres by 2.6 metres (which constitutes as a 1.4m x 03m shortfall when tested against the current Parking standards for internal garage dimensions for a car). Each of the three off road parking spaces measure 2.4 metres by 4.8 metres – which satisfies the parking standard requirements.

The integral garage may not satisfy the current Council's parking space requirements for a car, it nevertheless could accommodate a small car or motor bike. However, it should be appreciated that the proposed one-bedroom dwelling would still have access to and use of one off-road parking space at the front of the subject property in addition to two car parking spaces for No.72.

The case officer can confirm that the host dwelling at No.72 has 3 bedrooms (not four as previously reported), and as such, the property complies with current council parking standards. In addition, since there is unrestricted parking available along the High Street for the residents of No. 72, should they so wish, they could park on the High Street rather than the allotted parking space off Mill Lane.

It is recognised that Mill Lane is narrow and passing opportunities for two vehicles approaching each other require some reversing maneuvering, however it is important to appreciate that the number vehicle movements associated with the existing annex and a 1-bed dwelling would be very similar and no substantive highway-based reason for refusal would be defensible on appeal.

Officers noted the concerns raised by councilors during the committee meeting of 19 January with regard to the potential conversion of rooms within the existing annex to create additional bedrooms and if this were to happen, there would potential be an under provision of parking space. In recognition of this, a planning condition is now recommended to remove permitted development rights to prevent the owner from converting the garage/store (as shown on Drawing No. 219003/02c) to a habitable room should be imposed on any approval. It should be noted that such a planning condition would require the owner/applicant to apply for planning permission for any future internal conversion plans of the garage/store to a habitable room and that such an application would be tested on its own merits and the requisite and prevailing policies that apply at the time.

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.

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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the integral garage/store within the floor plan of the subject property shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, 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/communityinfrastructurelevy