

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

Date of Meeting	03 August 2022
Application Number	PL/2022/01974
Site Address	Key View Stoke Common Lane Purton Stoke SN5 4JG
Proposal	First floor extension to side and single storey extension to the rear
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 to consider concerns in relation to consideration of overbearing size in relation to adjacent properties, scale mass and visual amenity 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 by way of bulk, mass and scale, loss of privacy for neighbouring properties, change to street scene and skyline

3 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

In 2021, an application was made for similar proposals to those in the current submission, but which also included a single-storey link from the kitchen to the garage and the conversion of that structure to a dining room. That application was presented to the North Area Planning Committee on 02 February 2022 and was refused for the following reason;

PL/2021/05198 - Extension to side and rear with link building to garage and conversion of garage.

Refused: The proposal constitutes an overdevelopment of a constrained site that does not achieve high quality design by virtue of its bulk, mass and positioning. The proposals thereby result in harm to the character appearance and visual amenity of the locality and existing neighbouring residential amenities being both overbearing and resulting in loss of privacy. The proposals are thereby in conflict Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (iii) & (vii).

An historic application in 2012 for a rear conservatory was granted approval.

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

5. The Proposal

The current submission represents a revision to a preceding scheme which was refused by the NAPC. The applicant has sought to overcome the concerns raised with regard to that submission and reason for refusal, in the following way.

- Exclusion of glazed link between the dwelling and garage,
- Exclusion of extension to the garage and addition of clock tower to roof, and
- Exclusion of glazed walling to garage and its use as habitable accommodation

The scheme as proposed, now seeks to only extend the dwelling to the rear by way of a two-storey infill to the western side elevation, where there is currently a conservatory, and add a

single-storey projection to the rear. This element is the same as the preceding application and is described below.

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. A further single-storey, flat roof extension is proposed to the rear elevation. The two-storey element would have a ridge roof profile to match the existing rear elevation projection, whilst the single storey projection would have a flat roof and glazed roof lanterns.

In terms of fenestration, 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 on the western elevation, with a further set in the single storey element. Glazed bi-fold doors are proposed to the rear elevation of the single storey projection. To the front elevation of the dwelling, the design of the first-floor windows would be altered to include a paned design and small, gable end dormer above.

The enlarged bedrooms at the rear of the first floor level would have glazed openings with Juliet style balcony railings which would face down the garden.

The existing garage, located within the front amenity space would be retained for the parking of vehicles and a front elevation porch is proposed, which would adjoin an existing front elevation projection in this location.

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 together with the retained garage.

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, visual amenity and detrimental impact on skyline

8. Publicity

The application was originally advertised by neighbour letter and Parish council notification. This generated 3 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.

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.

Other Considerations. Developmental creep, no change to preceding application at the rear of the site, inaccuracy in description as it is not possible to construct a first floor above the conservatory.

9. Planning Considerations

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 upon Heritage Assets (Listed Buildings in the vicinity)

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 and west of the site along Stoke Common Lane. The property itself is not listed and has been altered over time. There are intervening residential properties 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 very 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 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 however set back within the site which is a large plot size and there are boundary fences to the sides of the front amenity space.

In this context the additional work for the enclosed porch entrance, is considered to be subservient to the dwelling and only seen in conjunction with that structure and the principle of a large outbuilding in the front amenity space has already been accepted.

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. In this respect the extensions are also considered to be proportionate and read as extensions of the existing dwelling.

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 be limited and not be so significantly harmful such that consent ought to be refused on this basis.

The current proposal is a revised scheme from the preceding application, which was refused by the NAPC on 02 February 2022 (referenced in a preceding section of this report). That proposal whilst similar in terms of proposed works to the dwelling also included a glazed link from the house to the garage, and the conversion of that structure to a separate dining room. The current proposal has removed these elements which were of particular concern to the Committee and now comprises works to the rear of the property, small front elevation dormers and porch only.

Therefore, the proposal 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.

It is noted that the terrace of properties to the west of the site are smaller than others in the locality 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 plans indicate that the proposed windows in the existing dwelling would at high level and 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 and loss of privacy 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. Furthermore, those windows annotated as opaque glazed on both side elevations can be secured by way of a planning condition and the proposed first floor windows with Juliet balconies are not considered to result in such overlooking as to justify a reason for refusal in this instance.

Access, Parking and Highways safety

The proposed works would retain the frontage parking within the site and the existing garage for the parking of vehicles. No additional bedrooms are proposed and the development is considered to meet the requirements of the residential parking requirements within the adopted Wiltshire Transport Plan.

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 and minimal inter visibility result in a neutral impact in respect of these heritage assets. This submission, which has been revised from the previously refused scheme and on which this report is based, is considered to overcome concerns with regard to loss of privacy, overbearing impact and loss of outlook.

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 08 March 2022
02 Existing Floor Plans. Received on 08 March 2022
03 Existing Elevations. Received on 08 March 2022
04 Existing Garage. Received on 08 March 2022
05 Proposed Ground Floor Plan. Received on 08 March 2022
06 Proposed First Floor Plan. Received on 08 March 2022
07 Proposed Elevations. Received on 14 March 2022
Site Layout. Received on 08 March 2022

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.

4. The proposed ground and first floor windows in the east and west elevations, as shown on drawing reference, 05 and 06 and annotated as being opaque glazed shall be glazed with opaque glass only prior to first beneficial use and maintained with opaque glazing in perpetuity.

REASON: In the interest of residential amenity and privacy

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/communityinfrastructurerelevy.

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.