

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	5 April 2023
<b>Application Number</b>	PL/2022/09378
<b>Site Address</b>	Meadowside, Tetbury Road, Sherston, Malmesbury, SN16 0LU
<b>Proposal</b>	Erection of replacement dwelling (Revised application)
<b>Applicant</b>	Mr & Mrs W Siddall
<b>Town/Parish Council</b>	Sherston Parish Council
<b>Electoral Division</b>	Sherston - Councillor Martin Smith
<b>Grid Ref</b>	323924 203324
<b>Type of application</b>	Full planning permission
<b>Case Officer</b>	Hayley Clark

### Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Martin Smith for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance

And because

“I am calling this application into committee as I’m aware that the planning officer is minded to reject the application on balance; my view is that this is a finely balanced decision and would benefit from further discussion at Committee”.

### 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 **REFUSED**.

### 2. Report Summary

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

- Principle of development;
- Proposed design and its impact on the character of the locality, including the landscape;
- Impact on the living conditions of adjacent occupiers;
- Ecology;

- Highway safety and parking.

### **3. Site Description**

Meadowside is a bungalow located on the west side of Tetbury Road in a small group of dwellings to the north of the village of Sherston and is also within the Parish of Sherston. Sherston is situated within the Malmesbury Community Area as defined by Wiltshire Core Strategy (WCS) Core Policy 13. Sherston is designated as a large village by WCS Core Policies 1 (Settlement Strategy) and 2 (Delivery Strategy). However, the site itself lies outside of the defined settlement boundary and is therefore classed as being situated within the open countryside. Meadowside is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

The site is bounded by residential dwellings to the north, east and south with open fields to the west. Nearby properties comprise predominantly detached dwellings set in spacious grounds. Built form is varied, with different heights, designs, materials and scale. Domestic outbuildings are also common.

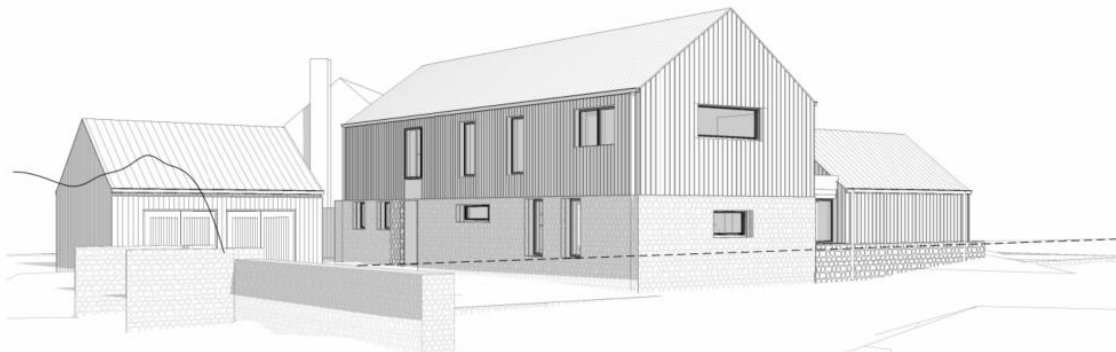
### **4. Planning History**

PL/2021/08109 – Erection of replacement dwelling. Approved with conditions – 30 May 2022.

### **5. The Proposal**

The application seeks full planning permission to demolish the existing dwelling and garage and erect a two-storey dwelling with a new detached double garage/home gym. A shed and greenhouse are proposed at the rear. The application follows a recent grant of planning permission (PL/2021/08109) for a replacement dwelling and garage.

The proposal has been designed to appear as a rural building, with a timber clad and Cotswold stone finish under a slate roof. A rear 'wing' would be single-storey in height, connected via a flat-roofed link with a contemporary feel. A perspective view of the proposal is provided in figure 1 below.



**Figure 1: perspective view of the proposal, looking towards the site from the road**

### **6. Planning Policy**

Wiltshire Core Strategy (2015):

Core Policy 1: Settlement Strategy  
Core Policy 2: Delivery Strategy  
Core Policy 13: Spatial Strategy for the Malmesbury Community Area  
Core Policy 41: Sustainable Construction and Low-carbon Energy  
Core Policy 50: Biodiversity and Geodiversity  
Core Policy 51: Landscape  
Core Policy 57: Ensuring High Quality Design and Place Shaping  
Core Policy 60: Sustainable transport  
Core Policy 61: Transport and New Development  
Core Policy 62: Development impacts on the transport network  
Core Policy 63: Transport strategies  
Core Policy 64: Demand Management

Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006):  
H4 Residential development in the open countryside

Wiltshire Housing Site Allocations Plan (Adopted February 2020):  
Settlement Boundary Review and site allocations

Wiltshire Local Transport Plan Car Parking Strategy March 2015

National Planning Policy Framework (2021):  
Paragraphs 8, 130, 134, 158, 174, 176 and 180

National Planning Policy Guidance  
National Design Guide

Sherston Neighbourhood Plan 2006 to 2026 (Made - May 2019)

Cotswolds AONB Landscape Strategy and Guidelines (2016):  
Landscape character type 11: Dip-slope Lowland (subset 11A: South and Mid Cotswolds Lowlands)

Cotswolds AONB Landscape Character Assessment:  
Character area 11: Dip-slope Lowland (subset 11A: South and Mid Cotswolds Lowlands)

Cotswolds AONB Management Plan 2018-2023:  
CC7: Climate Change – Mitigation  
CE1: Landscape  
CE3: Local Distinctiveness

## **7. Consultation responses**

### **Sherston Parish Council**

*Planning permission was granted in October 2021 for the demolition of an existing bungalow on this site and the erection of a replacement two storey dwelling (under Ref No PL/2021/08109). The principle of erecting a new (replacement) dwelling on this site has therefore already been established.*

*The approved scheme allows for the replacement of the existing bungalow by a four bedroom, two storey dwelling including a detached garage. The approved proposal would be constructed of natural stone/lime render under artificial stone tiles. The house is repositioned further into the site and the existing access to the application site is utilised.*

*The Officers Delegated Report in 2021, having accepted that the application proposal was in principle acceptable in the context of the relevant development control policies, commented as follows on the design and scale issues:*

*“Core Policy 57 of the WCS sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. 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. This is also reflected in the SNP and in this respect policy 7 is relevant. WCS Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting. The application building is surrounded by properties of varied height, mass, density, appearance, character and scale and it is considered that if the proposed two storey replacement dwelling is viewed from public vantage points it would read in the context of this setting and existing built form and not be visually prominent. Additionally, as noted above, the proposal would greatly improve the overall appearance of the locality as the proposed new dwelling would reflect the character and appearance of the properties within the immediate setting. This is reflective of the neighbouring properties or interested third parties comments. The proposal is therefore not considered to be significantly harmful to the character, appearance, visual amenity and openness of the locality and AONB with regard to the form, scale, density, massing, siting and layout of the proposal is in accordance with Core Policy CP51 (ii, iii, vi), 57 (i) (ii) (iii) of the WCS, Policy 7 of the SNP & para 130 (b & c) & para 174 (b) of the Framework As well as criteria b of policy H4 of the NWLP.”*

*Since the grant of planning permission in 2021, the Applicants have reconsidered their ideas for their “forever home” and have decided to submit an application seeking permission for an alternative proposal. It is this alternative proposal that we are being asked to consider.*

*These revised proposals are considered to continue to be acceptable in principle and there is no conflict with the development strategy of the plan and the provisions of the National Planning Policy Framework.*

*The design of the proposed replacement dwelling is however radically different from the approved scheme (which is of a more traditional design). The new proposal is much more contemporary both in design and sustainability terms.*

*The Design and Access Statement submitted in support of the application states that: “The contemporary design draws upon the traditional vernacular form and materiality from within the locality. The overall form of the dwelling follows the massing and roof pitches of local rural buildings. The combination of traditional materials such as stone, and timber, establishes traditional/ contemporary material palette that respects traditional local materiality and the character of the area.”*

*In addition, it is noted that:*

*“The new proposed building form has been slightly rotated to ensure that it is parallel to the main road. The small rear expansion and flat roof link offer an architectural reference to old farmsteads and barns that are prevalent in the area, while the pitched roof of the main volume alludes to the traditional residences in the neighbourhood. The garage retains reference to the main volume, trying to create architectural styles that link together, rather than a variety of architectural styles with no connection.”*

*And that:*

*“A holistic approach to energy and design has been taken. Locally sourced timber will be used in construction together with a high level of insulation and the use of passive solar gain. Solar panels to be installed on a west facing roof to reduce reliance on the electricity from the main grid.”*

*The revised design is considered to be entirely acceptable in the context of it's immediate surroundings and within the wider surrounding AONB. Indeed, it is considered to be an improvement on the original approved scheme.*

*Recommendation: No objection.*

### **Wiltshire Council's Highways officer**

*No objection. All construction related matters should be contained within the curtilage.*

### **Wiltshire Council's Ecologist**

*I have no objection to this proposal subject to the following condition.*

*The development will be carried out in strict accordance with the following document, including recommended enhancements for biodiversity: Preliminary Ecological Appraisal report, Wild Service, 25/06/2021.*

*REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.*

## **8. Publicity**

The application was advertised by neighbour letters and Parish Council notification. This generated no representations from third parties and no objection from the Parish Council. The Parish Council response is included in full above.

## **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, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015); 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); Wiltshire Housing Site Allocations Plan (adopted February 2020); and the Sherston Neighbourhood Plan (made May 2019).

The application site is located within Sherston which is identified in the Wiltshire Core Strategy as a large village, however, the application site lies outside of the development boundary and is located in the open countryside.

Planning permission (PL/2021/08109) was granted in May 2022 for the 'erection of replacement dwelling'. An excerpt of the approved elevations is provided in figure 2 below.



**Figure 2: approved elevations excerpt from planning permission PL/2021/08109**

A review of the case officer's report and decision notice shows that Permitted Development (PD) rights were removed to ensure retention of the garage for parking; no additions or enlargements to any buildings on the site; and no further outbuildings. The reasons for the latter two were to allow the Council to consider individually whether planning permission should be granted for additions, extensions or enlargements; and to safeguard the character and appearance of the area.

The case officer noted how the existing dwelling lacked any particular architectural merit and is in a poor state of repair. Remedial costs would be high, such that it would be more cost effective to demolish and replace the property. The design of the approved replacement dwelling was deemed to be a great improvement to *'the overall appearance of the site and the proposed new dwelling would reflect the character and appearance of the properties within the immediate setting'*.

The 'footprint' of the bungalow was recorded as 129sqm, compared with 141sqm for the proposal, but the replacement was not deemed excessive (including its two-storey height) given the plot size and scale of development in the vicinity.

A betterment in neighbour amenity terms was identified for Cresting to the south, given how the new dwelling would be set further away from the boundary.

Therefore, residential use of the site is already established, and the principle of a replacement dwelling also previously established. However, the acceptability is a matter of the details, compliance with other policies and material considerations.

#### Impact on the character, appearance, visual amenity and openness of the countryside

One of the key Development Plan policies to satisfy in this instance is saved policy H4 of the North Wiltshire Local Plan which requires:

- a. *The residential use has not been abandoned*

The existing dwelling is evidently still in residential use.

*b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings*

Although it is not believed that the dwelling is incapable of retention, is unsightly or out of character, it is important to note the age of this policy and its alignment to the NPPF. The NPPF is much less strict than this part of Policy H4 and the tests above are not replicated in national policy. Therefore, this aspect of the policy has less weight, and it is considered that it would be unreasonable to withhold planning permission on grounds of conflict with it.

Nevertheless, the existing dwelling is not particularly attractive, as confirmed in the previous case officer's report, and the principle of a replacement dwelling is already established.

*c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage*

Taking the details of this criterion in reverse order, the replacement dwelling would be within the same curtilage.

Having regard to the 'similar size and scale' test, the proposed development is obviously larger than the existing dwelling. An inspector's decision on appeal<sup>1</sup> noted that reduced weight may be applicable to Policy H4 because of its restrictive nature and it not being entirely consistent with the NPPF. The inspector nevertheless concluded that its overall aim 'to protect the intrinsic character and beauty of the countryside' is an aim shared with the Framework.

On that basis, it would be improper to resist the proposed development just because it is not of a similar size and scale to the existing dwelling. Instead, a judgement should be made based on matters of fact and degree, having regard to the degree of change (and any resultant harm) arising from the replacement dwelling, also bearing in mind the recent planning history.

Other key Development Plan policies are Core Policies 51 and 57 of the WCS. The former has an overall aim for development to protect, conserve and, where possible, enhance landscape character. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the relevant Landscape Character Assessment. In particular the policy requires development to conserve and, where possible, enhance:

*'ii. The locally distinctive character of settlements and their landscape settings.*

*iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe'.*

Core Policy 57 has an overall aim for development to 'create a strong sense of place through drawing on the local context and being complementary to the locality' and 'make a positive contribution to the character of Wiltshire'. Part i of the policy goes on to require proposals to relate positively to the landscape setting and existing pattern of development, while part iii requires a positive response to features in terms of, *inter alia*, building layouts, mass, scale

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<sup>1</sup> PINS ref. APP/Y3940/W/20/3261179

and streetscape, *'to effectively integrate the building into its setting'*. Similarly, part vi requires proposals to make:

*'efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area'*.

At the national level, paragraph 130 of the NPPF requires developments to function well and add to the overall quality of an area, while being visually attractive and sympathetic to local character and the surrounding setting. Paragraph 134 then says that *'development that is not well designed should be refused'*.

Paragraph 176 of the NPPF states *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues'*. It adds: *"The scale and extent of development within all these designated areas should be limited..."*.

Policy CE1 of the Cotswolds AONB Management Plan requires proposals to have regard to the scenic quality of the location and its setting, while Policy CE3 requires development to be designed to respect local settlement patterns and scale.

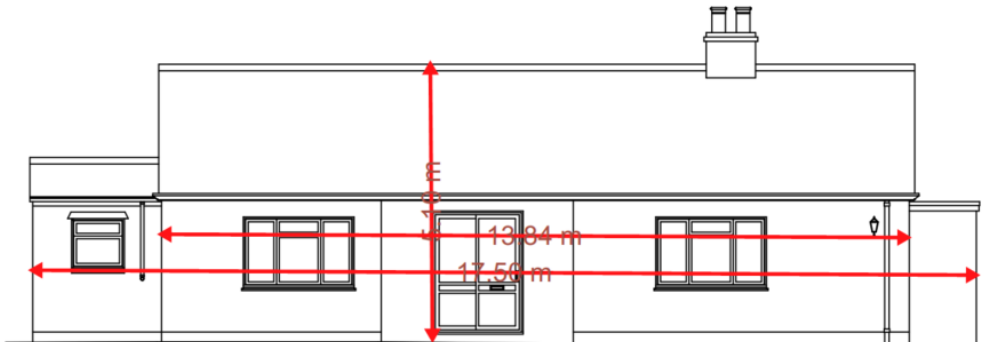
Having regard to the local context, the site forms part of a small and compact cluster of properties arranged in a linear fashion along Tetbury Road (reflective of one of the key characteristics set out in the AONB Landscape Character Assessment for Dip-slope Lowland). Although there is one further dwelling to the north at Vancelettes Farm, with buildings behind, the impression given when travelling southwards along Tetbury Road, or northwards deeper into the countryside, is that the application site contributes to the low-density character at the transition between the 'urban' fringe and the natural landscape. The low impact of the existing dwelling is illustrated by the 2019 Google Street View excerpt in figure 3 below.





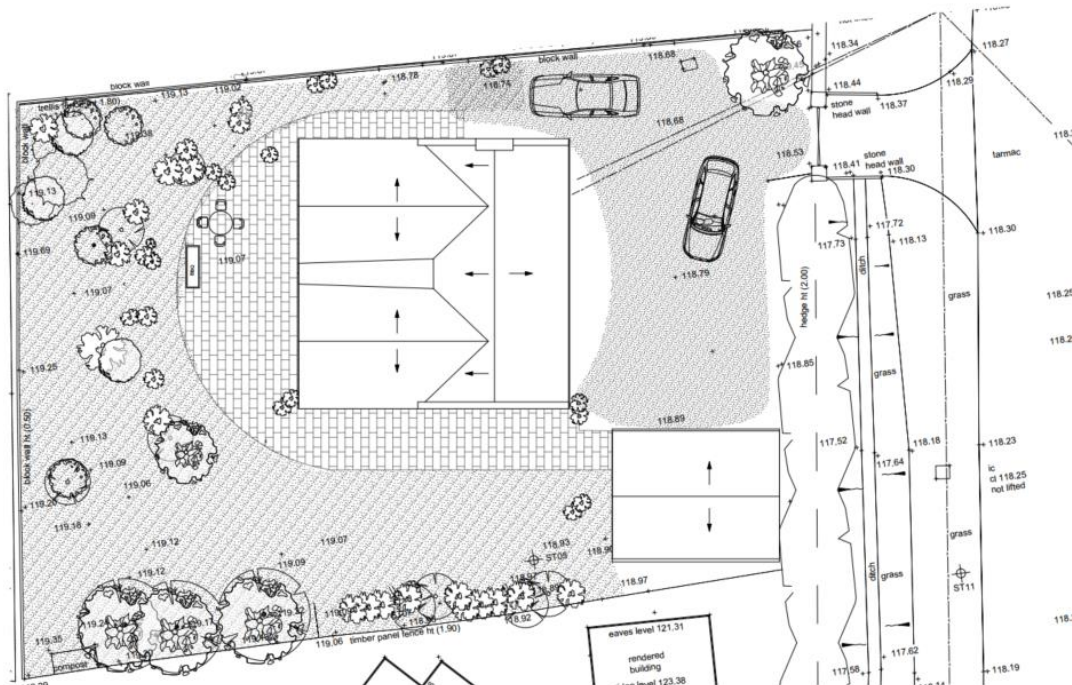
**Figure 3: Google Street View excerpt showing the existing dwelling**

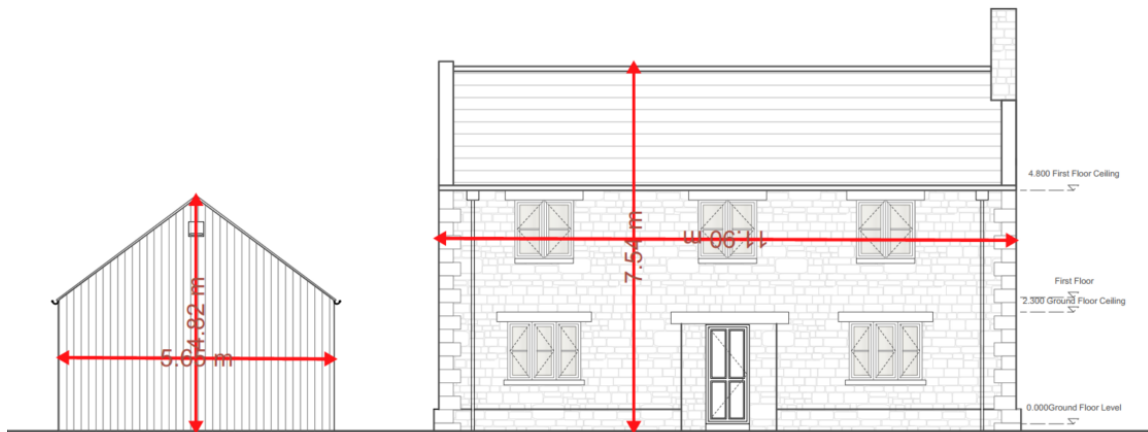
To that end, it is observed that the presence of the existing dwelling has a limited impact, principally owing to its c.5.1m single-storey height; its separation from site boundaries; and the small scale of the existing single-storey garage outbuilding, which is set back behind the dwelling. Although its full width is in the order of around 17.5m, it is important to recognise that this includes small, subservient side extensions that are set back from the front elevation and therefore negate any impression of a long expanse of built form. If these side extensions were discounted, the length of the front of the dwelling is more in the order of 13.8m, as shown in the existing front elevation excerpt in figure 4 below.



**Figure 4: annotated existing front elevation excerpt**

The extant permission (PL/2021/08109) to redevelop the site is a material consideration and excerpts of the approved plans are provided in figure 5 below.





**Figure 5: approved site plan and annotated front elevation relating to planning permission PL/2021/08109**

The approval allows for an increase of around 12sqm in floor area compared with existing, but within a square arrangement that is more compact than at present. This would allow the dwelling to sit more centrally in the plot and achieve 'breathing' space either side. Its overall width is c.12m and its height to ridge is c.7.5m, while the garage is around 5.6m wide and 4.8m to the top of the ridge. The increased offset from the southern boundary would be perceptible through the gap between the dwelling and the garage. This again negates the impression of contiguous built form across the frontage.

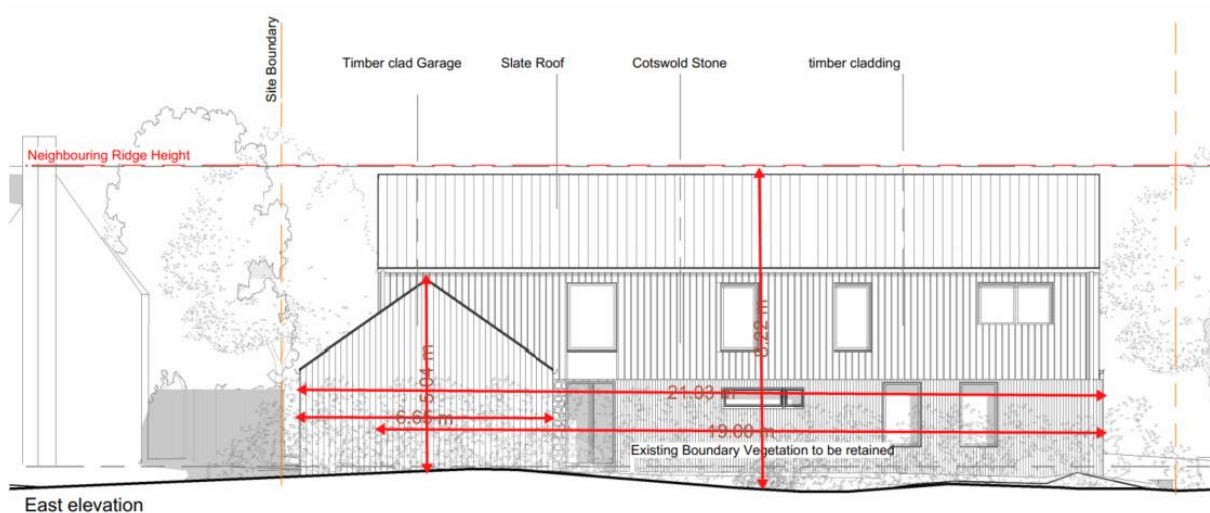
It is noted and highlighted that the previous case officer saw it necessary to remove PD rights for any further additions to the dwelling or erect any new outbuildings. Whilst this does not impose a moratorium on any future extensions or other built form, it nevertheless reinforces the sensitivity of the location and gives a strong indicator that further intensification of the site would have the potential for harm.

With the above context in mind, there is concern about the scale of development now proposed. At c.19m wide, the size of the dwelling would present a marked change, especially when combined with its c.8.2m, two-storey height. Its footprint would be in the order of 157sqm, while the c.44sqm footprint of the garage/gym would be comparable with the size of a new house. The dwelling would sit right alongside the northern edge of the plot, with just a small gap of c.1.2m at the furthest point from the boundary. In comparison, the existing single-storey dwelling is set around 5.5m in from this boundary and its garage outbuilding is much more subservient in scale and set back from the dwelling.

The submitted site plan excerpt in figure 6 below includes a shadow of the existing dwelling, helping to compare between the existing and proposed extents of built coverage. The annotated front elevation excerpt in figure 7 further helps to illustrate the substantial width of the proposal.



**Figure 6: proposed site plan excerpt**



**Figure 7: annotated proposed front elevation excerpt**

The substantial width of the dwelling would result in a significant, contiguous expanse of frontage. Although the height is broadly comparable with the neighbouring property at Cresting, the perception of mass at Cresting is reduced by its angled orientation, front gables and front extension. In contrast, the siting of the proposal just shy of the northern boundary would create a harmfully abrupt edge, while the substantial proposed garage/gym would sit on the southern boundary. These factors would combine to create an unacceptably bulky development that would read as built form across almost the entire width of the plot. This would not be reflective of local character and would not respect the transition between the urban fringe and the countryside. The retention of hedging on the site frontage would not mitigate the perception of bulk, which in any event would be exacerbated by the removal of a tree, as per the proposed site plan.

In reaching the above conclusion, whilst it is accepted that there are some large properties in this locality, where there are dwellings that do extend widely within their plots (Chelters to the southeast, for example), their single-storey height reduces the overall perception of mass. Instead, where dwellings are larger (Shore House to the south, for example), plot sizes are larger than at the application site and there is sufficient 'breathing' space left around the dwelling to avoid a cramped and bulky appearance.

While weight may be given to the loss of the existing unattractive building in favour of a more attractive design philosophy, as well as the installation of solar panels and the overall improvement in energy performance, these factors do not outweigh the identified harm to local character.

In light of the above, it is considered that the proposal would cause harm to local character. This places it in conflict with the overall aims of Wiltshire Core Strategy Core Policy 51, as well as parts ii and iii of that policy; the overall aims of Core Policy 57, as well as parts i, iii and vi of that policy; paragraphs 130a, b and c, 134 and 176 of the NPPF; and policies CE1 and CE3 of the Cotswolds AONB Management Plan.

It is also noted that the Parish Council's quotation, from the report on the previous application, contains reference to Policy 7 of the Sherston Neighbourhood Plan. This policy relates specifically to Anthony Close and states:

#### **POLICY 7 Anthony Close**

Proposals to upgrade or replace the existing sheltered accommodation on Anthony Close with a purpose-built care or close care facility will be supported.

Therefore, it is not considered that policy 7 of the Sherston Neighbourhood Plan is relevant to this application.

Lastly, having regard to the two proposed outbuildings, these would be located relatively discreetly at the rear and would be of a subservient, domestic scale and appearance. No harm is therefore identified in respect of these elements of the proposal.

#### Impact upon residential amenity

Paragraph 130 of the NPPF and Core Policy 57 of the WCS seek to secure high quality design and a good standard of amenity for current and future land occupants.

The previous case officer noted the betterment in the relationship with Cresting to the south, owing to the increased separation distance between the two dwellings. That same betterment would no longer be apparent because of the scale of the new proposal. Nevertheless, it is noted from historic plans relating to alterations at Cresting (N/09/00841/FUL) that there is only one first floor opening in the northeast elevation of this property facing the application site and this serves a bathroom. Therefore, no material harm from the increased scale of development would arise for Cresting.

The same plans also show a first-floor bedroom, whose outlook is in a north-westerly direction across the garden of the application site. The proposed shed outbuilding would be perceptible in views, but its single-storey scale and separation distance are sufficient to mitigate any material harm to outlook.

#### Ecology

The application was accompanied by an ecological appraisal which, at paragraph 2.2.2, was informed by a survey dated 08/06/21. Paragraph 4.3.2 then confirms that '*should more than 12 months lapse from the date of this survey, an update PRA is recommended*'.

Comments received from the Council's ecologist have confirmed no objections subject to the use of a condition and have not requested a further survey.

#### Highway safety and parking

The Council's highways officer has raised no objection to the proposed development on highway safety grounds subject to all construction related matters being undertaken within the curtilage.

The proposed site plan shows adequate space within the curtilage to meet the minimum residential parking standards, in accordance with the Wiltshire Local Transport Plan Car Parking Strategy March 2015 and Core Policy 64 of the WCS.

### **10. Conclusion**

The proposed replacement dwelling and garage outbuilding would be of an excessive scale that would cause harm to local landscape character. This harm is not outweighed by the positive impacts of the removal of the existing unattractive dwelling, nor the benefits of the proposed solar panels and improvement in energy performance.

The proposed development is therefore in conflict with the development plan and with relevant parts of the NPPF and Cotswolds AONB Management Plan.

### **RECOMMENDATION:**

#### **That planning permission be REFUSED for the following reason**

1. The site is located in a sensitive fringe location in the Cotswolds Area of Outstanding Natural Beauty. The substantial width of the proposed dwelling and its two-storey scale would result in a significant, contiguous expanse of unbroken frontage that would be highly visible from the public highway. The siting of the proposal just shy of the northern boundary would create a harmfully abrupt edge to the dwelling, while the substantial proposed garage/gym would sit on the southern boundary and appear conspicuous in the street scene. These factors would combine to create an unacceptably bulky development that would read as built form across almost the entire width of the plot, which would be exacerbated by the loss of a tree on the frontage. The development would therefore not be reflective of local character and would not respect the transition between the urban fringe and the countryside. This harm places the proposed development in conflict with the overall aims of Wiltshire Core Strategy Core Policy 51, as well as parts ii and iii of that policy; the overall aims of Core Policy 57, as well as parts i, iii and vi of that policy; paragraphs 130a, b and c, 134, and 176 of the National Planning Policy Framework; and policies CE1 and CE3 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023.