

Date of Meeting	29 th June 2016
Application Number	16/01422/FUL
Site Address	The Cottage, 6 Lower South Wraxall, Wiltshire BA15 2RX
Proposal	The proposed construction of one outbuilding, alterations to an existing outbuilding, and alterations to the boundary wall and landscaping works
Applicant	Mr & Mrs Nick Warren
Town/Parish Council	SOUTH WRAXALL
Electoral Division	HOLT AND STAVERTON – Cllr Carbin
Grid Ref	383402 164222
Type of application	Full Planning
Case Officer	Katie Yeoman

Reason for the application being considered by Committee:

Cllr Trevor Carbin requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Carbin for members to consider are:

- The design, bulk, height and general appearance of the development; and,
- The impacts it would have on neighbouring amenity.

1. Purpose of Report

The purpose of this report is to assess the merits of the application proposal against the policies of the development plan and other material considerations and to recommend that the application be approved.

South Wraxall Parish Council response – Following receipt of amended plans, the Parish Council maintained its objections - which are summarised within section 7.

Neighbourhood responses – 6 letters of objection were received which are summarised in section 8.

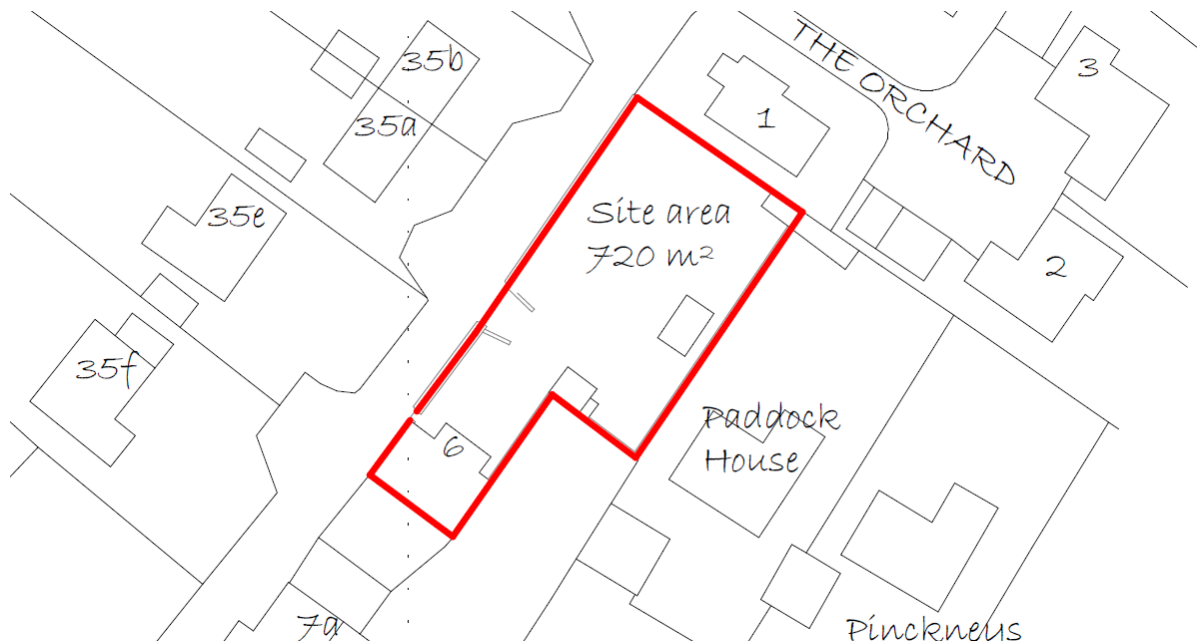
2. Report Summary

The main issues to consider with this application are:

- The impact on the character and appearance of the host dwelling
- The impact on the green belt
- The impact on the surrounding area including heritage assets
- The impact on neighbour amenity
- The impact on drainage
- The impact on highways safety and parking provision
- The Impact on protected species

3. Site Description

The application site relates to the garden ground associated to a residential property at No. 6 Lower South Wraxall – a property which is known as The Cottage. The property is a two storey dwelling constructed of natural stone walls with clay double roman tiles. The site/property is illustrated in the site location plan which is reproduced below.



The application site is located within the West Wiltshire Green Belt; and, whilst the subject property is not itself listed, it is located within 50m of a number of Grade II listed buildings and within the Conservation Area.

4. Planning History

W/04/01767/FUL – single storey extension - refused

16/04784/LBC - Alterations to boundary wall – Decision still pending. Note: As part of this application alterations to the boundary wall are also proposed. As the subject wall forms the boundary between the application site and Grade II listed The Old Rectory (Nos 5 and 6 with walling on East Side) the wall is curtilage listed therefore listed building consent is also required.

5. The Proposal

This application seeks permission for alterations to an existing outbuilding currently used as a store sited in the south eastern corner of the application site to bring it into use as usable office space for the property owner. The alterations would comprise the insertion of new fenestration and cedar cladding to the north western elevation. The application has been subject to revisions during the planning process which was subject to re-consultation and re-notifying neighbours. The revised proposals seek permission for the construction of one outbuilding (including the demolition of an existing outbuilding) sited in the north eastern part of the application site. The new building would be 4.0m high and have a footprint of 66sq.m. It would be constructed in natural coursed rubble Bath stone, render, cedar cladding and natural clay double roman tiles.

The development also includes extending the height of the existing stone boundary walls along the north western elevations of the application site and landscaping works comprising a new hardstanding driveway of bound gravel and extending the existing boundary hedgerow.

6. Local Planning Policy

Local Context:

Wiltshire Core Strategy (the development plan) relevant policies – CP7, CP41, CP51, CP57, CP58, CP64

Wiltshire Local Transport Plan (LTP3) Car Parking Strategy 2011- 2026

PS6

National Context:

The National Planning Policy Framework (NPPF)

Planning (Listed Building and Conservation Areas) Act 1990:

Section 66: General duties as respects listed building in exercise of planning functions

Section 72: General duties as respects Conservation Areas in exercise of planning functions

Planning Practice Guidance (PPG)

7. Summary of Consultation Responses

South Wraxall Parish Council: Following receipt of revised plans and the re-consultation, the Parish Council objects to this application on the basis that *“the previous objections to this application re. the close proximity of the garage to the next door neighbours still stand. This would mean loss of amenity and light to the neighbouring property.”*

The Council’s Highways officer: No objections subject to conditions. The proposed access would result in the closure of the existing access. The proposed access offers a turning area for vehicles with improved visibility compared to the existing situation.

The Council’s Ecologist: No objection on ecology grounds subject to a planning informative. With regard to the protection of any roosting bats and nesting birds due to the proposed demolition of an existing outbuilding within the site. Details of landscaping, including the extended hedgerow should be submitted for approval as part of a planning condition.

8. Publicity

The public consultation exercise comprised individual letters being sent to neighbours and the display of a site notice. 6 letters of objection (3 from the same neighbour) have been received which in summary raise the following issues:

- Impact on the level of daylight to Paddock House.
- Removal of trees along the shared boundary with Paddock House that would reduce the level of privacy and change of outlook.
- The impact on the outlook from Paddock House caused by the development proposal.
- The total footprint of these buildings looks to exceed the footprint of the existing building. This is classed as infill building and the development would not meet the criteria of the Wiltshire Core Strategy.
- The building has the potential to be an independent dwelling in the future and is of a concern.
- The application site lies within the Green Belt and appears to contravene the protection of Green Belt Policy.
- The proposal would have a detrimental impact on the daylight and sunlight levels to 1 The Orchard.

- Due to the differing land levels, height of the proposed outbuilding and proximity to 1 The Orchard, the development would have an overbearing effect and a greater sense of enclosure.
- The owners of 1 The Orchard have acquired a right to light.
- The applicant's property is on higher ground and all drainage is by soakaway. The development would result in an excessive amount of water thus raising the water table on the strip of land between the properties resulting in an excessive pooling.
- The development would have a detrimental impact on the Conservation Area and the open character of the area.
- The proximity of the garage to the neighbour's bedroom would result in noise disturbance, smell and fumes.
- Concerns regarding extending the curtilage listed boundary walls of the property and the safety implications.
- Concerns regarding the resulting precedent that a development of this nature and scale would set for any future applications within the village.
- The use of render to the side elevations of the proposed garage would not appear in keeping within the character of the buildings in the area.

9. Planning Considerations

9.1 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.

9.2 The Principle of Development: Modest extensions and/or alterations to existing residential properties are acceptable in principle subject to the impacts and details of what is being proposed. The site is located both within the green belt and conservation area and the effects of any development within such protected areas are important considerations.

9.3 Impact on the Character and Appearance of the Host Dwelling: The proposed new outbuilding has been designed to represent a sympathetic addition to the host dwelling utilising a simple and complementary design. The height and scale of the development proposal is also considered commensurate to the size of the property and plot thereby preserving the character and appearance of the host dwelling.

9.4 The use of rubble stone and natural clay tiles would ensure the development integrates well with the host dwelling. A planning condition is recommended to ensure the rubble stone and clay tiles match the existing dwelling.

9.5 While the use of render and cedar cladding are not widely used in the immediate surroundings, these materials would integrate satisfactorily with the more traditional materials proposed and would have a minimal impact on the host dwelling and surrounding area.

9.6 With regards to the existing outbuilding, the development would comprise minor alterations to the fenestration and materials only. The outbuilding would continue to represent a modest structure that respects the character and appearance of the host dwelling.

9.7 Impact on the Green Belt: Paragraph 89 of the NPPF clearly emphasises that extensions/alterations to existing buildings would not necessarily be considered as inappropriate development within the green belt if they do not result in "disproportionate additions over and above the size of the original building". The NPPF defines an "original building" as: "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it



was originally built.” In this particular case, having reviewed the Council’s historic mapping records (and a copy of a map dating from sometime between the years 1908-1933 is reproduced below), officers are satisfied that the footprint of the existing property has only been subject to nominal alterations since the 1940’s.

9.8 It is important to stress that the NPPF does not quantify what amounts to a disproportionate extension; and instead following well established planning principles and practices, each case should be assessed on its own individual merits. In this case, the proposed outbuilding constitutes an ancillary extension to the original dwelling adding approximately 66 sq.m.

9.9 When the proposed new structure is combined with the post 1948 development constructed on site i.e. the porch and lean to addition, there would be an approximate cumulative increase of about 43% (volumetrically) from what is considered the ‘original’ property. Taking into consideration the cumulative impact of the extensions (both those which have been constructed and what is proposed here) officers duly submit that the development is not disproportionate “*over and above the size of the original building*” although, officers would duly argue, that if approved and implemented, the property would have on balance, reached the very limits of what could be argued to acceptable in terms of cumulative proportionate additions.

9.10 The second consideration set out by the NPPF is whether any proposed development would have a detrimental impact on the openness of the Greenbelt. After all, the NPPF notes that the most important attribute of Green Belts is its openness. Officers duly acknowledge that the proposed development would extend the property within the confines of the residential curtilage and within the built up area of the village, thereby safeguarding the countryside from outward encroachment. Furthermore, the proposed single storey addition at 4.0 metres in height, would largely be viewed against the surrounding two storey built development. Having undertaken a thorough on site appraisal including the local context, officers duly argue that the proposal would have a minimal impact on the sense of openness in this part of the Green Belt.

9.11 For the reasons outlined above, the development proposal is considered to be appropriate development within the Green Belt that complies with the NPPF tests in relation to maintaining its openness.

9.12 The Impact on the Surrounding Area including the Heritage Assets: The application site is located within the Lower South Wraxall Conservation Area therefore careful consideration must be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in the exercise of any functions, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.13 The application site is also located within 50m of a number of Grade II listed buildings; and as a consequence, due regard should be given to Section 66 of the Planning (Listed building and Conservation Area) Act 1990. This sections states that the local planning authority has a duty to pay ‘special regard’ to the desirability of preserving the building or its setting.

9.14 In addition, paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including development affecting the setting of a heritage asset). In this regard, this part of the Conservation Area encompasses one of the main roads entering Lower South Wraxall - an important gateway into the village and the Conservation Area. The application site is located on the outskirts with more recent, two storey development located to the north. The significance of this part of Conservation Area stems from the historical interest of the properties lining the narrow lanes in Lower South Wraxall, including a number of listed buildings. These properties are set back varying distances from the highway enclosed by stone boundary walls.

9.15 The listed buildings which are located within 50m of the site are No's 2, 3, 4 and 5, No's 5 And 6 with Walling On East Side, Brookside, No 12, and No 36 Lower Wraxall. The majority of these properties were built in the 1800's constructed using course rubble stone under natural clay and slate tiled roofs.

9.16 NPPF paragraph 132 requires the local planning authority to consider the impact of the proposed development on the significance of a designated heritage asset; with a clear direction of applying great weight to the conservation of any heritage asset. The more important the asset, the greater the weight there should be. It is always necessary to appreciate that the significance of a heritage asset can be harmed or lost through the alteration of its setting. NPPF paragraphs 133 and 134 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

9.17 With regards to the effects on nearby listed buildings, given the relationships, site separation and the extent and scale of the development hereby proposed under this application, officers do not consider the development proposal to be harmful as the proposed development would not be readily visible from these properties or affect their settings.

9.18 The application site is located at the southern end of the Conservation Area and is surrounded by more recent, two-storey development to the north. The development proposal would be viewed against such development in the Conservation Area and would be partially screened by intervening boundary hedgerow and stone walling. The sympathetic materials, roof form and design of the proposal would also ensure the development causes no harm to the Conservation Area or its setting. As a consequence, officers are satisfied the development accords with NPPF and WCS policy.

9.19 Impact on Neighbouring Amenity: As part of the formal planning submission, the applicant's agent submitted an elevation plan for the new outbuilding which illustrates that the proposed single storey outbuilding would not obstruct a 25 degree angle taken from the centre of the habitable room windows of No.1 'The Orchard'. As such, there is unlikely to be a substantial effect on daylight and sunlight to the neighbouring habitable rooms of the property next door and the neighbour's amenity should therefore be adequately protected.

9.120 It is duly noted that concerns have also been raised that the proposed outbuilding would have an overbearing effect on the habitable rooms of No. 1 The Orchard. While it is submitted that the outbuilding would alter the view from these windows, officers submit that given the existing boundary treatment facing these windows combined with the proposed pitched roof design, and the scale of the development, it would not cause adverse overbearing impacts to the neighbours to justify a refusal.

9.21 The proposed outbuilding would not constitute habitable accommodation; instead it would be used for garaging and as a domestic store; and therefore the proposed

fenestration would not cause any substantive concerns relating to overlooking or loss of privacy to the neighbours.

9.22 Additional neighbouring concerns have been raised that the proposed outbuilding would result in noise disturbance, smell and fumes due to its proximity to the bedroom of No.1 The Orchard. Whilst officers appreciate such concerns, the proposed function of the new outbuilding and the altered existing outbuilding raise no substantive public protection concerns to justify a refusal decision. For any domestic development being built close to neighbouring properties, the Council would always expect good neighbourliness and a degree of mutual acceptance.

9.23 With regards to the concerns raised by the neighbours at The Paddock, given the positioning of the outbuilding in relation to the neighbour's property and the sun's path travelling east to west, the development would not cause any significant loss of light, overshadowing or have an overbearing impact. As a result, their neighbour amenity would not be adversely affected.

9.24 For the reasons above, it is considered that the proposal would cause no significant neighbouring harm and it is not considered that these impacts are so substantial that permission should be refused.

9.25 The Impact on Drainage: The development proposal is located outside Flood Zone 2 and 3 and is not located within 20m of a watercourse. In terms of the additional footprint of the single storey outbuilding the development would have a minimal impact on the rate of rainwater run off and rainwater infiltration to the soil and ground. Officers are satisfied that the impact on drainage would be minimal.

9.26 The Impact on Highway Safety and Parking Provision: The application was referred to the Council's highways department as part of the consultation exercise and no objections were identified. The proposed development would bring about a betterment in terms of visibility and the advice from the highways team is that there are no substantive highway reasons to refuse this application.

9.27 The Impact on Protected Species: In light of the ecologist's comments, a planning informative is recommended to be attached to any planning consent to highlight the potential for protected species on the site or within the outbuilding identified for demolition.

9.28 A landscaping condition is also recommended to ensure full details of the hard and soft landscaping scheme are approved before development commences to ensure that the development is undertaken in an acceptable manner.

9.29 Other Material Considerations: Concerns regarding the outbuilding being used as a separate residential dwelling have also been raised. In order to maintain the ancillary domestic relationship between the host dwelling and the outbuilding, as well as to protect residential amenity, a planning condition is recommended to ensure that the outbuilding could only be occupied for purposes ancillary to the residential use of the main dwelling and to avoid it being converted without planning permission to habitable accommodation or for it to be part of any sub-division of the plot.

9.30 The neighbours at No 1 'The Orchard' have also highlighted that they acquired a 'right to light' over 20 years or more. Where a right to light is claimed, officers note that this is more a matter for property law although, paragraph 9.18 onwards does set out the officer appraisal in terms of the effects of the development to the adjoining neighbour.

9.31 Concerns have also been raised that such development would set a precedent in the village. Members are respectfully reminded that every application should be judged on its own merits and against the relevant planning policies. Future precedent is not therefore a significant concern.

10. Conclusion (The Planning Balance)

For the reasons set out above, the proposal is considered to comply with national and local plan policy having due regard to the visual impact on the host dwelling, the immediate local context and the wider area, including the effects on the green belt and heritage assets.

Furthermore, officers consider that the proposal would not result in a significant reduction in the level of amenity enjoyed by the occupiers of the neighbouring properties.

Therefore on the basis of the above, officers recommend that planning permission should be granted subject to the following planning conditions and informatives.

RECOMMENDATION: Approve with 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:

Location plan (drawing no. 1432/000) dated Feb 2016
Block plan (drawing no. 1432/005 A) dated Feb 2016
Existing garden plan (drawing no. 1432/001) dated Oct 2015
Proposed garden plan (drawing no. 1432/004 D) dated Dec 2015
North west elevation plan – received on 31.05.2016
Existing garden plan (drawing no. 1432/001 B) dated Oct 2015

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

4. The development hereby permitted shall not be used at any time for habitable accommodation and that it shall remain for purposes ancillary to the residential use of the main dwelling, known as No. 6 Lower South Wraxall (known as 'The Cottage' and that it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the material, colour and texture as that used for the existing building.

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

6. The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

8. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

INFORMATIVES:

1. There is a risk that bats may be present at the development site. The Council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the particular proposals for the site, the Council considers that if bats were found, mitigation would probably not require further planning permission and a Natural England Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and

Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work. If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact the UK Bat Helpline on 0345 1300 228 (homeowners and churches) or http://www.bats.org.uk/pages/natural_england_roost_visits.html for more information

2. Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.