

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	15/10/2020
<b>Application Number</b>	20/05329/VAR
<b>Site Address</b>	Thicket Cottage, Malthouse Lane, Upper Chute, SP11 9EG
<b>Proposal</b>	Variation of conditions 2 and 5 of 20/01143/FUL to include the extension of the ground floor by 8m, and the formation of a rooftop terrace with external staircase
<b>Applicant</b>	Mr P Lelliott
<b>Town/Parish Council</b>	Chute
<b>Electoral Division</b>	The Collingbournes and Netheravon – Cllr Blair-Pilling
<b>Grid Ref</b>	429969 153731
<b>Type of application</b>	Variation of Conditions
<b>Case Officer</b>	Louise Porter

The application has been called in for consideration by the committee by Councillor Blair-Pilling for consideration of the scale of development, its visual impact upon the surrounding area, and the proposed design in terms of bulk, height, general appearance.

### 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

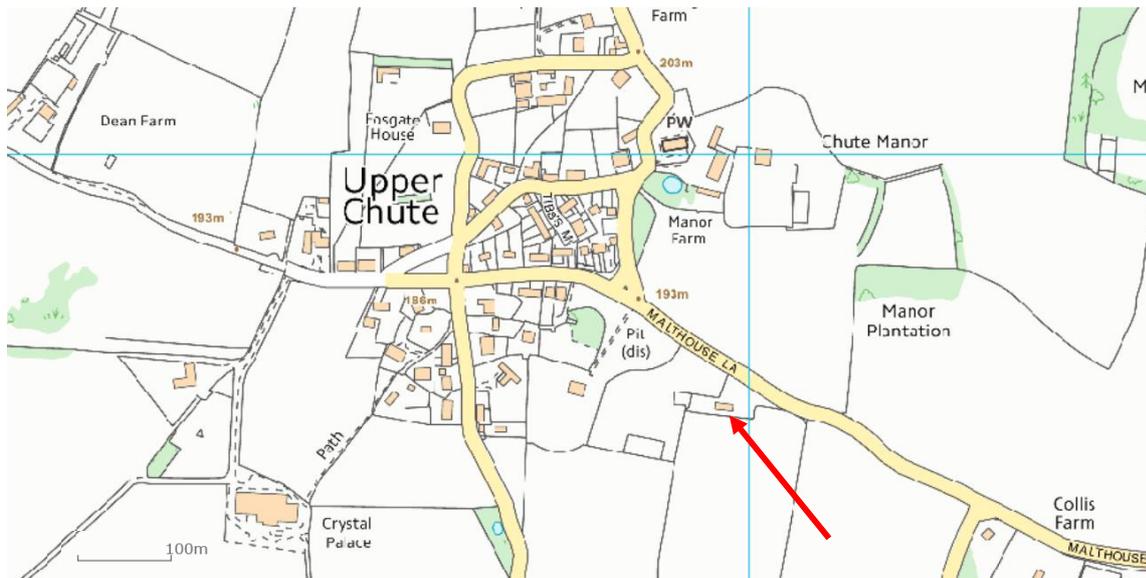
The key issues for consideration are:

- Scale and design, impact on character and appearance of area
- Neighbour amenity
- Highways

### 3. Site Description

The application site is a residential plot located approximately 180m outside of the village of Upper Chute. The plot is of an irregular shape, and all boundaries are formed from hedgerows. Vehicular access is at the north-eastern end of the site, with an additional pedestrian gate at the north-western end.

Following the granting of permission, the original cottage has been demolished and it is understood that works have begun on the implementation of 20/01143/FUL.



#### 4. Planning History

- 19/06565/FUL – Replacement dwelling – Refused – Appeal Allowed
- 20/01143/FUL – Replacement dwelling – Approved

#### 5. The Proposal

Planning conditions are often applied to the grant of planning permission. These limit and control the way in which the planning permission may be implemented.

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.

This current application being considered is seeking permission to vary conditions 2 and 5 of 20/01143/FUL:

- Condition 2 is a list of all the relevant plans and documents that the permission relates to and that the development must be built in accordance with.
- Condition 5 is the timing requirement for implementation of all the soft landscaping detailed within the Mitigation Strategy.

The proposal is to replace the plans listed in conditions 2 and 5 with an amended set of plans in order to allow the following design changes:

- 4m single-storey extension to the eastern end of the building
- 4.1m single-storey extension to the western end of the building
- External staircase at western end of building
- Creation of roof terrace on both eastern and western flat roof, including the addition of 20cm parapet wall, and roof garden/landscaping

## 6. Planning Policy

- National Planning Policy Framework (NPPF) 2019
- Wiltshire Core Strategy (WCS): CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP26 (Tidworth Community Area), CP41 (Sustainable Construction), CP51 (Landscape), CP57 (Design)
- Kennet Local Plan: HC25 (Replacement dwellings)
- Wiltshire Local Transport Plan – Car Parking Strategy (Chapter 7: Parking Standards)
- North Wessex Downs AONB Management Plan 2014-2019
- North Wessex Downs AONB Position Statement (PS)
- The Upper Chute Conservation Area Statement
- The Chutes Village Design Statement (CVDS)

## 7. Summary of consultation responses

- Parish Council: Strongly object – impact on character/appearance of the area, incl. AONB and nearby Conservation Area.
- Wiltshire Highways: No objections

## 8. Publicity

A site notice was attached to the pedestrian gate to the site on 05/08/2020.

7 third-party objections have been received, covering the following issues:

- Inappropriate scale
- Out of keeping modern design
- Contrasting in scale and design to the allowed appeal scheme
- Potential harmful visual impact from domestic paraphernalia on roof terraces
- Loss of privacy for Long View, Chute Manor and Chute Collis Cottage

## 9. Planning Considerations

### **9.1 Scale and design, impact to character and appearance of area:**

Kennet Local Plan (KLP) saved policy HC25 allows the replacement of existing dwellings within the countryside subject to the following conditions:

- *The siting is closely related to the footprint of the dwelling it replaces; and*
- *The scale of the replacement dwelling is not significantly larger than the original structure.*

In addition, the Chutes Village Design Statement (CVDS) and the North Wessex Downs AONB Position Statement (PS) on Housing both require the scale of replacement houses to be of a similar scale to the existing.

However, the recent appeal decision for the application site (19/06565/FUL) concluded that unless it could be demonstrated that the scale of the replacement dwelling had a harmful visual impact on the landscape then the size restrictions imposed by HC25 were unfounded,

and the advice within the CVDS and PS should only be given limited weight. A copy of the appeal decision letter is attached as Appendix A.

In terms of the siting of the proposed replacement dwelling, this remains as per 20/01143/FUL where it is clearly positioned over much of the footprint of the existing cottage and therefore the proposal is compliant with the first part of policy HC25.

In terms of the scale of the proposal, this application adds 4-5m of extra width to both sides of the single-storey element of the proposed dwelling, plus a 0.2m high parapet wall around the full extent of the single-storey elements. This increases the bulk of the proposed dwelling, albeit mainly at ground-floor level. Using the Inspectors rational for decision making on this site, the additional bulk should only be considered against whether or not it has a harmful impact on the character and appearance of the area, rather than if the result dwelling is of a similar scale to the dwelling it replaces. In this regard, the single-storey nature of the additional width is considered to have minimal visual impact as much of the built form will be partially shielded from views by the proposed landscaping scheme. The addition of the parapet wall (which will effectively just be a continuation upwards of the ground-floor walls) will make the two side elements of the house more visible from outside of the site, but at a height increase of just 0.2m, combined with planting on the areas of roof not laid out as a terrace, which will help soften the roofline, on balance this is considered to be acceptable alteration to the previously approved scheme.

Objection letters have raised the potential issue of domestic paraphernalia on the proposed roof terrace being highly visible and intrusive in the landscape. Tables and chairs etc are considered to have a minimal visual impact, especially given the proposed landscaping, whilst larger/higher items such as patio umbrellas would not be permeant fixtures.

As per 20/01143/FUL, the mix of materials (render, flint, timber boarding and a large areas of glazing) break up the expanse of the building. Whilst the building is contemporary in its design and contrasting with local properties in terms of its shape, the use of traditional materials ensures the building will still fit comfortably into its setting.

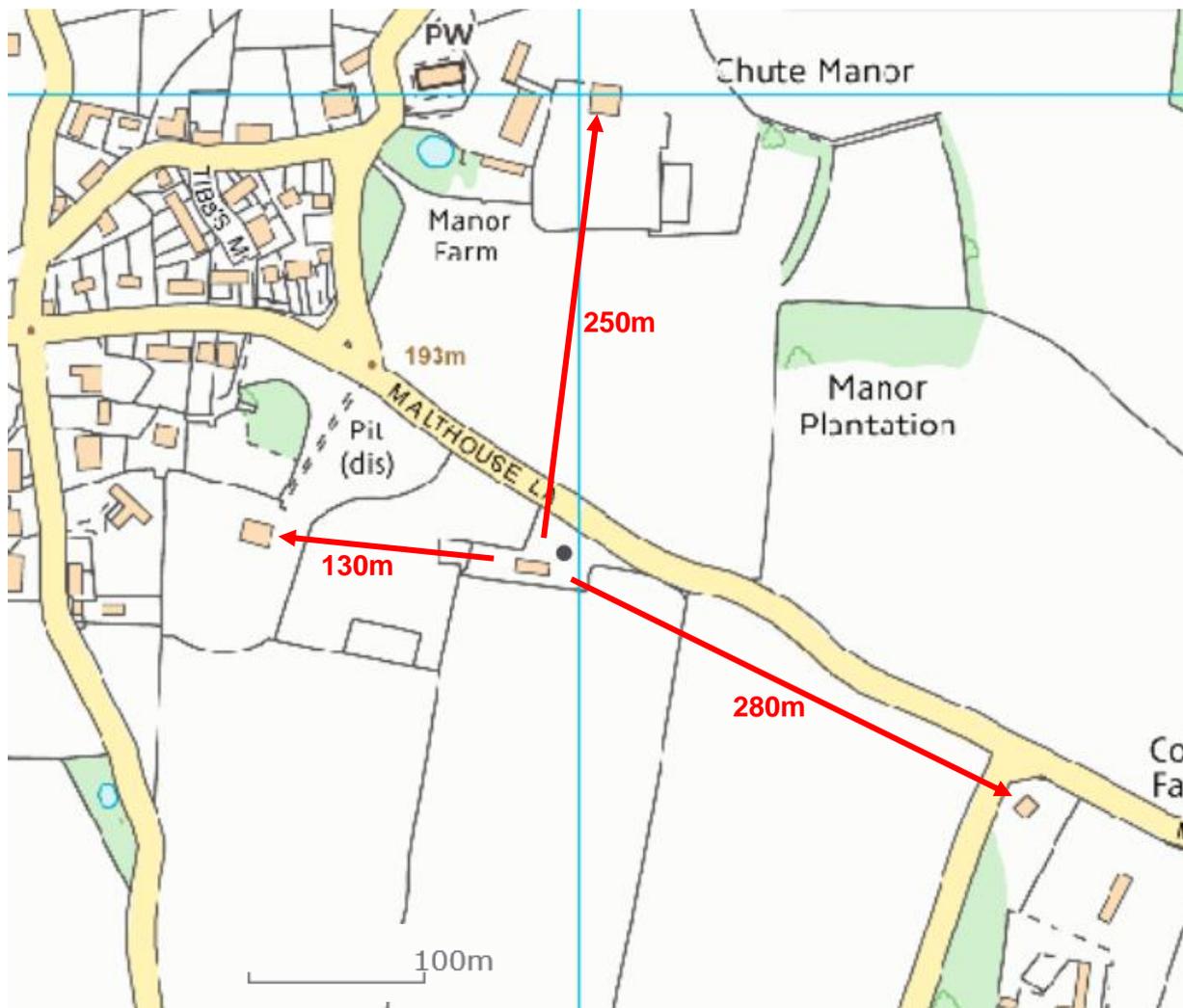
A landscape and visual impact assessment has been commissioned by the applicant for the previous application, which concluded that, with a landscaping mitigation strategy, the proposed dwelling could be successfully integrated into the landscape. An addendum to that strategy was submitted with the current application, which concluded that the variations to the proposal could still be successfully integrated into the landscape. A condition can be applied to ensure the landscaping mitigation is carried out within an appropriate time frame.

Given the previous appeal decision, and in the context of the previous approval, it is not considered that the changes now proposed would have a harmful impact on the character or appearance of the conservation area or other heritage assets.

## **9.2 Neighbour amenity**

CP57 requires proposals 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...*”

One objection letter states the proposed roof terraces will create overlooking to Long View, Chute Manor and Chute Collis Cottage. These properties are of considerable distance (see map below) from the application site and therefore any potential direct line of site between the proposal and these dwellings would not lead to overlooking or cause a loss of privacy of a severity that would warrant refusal of the application on that basis.



### **9.3 Parking provision**

The location of the proposed additional footprint to the building do not affect the parking provision or access for the dwelling. Wiltshire Highways raised no objections to the proposal. It is necessary to reapply the standard condition relating to parking provision.

### **9.4 Sustainable Construction**

The WCS' key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41 (Sustainable Construction), which specifies sustainable construction standards required for new development.

For new build residential development the local planning authority has previously sought energy performance at "or equivalent to" Level 4 of the Code for Sustainable Homes via planning condition. However, the LPA is currently no longer applying CP41 and related conditions to applications given it has effectively been superseded by the current government direction of travel favouring Building Regulations for these matters.

### **9.5 S106 Obligations and CIL:**

In line with government guidance issued by the DCLG (November 2014) Planning Contributions (Section 106 Planning Obligations), 1 replacement dwelling does not generate

the need for S106 contributions.

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this proposal. However, CIL is separate from the planning decision process, and is administered by a separate department.

## **10. Conclusion (The Planning Balance)**

The proposal is considered to be acceptable by virtue of it having no significant adverse impact on the AONB landscape, neighbour amenity and highway safety.

The proposal is considered to be in accordance with the following legislation/policies:

- National Planning Policy Framework (NPPF) 2019
- Wiltshire Core Strategy (WCS): CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP26 (Tidworth Community Area), CP41 (Sustainable Construction), CP51 (Landscape), CP57 (Design), CP68 (Water Resources)
- Wiltshire Local Transport Plan – Car Parking Strategy (Chapter 7: Parking Standards)

## **11. RECOMMENDATION:**

That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before 21/04/2023 (the expiration of three years from the date of the original planning permission referenced 20/01143/FUL).

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:

181041-01 (Location Plan) dated Feb 2019 received 29/06/2020

181041-12 (Proposed Elevations, Section and Floor Plans) dated May 2020 received 29/06/2020

WHL-986-05 Rev A (Landscape Strategy) dated June 2020 received 29/06/2020  
Planning Statement received 03/02/2020

ST/181041/P10 (Covering Letter) dated 29/06/2020 received 29/06/2020

19.986 (Landscape and Visual Appraisal) dated Dec 2019 received 03/02/2020

19.986 (Addendum to Landscape and Visual Appraisal) dated June 2020 received 29/06/2020

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

3. No development above ground-floor slab level shall commence on site until the exact details and samples of the timber boarding and render to be used on the external walls has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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 in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

4. No flintwork shall be constructed to walls on site until a sample panel of flintwork, not less than 1 metre square, to demonstrate the type of flint, style of flintwork, laying pattern, mortar mix and finish, and pointing style has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel.

REASON: In the interests of visual amenity

5. All soft landscaping comprised in the approved details of landscaping (WHL-986-05 Rev A Mitigation Strategy - within the Addendum to Landscape and Visual Appraisal 19.986) shall be carried out in the first planting and seeding season following the first occupation of the buildings hereby permitted or the completion of the development whichever is the sooner. 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.

REASON: In the interests of visual amenity.

6. All hard landscaping, including boundary treatment, shall be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented 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 and shall thereafter be maintained as such.

REASON: In the interests of visual amenity.