

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

<b>Date of Meeting</b>	19 August 2021
<b>Application Number</b>	PL/2021/05288
<b>Site Address</b>	2 DYKES COTTAGE, GATERS LANE, WINTERBOURNE DAUNTSEY, SALISBURY, SP4 6ER
<b>Proposal</b>	New House and Garage in part of Existing Garden
<b>Applicant</b>	Mr & Mrs Mervyn & Jocelyn Pannett
<b>Town/Parish Council</b>	Winterbourne
<b>Electoral Division</b>	Old Sarum & Lower Bourne Valley - Cllr Andrew Oliver
<b>Grid Ref</b>	
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Julie Mitchell

**Reason for the application being considered by Committee**

At the request of the elected member Cllr Andrew Oliver due to the scale of development, visual impact upon the surrounding area and relationship to adjoining properties and having regard to the impact to the rural and historic location in the conservation area and WPCNP, impact on conservation area and setting of historic buildings.

**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. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

**2. Report Summary**

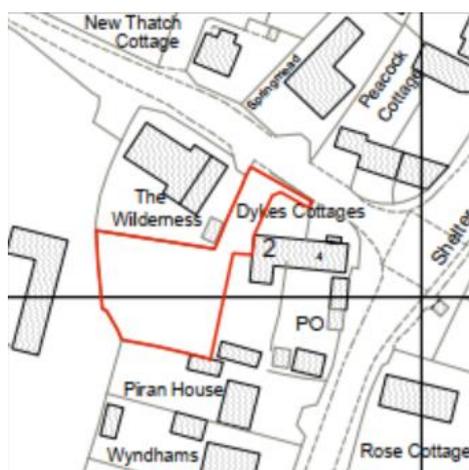
The main issues to consider are:

1. Principle of development
2. Character of area including heritage assets and tree protection
3. Residential amenity
4. Highway issues
5. Ecology
6. Other issues raised

### 3. Site Description

The site is situated in the village of Winterbourne Dauntsey. Together with Winterbourne Earls and Winterbourne Gunner, these villages are collectively defined as a Large Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area), and are known as The Winterbournes. As a Large Village they have a defined village boundary. The application site lies within this defined boundary for this part of The Winterbournes. The site also lies within the Winterbourne Dauntsey Conservation Area.

The site currently forms part of the residential curtilage to 2 Dykes Cottage and lies immediately to the west of the rear garden of the property. The host property together with the attached dwelling 4 Dykes Cottage form a pair of thatched Grade II listed cottages which were formerly a single house. The site lies immediately to the rear (south) of an unrelated residential property, The Wilderness with the boundary formed by a closed timber fence of approximately 1.8 m. The southern boundary is shared with the rear garden of Piran House and is formed by the side wall of a brick built garage and dense hedging. The west boundary, which marks the extent of the original curtilage to Dykes Cottage, comprises a rendered wall with tile capping and is shared with the driveway of Courtyard Cottage and Grade II listed barn to the east of and within the curtilage of The Grange, a substantial grade II listed house. There is a vehicular access providing parking spaces to 2 Dykes Cottage immediately to the west of the existing cottage which extends towards the northern boundary of the site with screening currently provided by trellis and vegetation.



Site Location Plan

There is a sycamore tree located outside the site to the south west corner of the site, which extends to 16 metres in height with a crown spread over the corner of the site. There are small apple trees within the site, two are shown to be removed with other small trees to be retained.

### 4. Planning History

20/11542/TCA - T1 - Mature Sycamore - Remove major deadwood, crossing and rubbing branches and raise crown to achieve 2.5m ground clearance – no objection

### 5. The Proposal

The proposal is for the construction of a new detached dwelling together with alterations to the existing access to widen the access to retain car parking for the existing dwelling and create access to the proposed dwelling. A new timber boundary fence to separate the

proposed site and enclose the retained garden to the rear of 2 Dykes Cottage is also proposed.



Proposed site plan

The proposed dwelling has been the subject of design revisions during the consideration of the application. The original scheme proposed a single storey 3-bedroom dwelling which resulted in a large dormer within the roof space to accommodate the third bedroom and ensuite bathroom, together with an attached garage with lean-to roof. The revised scheme for consideration of the committee has been revised to a single storey 2-bedroom dwelling with no accommodation within the roof space other than for some storage. The material to the roof has been changed from metal sheeting to natural slate. There would be no dormer windows but the south facing roof slope would incorporate solar panels and the north facing roof slope would incorporate two solar tubes and a single rooflight, this rooflight serves the ground floor /kitchen living room which is open to the roof. The revised plans also show the use of timber boarding to all elevations of the building other than the garage which would be clad in metal.

Two parking spaces for the proposed dwelling are to be provided within the site in addition to the garage space, with a turning space to the side of the dwelling.

Associated works comprise alterations to widen the existing access, removal of trellis to allow for the access into the site and provision of a new boundary fence between the site and 2 Dykes Cottage. Tree protection measures are specified within an Arboricultural Report to protect an established sycamore tree on the boundary of the site (south west corner).

## 6. Local Planning Policy

### Planning (Listed Building and Conservation Areas) Act 1990

Section 66: General duty as respects listed buildings in exercise of planning functions.

Section 72: General duty as respects conservation areas in exercise of planning functions.

### Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 23 – Spatial Strategy for the Southern Wiltshire Community Area

Core Policy 45 – Meeting Wiltshire's Housing Needs

Core Policy 50 – Biodiversity and Geodiversity  
Core Policy 51 - Landscape  
Core Policy 57 - Ensuring High Quality Design and Place Shaping  
Core Policy 58 – Ensuring the Conservation of the Historic Environment  
Core Policy 60 - Sustainable Transport  
Core Policy 61 - Transport and Development  
Core Policy 64 - Demand Management  
Core Policy 69 - Protection of the River Avon SAC

**Salisbury District Local Plan (2003)**

Saved policy C6 – Special Landscape Area

**The Winterbournes Neighbourhood Plan Referendum Version 2019-2026  
(Made on 19 May 2021)**

**National Planning Policy Framework 2019**

In particular: Section 4 (decision making); Section 11 (making effective use of land); Section 12 (achieving well- designed places); Section 16 (conserving and enhancing the historic environment)

**Government Planning Practice Guidance**

**National Design Guide (September 2019)**

**Habitat Regulations 2017**

**7. Summary of consultation responses**

***Winterbourne Parish Council –***

- OBJECT with reasons being as outlined below:
- The Parish Council have concerns with regards to the scale of the proposed development and the impact this would have upon the neighbouring property known as The Wilderness as well as the character of the conservation area.
- In particular the height and proximity of the dwelling to the boundary would have overbearing and overshadowing effects upon The Wilderness.
- Furthermore, there is potential for the rear dormer window to cause overlooking of rear gardens of other dwellings to the south.
- Concerns were also express with regards to aspects of the design / visual appearance of the dwelling, particularly the large rear dormer window and the metal cladding to the west elevation.
- There were doubts that the site would be suitable for a dwelling given its close proximity to the rear of neighbouring dwellings and its location within a highly valued part of the conservation area.
- If planning officers did resolve to approve the application, the Parish Council would like assurances that the development would not harm the appearance or long term health of the large sycamore tree which is highly valued within the conservation area.

***WC Conservation –***

- The site appears to have formed part of the curtilage of 2 Dykes Cottages at the time of its listing.
- In the C19 though, it was a separate orchard in the same ownership as the two cottages, which was later divided to facilitate construction of The Wilderness.

- Dykes Cottages (grade II), Peacock Cottages (II\*), The Grange (II) and its barn (II), Rose Cottage and the former post office form a noteworthy concentration of historic buildings, contributing to each others' setting and to the character of the conservation area.
- The Grange in particular, is a fine house within spacious grounds, with glimpsed views of its trees and outbuildings from the main road (A338) and Gaters Lane.
- The proposal is for a new detached house, essentially a chalet bungalow, in the orchard behind the Wilderness, sharing a widened driveway with the existing cottage.
- The cottage would lose a significant proportion of its rear garden but I am content that it would probably not be so diminutive as to have a great impact on its desirability as a dwelling (and therefore its optimum viable use, in NPPF terms).
- In terms of views of the new building, it would readily be seen from Gaters Lane between Dykes Cottages and The Wilderness – the 'perspective from entrance' illustration clearly shows this despite being taken from an unhelpfully low viewpoint (below waist level).
- I acknowledge that throughout the CA there is a variety of density of development, with a number of dwellings squeezed into plots behind the historic pattern of development and several cul-de-sacs of mid-late C20 houses.
- I do think that this particular site, however, contributes to the setting of the listed buildings on Gaters Lane and that the proposed building is likely to appear shoehorned into the space.
- The metal roof does nothing to reduce its visual impact, and is not characteristic of the area.
- The PLBCA Act 1990 requires the LPA to pay special attention to the desirability of the preservation or enhancement of conservation areas and special regard to the setting of listed buildings.
- The NPPF makes it clear that there should be a strong presumption against harm to heritage assets, but where that harm might be considered to be 'less than substantial' then the public benefits of a scheme may be weighed in a balancing exercise.
- There is certainly an argument that the character of the CA and setting of the LBs would not be preserved (or enhanced) by the scheme, however it must fall within the lower realms of 'less than substantial harm' and would therefore arguably only require a modest level of public benefit to meet the tests of para 196.
- At present no such benefits are discernible.

#### Comments on revised plans:

- It looks much better, its more traditional form and materials will sit more comfortably in the space and in views across the site from all directions.

#### **WC Archaeology -**

- This site is of archaeological interest as it lies within the historic core of Winterbourne Dauntsey, which dates to at least the medieval period.
- It is also adjacent to the site of the former St Edward's Church which was originally built in the 13th century, as confirmed in archaeological excavations in 2000.
- There is a good possibility of sub-surface remains from earlier phases of activity within the village surviving within this site.
- The proposed new house and garden is located in an area that appears from the historic map record to have been open ground for at least the past 150 years, so

if any archaeological features do survive here, they will be relatively well-preserved.

- At this point I need some concrete evidence for the presence, extent, date and state of preservation of the archaeological resource that may be impacted by the proposed development.
- As a result I would ask that the site is made the subject of an archaeological trial trench evaluation prior to the determination of this application.
- This evaluation should be conducted by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA).
- The costs of the work are to be borne by the applicant.

Further comments received –

- As the applicant's don't yet own the land, I would be content for the trial trench evaluation to be carried out following the determination of the application, this evaluation to be secured via a condition to be attached to any planning permission that may be issued.
- Such a condition should be worded thus:
- 'No development shall commence within the area indicated by application PL/2021/05288 until:
  - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.
- REASON: To enable the recording of any matters of archaeological interest.'
- The work is to be carried out by qualified archaeologists following the standards and guidelines for archaeological evaluation as set out by the Chartered Institute for Archaeologists (CIfA).
- The costs of the work are to be borne by the applicant.
- Informative to applicant:
- One of the reasons we ask for pre-determination evaluation is that it gives an applicant room for manoeuvre if substantial archaeological finds are made by the trial trenching, which may require further work to mitigate the impact of the development upon any identified archaeological resource.
- Assessing the site via condition means that they may find themselves with considerable, if not overarching, archaeological constraints at a very late stage in the process.
- It would be best to them bear this in mind as they proceed with the application.

**WC Highways –**

- The site is accessed off the unclassified Gaters Lane a short distance from the junction with the A338.
- I have no concerns with the additional vehicle movements associated with the use of the junction with the A338 and Gaters Lane.
- Although a narrow road, Gaters Lane is in excess of 5m wide and therefore two vehicles are able to pass each other.
- The vehicle access into the site is proposed to be widened to provide access for both the existing and proposed dwelling, the application proposes the 30mph sign to be relocated, however our traffic team have viewed the application and are happy for the terminal sign to be removed entirely.

- The regulations only require a speed limit terminal to be present on one side of the road not both, so this would be in line with regulations.
- The terminal signs are already out of line with one another as they are currently, so removal would be the most sensible option in this case.
- Adequate visibility is proposed for the location of the existing vehicle access.
- Parking is proposed to meet Wiltshire's parking standards for the new property and 2 spaces are proposed for the existing dwelling.
- Before I submit my final observations, please can the number of bedrooms in the existing property be confirmed.

Further comments received:

- Thank you for sending the email confirming the number of bedrooms to the existing dwelling as being 3 and therefore the proposed 2 parking spaces are adequate.
- With regards to the removal of the 30mph sign. I assume for conditioning purposes it would be preferable for the sign to be shown as being removed on any drawings that will be approved and conditioned.
- I wish to raise no highway objection to the proposal providing the following conditions are imposed:
- (WD1) The development hereby permitted shall not be first occupied 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.
- (WD3) The vehicle access shall remain ungated. REASON: In the interests of highway safety.
- (WD12) No part of the development hereby permitted shall be first occupied 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.
- (WD18) No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter. REASON: In the interests of highway safety.
- (WG2) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway. REASON: To ensure that the highway is not inundated with private water.
- Informative: The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.
- Informative: The application involves an extension to the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

**WC Arboricultural Officer –**

- I have no objection providing development is carried out in accordance with the Arb Report.

## **8. Publicity**

The application was publicised by newspaper advertisement, site notice and neighbour notification to properties immediately adjacent to the site. Representations from 14 third parties had been received in objection to the proposal at the time of writing the report and 3 representations from third parties in support. Re-consultation by neighbour notification has been undertaken following the receipt of revised plans. Any further representations received after the report will be updated to the committee.

Comments are summarised as follows:

### Objections:

- Impact of development on the Winterbourne Conservation Area
- Impact of development on neighbouring listed buildings
- Proposed dwelling is large (144 sq m and garage of 31 sq m) with high, visible roof
- Limited size of plot is inadequate
- Family sized 3-bedroom house squeezed into plot to meet PassivHaus requirements
- It is described as a bungalow but is 2-storey with a high roof
- Does not accord with the housing objectives of the Winterbourne's NP (3.2 points 4 and 5)
- Quote: 'Ensure that all new development respects the character of the Winterbournes and Hurdcott, including its conservation areas and ensure that the historic buildings and their settings remain protected'.
- Occupancy not limited to a lifetime home for an elderly couple
- No guarantee that elderly owners would occupy the proposed dwelling
- There are suitable bungalows and retirement properties available locally
- Steel to roof/west elevation, not in keeping with thatch/tile/slate roofs in Gaters Lane
- Non traditional materials are not appropriate for conservation area
- Shallow-pitched lean-to garage, large-pane windows and wide almost flat roofed dormer would be out of character
- Dispute that Dykes Cottages are enclosed and eclipsed by modern development
- 'Bold, clean and modern design' is a stark contrast with existing buildings
- New house would not front onto the lane at odds with prevailing pattern of development
- Development will be clearly visible from more than one place in Gaters Lane, the A338 and a number of surrounding houses
- View of dwelling from Gaters Lane would stand out
- Contemporary, architecturally minimalist design is considered stark, visually intrusive, incongruous and discordant

- Cramped, high density development in loose-knit arrangement of existing built form.
- Out of keeping with the historic village centre
- Visual impact of a new two storey house is not considered 'minimal'
- Incomplete application due to absence of proper heritage impact assessment
- Severance of plot would diminish the setting of Dykes Cottages
- Detracts from rural setting and significance of Grade II barn east of The Grange
- Fails the duty under sections 66(1) and 72 (1) of the Listed Building and Conservation Areas Act 1990 and core strategy policies.
- Building will dominate surroundings due to elevated site levels
- Backland development has unacceptable impact on neighbour's amenity
- Noise from heat pump close to boundary of The Wilderness
- Noise and disturbance from access/driveway/garage adjacent to rear garden/elevation of The Wilderness
- No noise assessment
- Overshadowing of the Wilderness for much of the day
- Close proximity to existing dwellings, 12.5m to rear of The Wilderness
- Siting does not achieve rule of thumb 20 m back to back separation
- Unacceptable impact on privacy and amenity
- Building would dominate views from first floor windows of The Wilderness
- Contrary to core policy 57 i, iii, iv, vi and vii
- Impact of construction works including potential movement of materials due to regrading of site
- Impacts on views from front rooms of Peacock's Cottage (Grade II\*)
- At least 2 extra cars accessing Gaters Lane and A338 junction
- Likelihood of congestion on Gaters Lane
- Gaters Lane remains a well-used route for pedestrians
- Widening of driveway will increase likelihood of non-residential traffic turning and causing damage
- Potential for overflow of parking on Gaters Lane from occupiers, visitors and care workers
- Loss of trees and green space of an old, well maintained orchard
- No tree survey submitted to ensure protection of the sycamore tree
- Proximity of sycamore tree and impact on future amenity/PassivHaus standard
- The orchard could be replanted for the benefit of the existing house and biodiversity
- No biodiversity net gain
- Energy efficiency should not be to the detriment of other environmental impacts
- Eco-house benefits are far outweighed by the negative aspects
- Proposal would destroy the conservation/enjoyment of the garden to future owners of Dykes Cottages
- A building of this construction would be better suited within other areas locally
- There is an abundance of farm land which could provide a more suitable location
- Concern that development will set a precedent
- Agreement to this development disadvantages existing dwellings

- Revised plans for timber boarding on west elevation do not specify how building regulations are now met
- No revised site plan leads to concern that siting of dwelling would be moved further from west boundary
- Revised eco house is still far too big for an inappropriate plot
- Old building methods are not necessarily environmentally unfriendly
- The removal of the dormer has no impact on previous objections
- Deletion of third bedroom would have only minor effect on traffic issues
- Timber cladding still stands out as being out of character with all other properties in Gaters Lane
- The revised application remains incomplete in respect of heritage assessment
- No expert evidence is provided in respect of the setting of the listed building or viability of the orchard
- The legal requirements of the 1990 Act are not met
- There is no public benefit, there are private benefits for the applicant
- Not a suitable location for provision of the elderly under CP46
- Noise and disturbance from vehicles is not addressed by revisions
- Question how the root protection zones of the sycamore tree can be protected with limited size of site and patio area which would need to be excavated
- Shading effect of large tree close to principal windows
- The dwelling dominates views from the rear of The Wilderness due to the elevated level
- Revisions to NPPF para 134 provides that development that is not well designed should be refused where it fails local/government guidance on design
- PassivHaus standard does not make the proposal more acceptable than other building methods
- The proposal fails National Design Guide requirements NDG123 and H2
- Winterbournes NP introduces a new material consideration with emphasis on historic environment
- Appeal precedent in Winterbourne Gunner
- No material considerations to indicate setting aside conflict with planning policy
- Minor alterations to the application do not change original objections
- It remains an inappropriate piece of land to develop
- Still has an unacceptable impact on neighbours amenities
- Loss of green space within the historic heart of the village also remains
- Hope that the planning committee will take note of widespread local opposition and distress it will cause if allowed
- The Wilderness would become an 'island' surrounded by access tracks/drives
- Reduction in privacy and sense of peace and quiet
- The garden, used as an extra room, would not be possible in the future due to lack of privacy and noise

Support:

- We don't object
- The application gives careful consideration to create a discreet Eco home
- Sensitive consideration to immediate neighbours and existing heritage

- The existing driveway is being used
- Ample parking and turning space is available
- Well considered boundaries are proposed
- Further planting proposed to blend the new house into its set back environment
- The property is a good distance away from existing trees
- Most trees and vegetation will be retained to ensure a continuation of the character of the garden plot
- An eco-home should be supported and embraced by the local community
- Rejection of an outlandish and overdeveloped scheme would be sensible, fail to see why it is not gaining a greater level of support
- We have a responsibility to create an environmentally responsible legacy
- Proposal works alongside the heritage and character of the quaint village
- Progress in construction methods cannot be achieved while we subscribe to old-fashioned and environmentally unfriendly building methods and ideologies
- Local residents should revisit this scheme to view the positives that can be found
- If we are to improve the poor quality of housing stock proposals such as this, should be encouraged
- The contemporary look doesn't sit well with some it is tucked out of the way and unlikely to be seen by most passers-by
- This house would in all probability achieve an EPC of greater than 'A'.
- The two recently completed properties built at the southern end of the village achieved an EPC of 'B', the average EPC for England and Wales is 'D'
- If only for future generations we need more A+'s

## **9. Planning Considerations**

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. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

### **9.1 Principle of Development**

Wiltshire Core Policy 1 (Settlement Strategy) identifies settlements where sustainable development will take place. Core Policy 2 (Delivery Strategy) states that a more detailed distribution is set out in the Community Area Strategies and development proposals should also be in general conformity with these. Core Policy 2 includes the following statement:

“...Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages...”.

The settlement boundaries have been subject to a review as part of the Wiltshire Housing Sites Allocation Plan adopted in February 2020. This review confirmed the site

as being within the village boundary. The adopted Wiltshire Council development plans confirm that the principle of new residential development is supported.

In addition, The Winterbournes Neighbourhood Plan 2019-2026 (NP) was formally made on 19 May 2021 following referendum on 6 May and now forms part of the Development Plan to be given full weight when assessing applications that affect land covered by the plan. Chapter 3 of the NP addresses Housing and sets out the following objectives:

- Respond to the housing needs and Wiltshire Council requirements of The Winterbournes and Hurdcott through sympathetic development on infill and appropriate greenfield sites.
- Seek to extract the maximum community benefit from these houses.
- Promote a mix of dwellings, through affordable housing, to enable young first-time buyers, the single and the elderly to remain in the village.
- Ensure all new development respects the character of The Winterbournes & Hurdcott, including its Conservation Areas which comprises three sub-areas that cover the villages of Winterbourne Gunner, Winterbourne Dauntsey and Winterbourne Earls.
- Ensure that historic buildings and their settings remain protected.
- Prevent harmful impacts of flooding and reduce flood risk where possible, by requiring all new housing development in the Parish to be accompanied by a proportionate drainage strategy (and flood risk assessment where required by national policy and guidance)
- Prevent harmful impacts to the River Avon Special Area of Conservation through new housing development being phosphate neutral.

The housing policies of the NP (Policies 1 to 3) relate to 3 allocated sites within the NP plan area. Whilst the NP does not contain any policies to define how development of infill and greenfield sites is to be considered, the objectives clearly indicate that housing development within the NP area shall not be limited to the 3 allocated sites where sympathetic development on such sites can be achieved.

As such, the development plan as a whole gives a presumption in favour of small-scale development within the settlement boundary and the principle of development can be considered acceptable. This will be subject to detailed consideration of the site specific constraints and impacts, in this case the relationship of the proposed development with the historic environment of the locality and existing residential properties form the main considerations in the assessment of whether the site is capable of accommodating the proposed dwelling.

## **9.2 Character of the area, including heritage assets and trees**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special regard' is to be given to the desirability of preserving a listed building or its setting and Section 72 of the P(LBCA) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by

virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 195 of the National Planning Policy Framework requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 197 states that, in determining applications, local planning authorities 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.

Paragraphs 199 and 200 stipulate that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance... Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Core Policy CP58 (Ensuring the Protection of the Historic Environment) of the adopted WCS indicates that development should protect, conserve and where possible enhance the historic environment and designated heritage assets and their settings should be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The proposal is for a new dwelling to be sited on land to the rear of an existing dwelling, The Wilderness, which currently comprises part of the existing garden serving 2 Dykes Cottage but understood to have originally been a small orchard. As revised, the proposed dwelling comprises a simple rectangular form of single storey eaves height with an attached garage addition. The walls of the proposed building are timber clad on all sides with a natural slate roof, the garage addition retains the steel cladding originally

proposed. The original scheme proposed accommodation at first floor to be served by a large dormer on the south facing roof slope, this has now been omitted and solar panels are now included on this elevation.

The application site lies within the immediate setting of the host Grade II listed building, 2 Dykes Cottage, and the wider setting of the attached Grade II listed building, 4 Dykes Cottage and Grade II listed barn (to the east of The Grange). It is also lies within the Winterbournes Conservation Area and other listed buildings are noted in the area, including The Grange, Grade II listed, further to the west and Peacock Cottage, Grade II\* listed, on the opposite side of Gaters Lane to the north west as well as other non-designated historic buildings of note. Whilst the principle of development can be considered acceptable in terms of the settlement strategy, the impact of development on the identified heritage assets and the character and appearance of the area in general is of significance to the acceptability of the proposal.

The proposed dwelling does not have a street frontage, being located at the end of the driveway to the side of 2 Dykes Cottage and predominantly behind the rear boundary fence of an existing dwelling, The Wilderness. As such the site has some characteristics of 'backland' development, however, the proposed access is via an existing access which would be alongside the retained driveway to the host property and the garage and driveway of The Wilderness. Grebe Barn and Kingfisher House are similarly located to the rear of Newthatch Cottage, which is located to the north of Gaters Lane opposite The Wilderness, with glimpses from Gaters Lane along the driveway. There are no specific policy objections to development which does not have a street frontage, each case must be considered on its merits with regard to the relationship to the established built form. The Council's Conservation Officer provided comments on the original scheme that noted that 'throughout the Conservation Area there is a variety of density of development, with a number of dwellings squeezed into plots behind the historic pattern of development and several cul-de-sacs of mid-late C20 houses', indicating that in principle such development may not be unacceptable.

However, the consultation response from the Conservation Officer did note that the application site contributes to the setting of the listed buildings on Gaters Lane and raised concerns with the design and roof materials of the 'chalet bungalow' and views of it from Gaters Lane from where it may appear as being 'shoehorned' into the space. In the opinion of the Conservation Officer, the original scheme was not considered to preserve the character of the Conservation Area and setting of listed buildings, although it was noted that the resultant harm would fall within the lower realms of 'less than substantial harm' which would not be outweighed by public benefits. Numerous third-party objections have been received raising similar concerns in respect of the stark, modern appearance of development and its relationship to the historic centre of the settlement and specifically the impact on the unique character of Gaters Lane.

The revised plans submitted as a result of the concerns raised specify a natural slate roof and deletion of the proposed dormer window and the use of timber cladding on all elevations. The result of these changes is a simple, traditional built form using a natural palette of materials which are considered to be submissive to the historic buildings. The

perspective drawing below has been submitted to illustrate the view of the dwelling from Gaters Lane.



Illustrative view from Gaters Lane

The dimensions of the proposed dwelling have not been reduced, however it is considered that the site is capable of accommodating the proposed single storey dwelling without detracting from or competing with the existing buildings.

It is noted by the Conservation Officer that the existing cottage would lose a significant proportion of its garden but that the remaining curtilage would not be considered so diminutive to have a significant negative impact on its desirability as a dwelling and therefore its optimum viable use in NPPF terms. An objection to the loss of the garden space is therefore not considered to be sustainable.

Following receipt of revised plans, the Conservation Officer has advised that the dwelling is much improved and that its more traditional form and materials will sit more comfortably in the space and in views across the site from all directions. The Conservation Officer has also confirmed that the level of information submitted with the application was sufficient to enable the assessment of impacts on heritage assets and this recommendation is made with the benefit of his professional advice. It is concluded that the proposal, as revised, would not diminish the significance of the host Grade II listed building or cause identifiable harm to the setting of other listed buildings or the character and appearance of the Conservation Area having regard to the requirements of the P(LBCA) Act 1990 and national and local plan policies, including those of the Winterbournes Neighbourhood Plan.

The Council's archaeologist has identified that the site is of archaeological interest as it lies within the historic core of Winterbourne Dauntsey, which dates to at least the medieval period, and is adjacent to the site of the former St Edward's Church which was originally built in the 13th century, as confirmed in archaeological excavations in 2000. As a result there is a good possibility of sub-surface remains from earlier phases of activity within the village surviving within this site and if any archaeological features do survive here it is considered that they will be relatively well-preserved. Accordingly the archaeologist requires evidence for the presence, extent, date and state of preservation of the archaeological resource that may be impacted by the proposed development and

has indicated that an archaeological trial trench evaluation should be undertaken prior to the determination of this application. However, as the applicant is not the landowner it has been agreed that such investigations could be required by condition although it is pointed out that this is not without risk to the viability of the scheme since the extent and costs of archaeological mitigation works could prove to be significant. The applicant has been advised of this risk and the recommended conditions are accepted.

The Council's Arboricultural Officer has undertaken a site visit and requested a tree survey report due to the presence of the sycamore tree at the south west corner of the site boundary. Following consideration of the measures proposed within the report, no objections were raised to the proposed development subject to the works being carried out in accordance with the report and necessary protection measures. This can be conditioned.

### **9.3 Residential Amenity**

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to:

“...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)”.

The NPPF at paragraph 127(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing (and future) occupiers of land and buildings. The application site shares a boundary with three existing residential properties as well as the host dwelling. An issue for consideration in this case is therefore impact of the proposed dwelling on the amenities of neighbouring residents including the host dwelling as well as the consideration of the standard of amenity for future occupiers of the proposed dwelling.

The proposed dwelling does not have a street frontage, being located at the end of the driveway to the side of 2 Dykes Cottage and lies predominantly behind the rear boundary fence of an existing dwelling, The Wilderness. As such, as noted earlier in the report, the site has some characteristics of 'backland' development, however, the proposed access is via an existing access which would be alongside the retained driveway to the host property and the garage and driveway of The Wilderness. Unlike typical backland development, the proposal would not introduce an access lane dividing two existing properties. It does however include a parking area within the site, which would be adjacent to the rear boundary fence of The Wilderness in an area which is currently planted as a vegetable patch.

Consideration has been given to the impact of the driveway on the amenities of The Wilderness having regard to their use and enjoyment of the rear garden and rooms with windows facing the site and the potential for noise and disturbance from non-associated vehicles. It is accepted that the presence of vehicles parking and turning would alter the existing relationship of the site with the neighbouring dwelling, which has enjoyed an outlook over its neighbour's garden for many years, potentially for as long as the dwelling itself has been built. However, it is not uncommon for private garden areas to be located adjacent to access drives which serve other residential properties, or public highways. It is noted that the driveway/access to the west of The Wilderness is similarly

located in relation to the rear garden as shown in the aerial view below which was captured prior to the significant extension and remodelling of the property following the grant of planning permission in 2016. The side dormer window to The Wilderness, shown in the photograph below, is similarly related to the existing access to 2 Dykes Cottage, this dormer was also added as part of the permission granted in 2016 and whilst noting that it was proposed to serve a bathroom, the general layout is indicative of the typical relationships between neighbouring dwellings where there is a degree of reciprocal impacts.



It is further noted that Class F of Part 3 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 does grant permitted development rights for the provision of a hard surface for any purpose incidental to the enjoyment of a dwellinghouse, indicating that the existing dwelling could utilise the garden area for hard-surfacing for the parking of vehicles without the need for planning permission. Having fully considered the relationship of the driveway/parking area and garage, a reason for refusal on the grounds of disturbance and noise is not considered to be sustainable.

The proposed heat pump is shown to be located against the north wall of the proposed dwelling. Such forms of heating are now a standard form of heating for new dwellings which are frequently used as an alternative to fossil fuel boilers. However it is recognised that the siting of the apparatus on the outside wall can generate noise, this will depend on the manufacturer's specification and any noise attention barriers to be included. As the product specification will not be determined until after the granting of planning permission at the building regulations stage, it is considered necessary to include a condition to require the details of any plant to be agreed with the council prior to occupation of the dwelling to ensure that the potential for noise impact can be assessed by the LPA in consultation with the Environmental Protection Officer.

In respect of privacy, as the land is not currently associated with The Wilderness, it is considered there is no material loss of privacy resulting from its proposed use to accommodate a dwelling than its current use as a garden used by a third party. The siting of the proposed dwelling would be likely to reduce the extent to which people using the garden area can gain views of the bedroom windows as the photograph below shows is possible now. The view of future occupiers using the driveway would be likely to be restricted by the height of the existing fence.



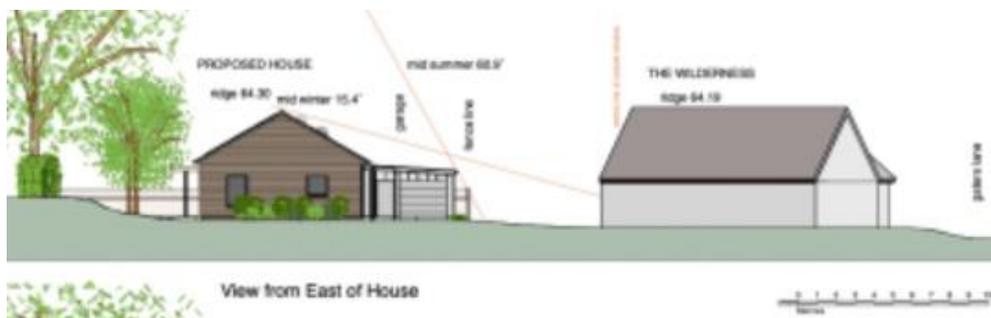
Photograph of the rear of The Wilderness from the existing garden

Representations have been made in respect of the separation distance between the dwelling and The Wilderness and reference is made to minimum distances stated in design guidance. Core Policy 57 does not include a stipulation on 'back to back' distances. Minimum window to window distances are normally recommended to maintain privacy, however in this case, there are no facing windows on the north elevation of the proposed dwelling which would overlook The Wilderness. The rooflight shown is above eaves level of a room which is open to the roof and there is a front door and bathroom window at ground floor level which face the existing boundary fence. The potential for overlooking from the proposed bathroom window and front door towards the first floor windows of the existing dwelling would be the same as exists from the garden at present.



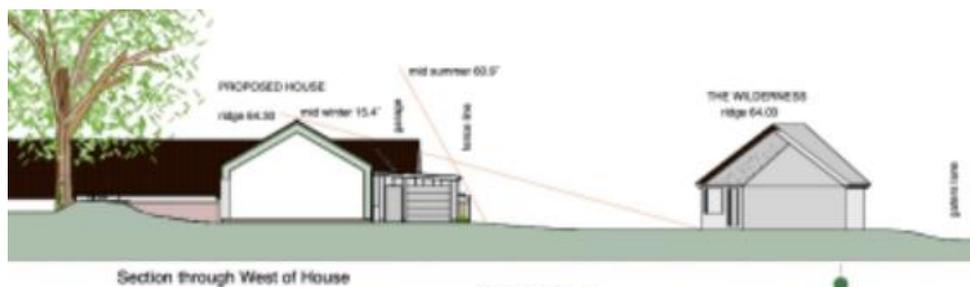
North elevation

In respect of overshadowing, the proposed dwelling is sited to the south of The Wilderness, which has the greatest potential for creating shade. The illustrative plan below shows the relationship of the proposed dwelling with The Wilderness viewed from the east.



East Elevation of proposed dwelling and The Wilderness

The section drawing below shows the relationship of the proposed dwelling with The Wilderness at a mid-point of both existing and proposed dwellings.



Section through proposed dwelling and The Wilderness

The height of the proposed dwelling steps upwards from the height of the boundary fence, with the position of the garage and roof sloping away from The Wilderness, and the neighbouring property itself is positioned at an angled so that the separation distance is significantly greater at the western end than the eastern end. Taking account of the angle of buildings, the full height of the proposed building, at its ridge, is approximately 17.5 metres from the closest corner of The Wilderness. This is between approximately 18.5 and 19.5 metres from the nearest ground and first floor windows, increasing to in excess of 25 metres. It is not considered that there would be a demonstrable loss of sunlight to window openings, the existing patio area immediately to the rear of the building or much of the lawned garden as the distance between the buildings increases. Whilst it is recognised that the proposed dwelling would be in full view from The Wilderness and its rear garden, a reason for refusal on the grounds of loss of amenity to The Wilderness on the grounds of privacy or overshadowing is not considered to be warranted due to the design, scale and separation between the buildings overall.

With the deletion of the proposed dormer window and the height and orientation of the proposed dwelling, impacts on the property to the south, Piran House, and its garden are not anticipated. The buildings to the west face away from the site and is separated by its own driveway, as such no material impacts are identified. There would be a reduction in the curtilage to the host dwelling, however a proportionate garden area is retained and it is not considered that there would be any loss of amenity to 2 Dykes Cottage.

The proposal itself allows for a proportionate private amenity space, storage and parking to serve the dwelling and principal windows are all south facing, allowing for a satisfactory standard of amenity for future occupiers.

#### 9.4 Highways issues

The proposed dwelling would be accessed off an unclassified highway, Gaters Lane, a short distance from the junction with the A338. Third party representations have been received regarding the impact of one additional dwelling on Gaters Lane having regard to the potential for congestion and parking on the highway.

Consultation has been undertaken with the Council's highways officer who has confirmed that there are no concerns with the additional vehicle movements associated with the use of the junction with the A338 and Gaters Lane from the highways perspective. It is noted that although it is a narrow road, Gaters Lane is in excess of 5m wide and therefore two vehicles are able to pass each other.

The proposed dwelling would be accessed via the existing vehicular access to 2 Dykes Cottage which is proposed to be widened to allow for the parking of vehicles associated with the host property as well as allowing access to the parking area/garage within the application site. The highways officer has raised no objections to the proposed means of access to both the existing and proposed dwellings and adequate visibility can be achieved for the location of the existing/proposed vehicle access. To facilitate the revised access arrangement, the application proposes the existing 30mph sign to be relocated. Consultation with the traffic team has confirmed that it is satisfactory for the terminal sign to be removed entirely because the regulations only require a speed limit terminal to be present on one side of the road not both, so this would be in line with regulations. It is noted that the terminal signs are already out of line with one another as they are currently positioned, so removal would be the most sensible option in this case.

It is confirmed that parking is proposed which would meet Wiltshire Council's parking standards for the new property and 2 spaces are proposed for the existing dwelling. Before I submit my final observations, please can the number of bedrooms in the existing property be confirmed.

## **9.5 Ecology**

This development falls within the catchment of the River Avon SAC. The proposal would result in a net increase of 1 residential unit on the site which has potential to increase adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application is located within the settlement boundary it falls within the scope of the mitigation strategy and generic appropriate assessment, it can therefore be concluded that it would not lead to adverse impacts alone and in combination with other plans and projects on the River Avon SAC.

## **9.6 Other considerations**

Compliance with Building Regulations is a separate regulatory function and it is usual to apply an informative to any planning permission that if alterations to the plans are necessary to secure compliance with Building Regulations, planning permission would be needed. However, the agent has confirmed that a fire resistant membrane behind the timber cladding would overcome the need for the metal cladding on the west elevation to enable the use of timber cladding to all sides in the interests of the appearance of the building and its setting.

It would not be reasonable to condition the occupancy of the proposed dwelling to any particular age group. As such, whilst the intention is to provide a lifetime home for the applicants no significant weight can be attached to this intention although there are benefits associated with the provision of a new dwelling in a sustainable location which has been designed to meet this criteria for all future occupiers.

The design of the proposed dwelling is intended to meet PassivHaus standards. This is also noted to be a positive aspect of the scheme, however this is not an overriding reason for approval having regard to the weight of other material considerations in particular with regard to the historic environment which has been given appropriate consideration with the expert advice of the Council's Conservation Officer.

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

In the planning balance, the principle of a single dwelling is supported in a large village settlement having regard to the adopted development plan (WCS and WNP). Due regard has been given to the setting of Listed buildings and character and appearance of the Conservation Area and with the proposed revisions the dwelling would not cause identifiable harm to the significance of heritage assets. The proposed residential development is also considered compatible with existing residential properties and the impacts on the amenities of existing occupiers would not be materially harmed. The proposed access and parking arrangement does not raise any overriding highway safety concerns. Taking into account the multiple objections to the proposal and revisions to the scheme, it is concluded that there are no material considerations which would result in demonstrable harm or impacts which would weigh convincingly against approval of development.

## **RECOMMENDATION**

Approve 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:

199-P01 Location and Site Plans dated 01.04.2021  
199-P02A Site Plan - Proposed Revised dated 02.08.2021  
199-P03A Site Plan - Dimensions revised dated 02.08.2021  
199-P04B Floor Plans - Amended dated 02.08.2021  
199-P05C Elevations - Amended dated 04.08.2021  
199-P06B Notional Sections - Amended dated 02.08.2021  
199-P07B Site Sections Revised dated 02.08.2021  
199-P08A Perspective at Rear Revised dated 30.07.2021  
199-P09A Perspective at Entrance Revised dated 30.07.2021  
199-P10A South East Isometric Revised dated 30.07.2021

199-P11A South West Isometric Revised dated 30.07.2021  
199-P12 Site Survey dated 20.03.2021  
199-P14A View up drive dated 03.08.2021

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

- 3 No development shall commence within the area indicated by application PL/2021/05288 until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.'

- 4 The development shall be undertaken in accordance with the Pre-development Arboricultural Report on Trees by Sharples Tree Services dated 2 June 2021. The protective fencing shall be erected in accordance with the Tree Protection Plan 2DC/TPP and shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

REASON: To enable the Local Planning Authority to ensure the retention of trees on/adjoining the site in the interests of visual amenity.

- 5 Details of all plant associated with the development , including air source heat pump, shall be submitted to and approved by the Local Planning Authority. All plant shall be sited and designed in order to achieve a Rating Level (BS4142:2019) of -5dB below background noise level (LA90T) or below, determined at the nearest noise sensitive receptor, when the plant is intended to operate. The development shall not be first occupied until the approved equipment has been completed in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter. The plant operator shall, at their own expense, provide an assessment by a suitably competent and qualified person to measure whether the noise from plant meets the specified level within an agreed timeframe if requested by the Local Planning Authority and mitigation measures agreed if necessary.

REASON: In order to safeguard the residential amenities of neighbouring properties.

- 6 No development above slab level shall be undertaken until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the character and appearance of the Conservation Area.

- 7 The development hereby permitted shall not be first occupied 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.

8 The vehicle access shall remain ungated.

REASON: In the interests of highway safety.

9 No part of the development hereby permitted shall be first occupied 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.

10 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

11 Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

12 The dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation (SAC).

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the character and appearance of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the dwelling above ground floor ceiling level) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy of the adjacent residential properties.

Informatives:

- The application involves an extension to the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.
- The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.
- The applicant should note that the archaeological work is to be carried out by qualified archaeologists following the standards and guidelines for archaeological evaluation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant and the Local Planning Authority cannot be held responsible for any costs incurred.
- 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.