

UPDATED FOR AREA PLANNING COMMITTEE

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

1. Representations from applicant/agent:

- We have noted a continuation of the comments regarding the heat pump and have looked further at the actual noise levels.
- This is additional to the earlier response in respect of the limited times when the heat pump would actually be running.
- Whilst the final selection has yet to be made, a typical air source heat pump of the type and size required by a reputable manufacturer gives a sound pressure of 52 dBA (typically within the range 40 to 60 dBA) at 1 metre from the unit in normal operation as measured to the relevant British Standard.
- On the basis that there is a reduction of 6 dB for each doubling of the distance this would reduce to 46 dB at 2 metres and to below 40 dB at the fence line at around 5 metres from the unit and something slightly over 30 dB (34 dB at 8 m distance - 28 dB at 16 m) at the nearest part of The Wilderness (12.5 m).
- These levels do not take any account of the close boarded fence or the proposed planting along that boundary which would reduce the noise considerably.
- The website as the attached link shows the relevant noise levels to put these levels into context.

<https://soundproofingguide.com/decibels-level-comparison-chart/>

- Reference to the Government information:

<https://www.gov.uk/guidance/noise-nuisances-how-councils-deal-with-complaints>

shows:

- The permitted noise level using A-weighted decibels (the unit environmental noise is usually measured in) is:
 - 34 dBA (decibels adjusted) if the underlying level of noise is no more than 24 dBA

- 10 dBA above the underlying level of noise if this is more than 24 dBA
- On the basis that the area is likely to be reasonably quiet, the 34 dBA would appear to be the requirement and even without the fence and planting (and if the windows to The Wilderness were open) the levels shown above would not be considered as nuisance given that the permitted levels are measured from within the “complainant’s dwelling”.
- It is also unclear from the website above whether this is at all times or within the period of 11 pm to 7 am but does come under the heading “Noise at night: warning notices”.
- Even on this basis the sound level would be lower and not an issue.
- Further comments are made in respect of objections submitted
- Heat pumps have developed considerably since research in 2011
- For a low energy house the heat requirement is low, needing a smaller heat pump to supplement energy from solar panels
- The objections address comments which are rightly to be examined and balanced in favour or against the presumption of sustainable development
- The planning statement was prepared and submitted before the revisions to the NPPF in July 2021
- Had the application been determined within 8 weeks it would have been before the introduction of changes
- It is unreasonable to judge the application on criteria which were not known at the time of submission
- The general thrust of the NPPF has not changed significantly
- The proposed dwelling is not poor design, this is a matter of opinion
- The revised NPPF does not define ‘beauty’, this can only be a matter of opinion
- Materials have been revised and are traditional and vernacular
- Contemporary elements are not inappropriate
- The house does not cover ‘most of the plot’
- No reason that views of the site from the Grade II listed barn east of the Grange would be unacceptable
- Visibility from Gaters Lane is restricted, it is 27 metres from the road to the nearest corner and not prominent
- The view from the A338 would be noted, glimpsed and at a distance of 30 metres behind fences and planting
- Development mirrors Grebe Barn and Kingfisher House on the opposite side of Gaters Lane
- Grebe Barn is timber clad
- The dwelling sits comfortably within the plot
- It is not cramped and has a smaller ground floor area than The Wilderness and Springmead which are on smaller plots
- It is not a rural area but a village with houses, access drives and gardens
- Any new house has the public benefit of adding to the housing stock
- A low energy/lifetime home standard is a considerable benefit in light of the latest report from the International Panel on Climate Change
- The applicants do not require a large garden
- It would be inappropriate for the dwelling to be age restricted
- It is not a commercial venture as suggested
- Vehicle movements for a single dwelling would be infrequent
- The opportunity for noise and disturbance exists in all residential areas other than isolate houses or very large plots
- The question of felling the sycamore tree has never arisen
- The closest room has a west facing window which will add to the daylight from south facing windows

- The method of construction does not require a large site area
- The tree is not solid but allows light and sun to penetrate with changing seasons
- Any future work to maintain the health and stability of the tree will be undertaken by a suitably qualified arboriculturalist
- The separation distance of at least 20 metres is not applicable to a single storey house behind a 1.7 m close boarded fence with a mainly blank wall
- The ridge height compares with that of The Wilderness and does not dominate
- There is no right to retain a view in perpetuity
- There is nothing current to prevent overlooking from the old orchard to the rear of The Wilderness
- The main activity would be screened by the position of the house
- The house is not two-storey and the loft space cannot provide habitable rooms without the dormer, this would need planning permission (Condition 13 removes permitted development rights)

2. Summary of new consultation responses:

Winterbourne Parish Council –

- This is to notify that at the meeting held on 06/08/2021 Winterbourne Parish Council resolved to OBJECT to the application PL/2021/05288 with reasons being:
- The Parish Council has 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.
- In addition, the Parish Council noted that 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.
- The Parish Council also requests that, if Wiltshire Council does resolve to approve the application, permitted development rights for extensions and outbuildings be removed given the proximity of neighbouring dwellings as a condition of approval.

3. Summary of new representations:

Re-consultation by neighbour notification has been undertaken following the receipt of revised plans. A further 45 representations have been received in addition to those which are previously summarised in the committee report.

Comments which add to/amend those originally reported are summarised as follows:

- Proposal is 'backland' not infill development
- Consequences of proposal could not be more serious
- The lives of occupiers of The Wilderness would be become intolerable
- Unnecessary and irresponsible development
- Revisions do not alter absolute opposition
- Roof space could later be altered to accommodation
- Barn like design is architecturally inappropriate
- Likelihood of groundworks causing irreparable damage to root spread of Sycamore tree, the site and Piran House

- Additional information re heat pump indicates that noise would exceed 42dB at bedroom window of The Wilderness
- Relatives had air source heat pump removed due to noise
- Disturbance to sleep/importance of sleep for remaining fit/recovery from illness/treatment
- Concerns with disturbance from building process
- Any reasonable person who sat in garden of The Wilderness would appreciate this is the wrong place for a dwelling
- Destroys tranquillity of the garden
- Not in public interest to allow development that will diminish everything around it
- The number of objections indicates the level of stress and distress to local residents
- The applicants do not value community opinion and pushing forward with application
- The applicants would be among the younger residents of the lane if they occupy the proposed house
- Addition of so much material close to the closing date for comments is unhelpful
- Decision so soon after re-consultation in holiday season is contrary to natural justice and likely to render decision void
- Committee report is an opinion of case officer
- The local council and residents have a more detailed knowledge of the site than the planning officer
- The collective views of the local community should carry considerable weight
- The Chair of the South Wiltshire group of the Council for the Preservation of Rural England inspected the plans provided the following comment to the neighbouring occupier (no comment submitted on application itself): 'This application is in a conservation area, is contrary to the Neighbourhood Plan and affects a listed building. All these are excellent reasons why it should be refused, especially as a heritage review has been carried out. In all honesty I can't see how this proposal could be accepted and I hope it is refused'
- Errors in committee report with reference to the important changes to the NPPF (updated in July 2021)
- Committee report incorrectly references the National Design Guide of September 2019 not updated version of July 201
- There is a new emphasis on rejection of poor design
- Committee report is inadequate and failure to consider latest national policy on design has led to the incorrect recommendation
- The case officer has misunderstood the impact of backland development and objections from neighbours
- The updated Conservation Officer comments do not state whether the revised proposal still represents less than substantial harm
- There is no assessment at all of the contribution of the site to the setting of the WCA by the Conservation Officer
- The proposal is for an entirely private benefit of the applicants
- Occupancy of the dwelling would not be limited to any particular age group or local resident
- There is no assessment of public benefit or relevant appeal decision

- The conclusion on the application is inconsistent with appeal decision APP/Y3940/W/19/3239113
- The case officer assessment does not adequately address of the impact of the new driveway on the amenity of The Wilderness
- There has been no assessment by the Environmental Protection officer with regard to impacts from noise and disturbance
- The proposed condition regarding the Air Source Heat Pump and Mechanical Ventilation and Heat Recovery is inadequate
- The impact on amenity of The Wilderness would clearly sustain a reason for refusal
- There is no comments from the Council's Tree Officer on the acceptability of the relationship with the retained tree in future
- The balance of considerations by the case officer is wrong
- Suggested reasons for refusal:
- Failure to preserve or enhance the WCA and setting of 2 Dykes Cottages
- Less than substantial harm to heritage assets which is not outweighed by public benefits
- Unacceptable form of backland development, cramped overdevelopment which cannot achieve appropriate relationships with adjacent dwellings in terms of overshadowing and amenity
- Not well designed in terms of privacy and external amenity spaces
- Noise impact on The Wilderness
- Potential future impact on category A/B1 tree adjacent to the site
- Unacceptable living standards for future occupiers
- Any decision made without full and proper assessment by reference to updated policy position could be open to challenge

4. Response to additional information

- The report has considered the revisions to the NPPF in July 2021 at section 9.2 (Character of the area, including heritage assets and trees), however at section 9.3 (Residential Amenity) the report incorrectly references the appropriate NPPF paragraph, the second paragraph should read "paragraph 130 (f)" rather than 127 (f). Section 6 also references the 2019 version in error.
- The Development Plan (Wiltshire Core Strategy and The Winterbournes Neighbourhood Plan collectively) remains the basis for the determination of planning applications, the NPPF is also a material consideration.
- The application was validated in May 2021 and the updated NPPF and national design guide being introduced in July 2021, therefore much of the consideration of design was undertaken prior to the new guidance and the original design with metal roof and dormer was not considered to be an appropriate design and materials for the setting.
- The amended design proposal for a single storey, timber clad building with natural slate roof is not considered to constitute 'poor design' either in its own right or in its context.
- The introduction of the new guidance does not alter the officer's conclusion and recommendation on design.

- The application site and proposal is not identical to the appeal site and proposal.
- The appeal site was a large open paddock being grazed by sheep outside of the settlement boundary for Winterbourne Gunner. The proposal was a permission in principle with no details submitted in respect of design and layout for consideration.
- The current application is a full application and the details of the scheme and characteristics of the site have been carefully considered.
- The officer report includes a recommendation in relation to the potential for noise impacts from the air source heat pump which can be adequately addressed by condition to require submission and assessment of details of the manufacturer's details.
- It is not unusual or unreasonable for details of plant to be agreed by condition after planning permission being granted.
- Full consultation has been carried out with the local community. The revised plans do not introduce any new elements to the scheme which have not already been subject to consultation.
- The objections that have been received as a result of re-consultation are substantially the same as the original plans and those objections, which are summarised in detail in the officer report and have been considered by officers in making their recommendation.
- The time allowed for re-consultation of changes to the roof design (omission of dormer and first floor accommodation), and external materials is therefore adequate and proportionate.
- Given that the publicity for the proposal for a dwelling was first undertaken on 16 June 2021, 9 weeks prior to the committee meeting, officers do not consider that any substantively new material considerations are likely to be forthcoming as a result of a delay in determination to a subsequent committee.
- The officer report sets out the recommendation for conditions to remove permitted development rights for alterations which may cause impacts which have not been assessed as part of the current scheme.
- Disturbance from construction is a temporary impact which is not grounds for refusal.
- The relationship with neighbouring properties, in particular The Wilderness and its garden, is a material consideration which has been covered in detail in the officer report following a site visit.
- A residential dwelling is not considered to be incompatible in the context of the residential nature of the area. The height, window arrangement, layout and proximity of the proposed dwelling and its access to existing residential properties has been assessed and is considered acceptable.
- The material considerations which are raised by the local community are to be balanced in the decision and report, the number of representations in objection or support is not the determining factor in the assessment.