

## REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	29 September 2021
<b>Application Number</b>	20/10353/FUL
<b>Site Address</b>	37 A Monkton Farleigh Bradford-on-Avon Wiltshire BA15 2QD
<b>Proposal</b>	Erection of replacement dwelling
<b>Applicant</b>	Mr J Stone
<b>Town / Parish Council</b>	Monkton Farleigh
<b>Electoral Division</b>	Winsley and Westwood – Cllr Johnny Kidney
<b>Grid Ref</b>	380414-165283
<b>Type of Application</b>	Full Planning Application
<b>Case Officer</b>	Steven Sims

### Reason for the application being considered by Committee

This application was initially called in for committee consideration by Cllr Trevor Carbin (prior to the May 2021 election) should officers be minded to support the application for the proposed development citing the following concerns:

- The scale of development
- The visual impact upon the surrounding area
- The relationship to adjacent properties
- The design, bulk, height and general appearance

As noted within the table above, this application site falls within the Winsley and Westwood electoral division and following the May election, Cllr Johnny Kidney re-affirmed the committee call-in request.

### 1. Purpose of Report

This is a report that considers the relevant planning considerations of this development proposal, including the consultation responses all within the context of local and national planning policy and guidance. The report identifies the various planning constraints and opportunities and considers whether this represents a sustainable form of development having regard to the social, environmental and economic dimensions of this construct.

Furthermore, the report considers the level and nature of the public objection to the application as well as the objection from Monkton Farleigh Parish Council. Ultimately the report identifies, having regard to the constraints and opportunities and balancing all the planning considerations that, this is a form of development that should be supported and officers recommend that planning permission should be granted.

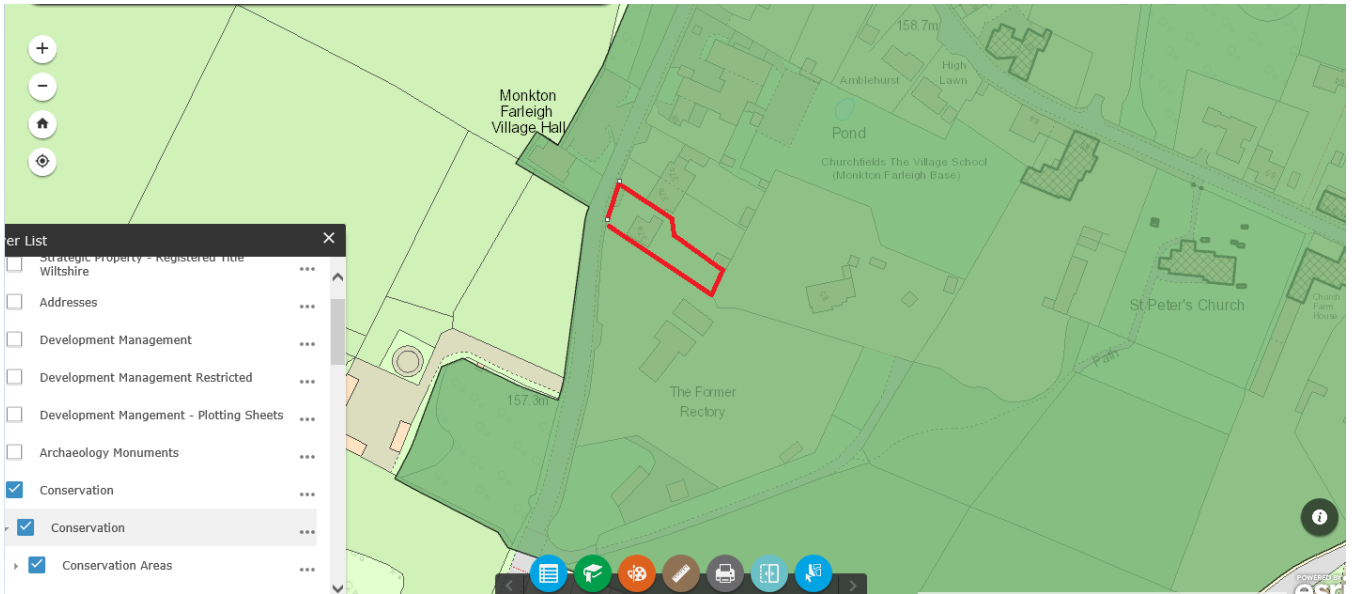
### 2. Report Summary

The key issues for consideration are:

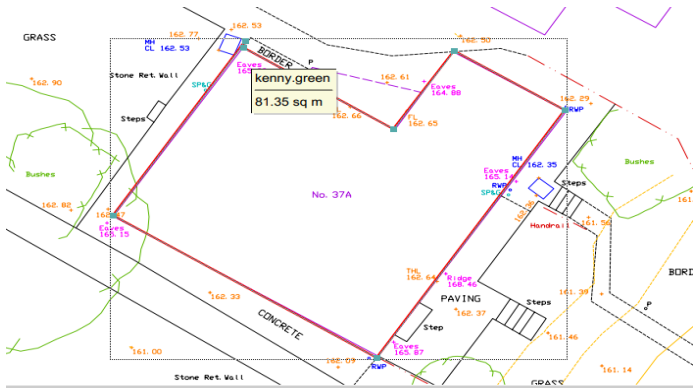
- The principle of development
- Impact on the openness of the Green Belt
- Impact on the character and appearance of the Conservation Area/AONB
- Impact on the amenity of neighbouring residents
- Other issues

### 3. Site Description

No.37a Monkton Farleigh is a detached bungalow that lies within what is considered part of the small village of Monkton Farleigh and within its Conservation Area. It should be noted that as a small village, there are no defined settlement limits, but as the following inserts reveal, the host property forms part of the existing village and abuts existing built forms of development. The site is located within the West Wiltshire Green Belt as well as the Cotswolds Area of Outstanding Natural Beauty (AONB). The rear garden of the property slopes down to the southeast - away from the dwelling. The existing property has mains sewer connections.



The application site shown above along with Conservation Area (green shading) and listed buildings (hatched)



Aerial photograph, site location – with existing floor plan calculated) and streetscene view of the existing dwelling and the immediate environs



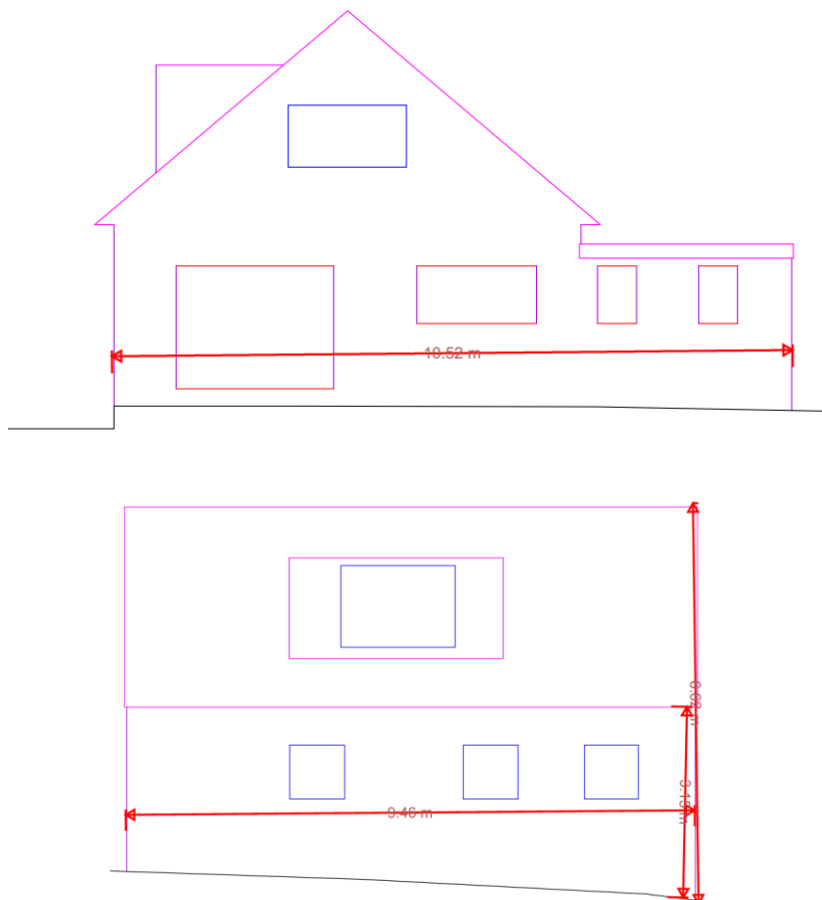
photograph of existing dwelling as seen from highway

#### 4. Relevant Planning History

None.

#### 5. The Proposal

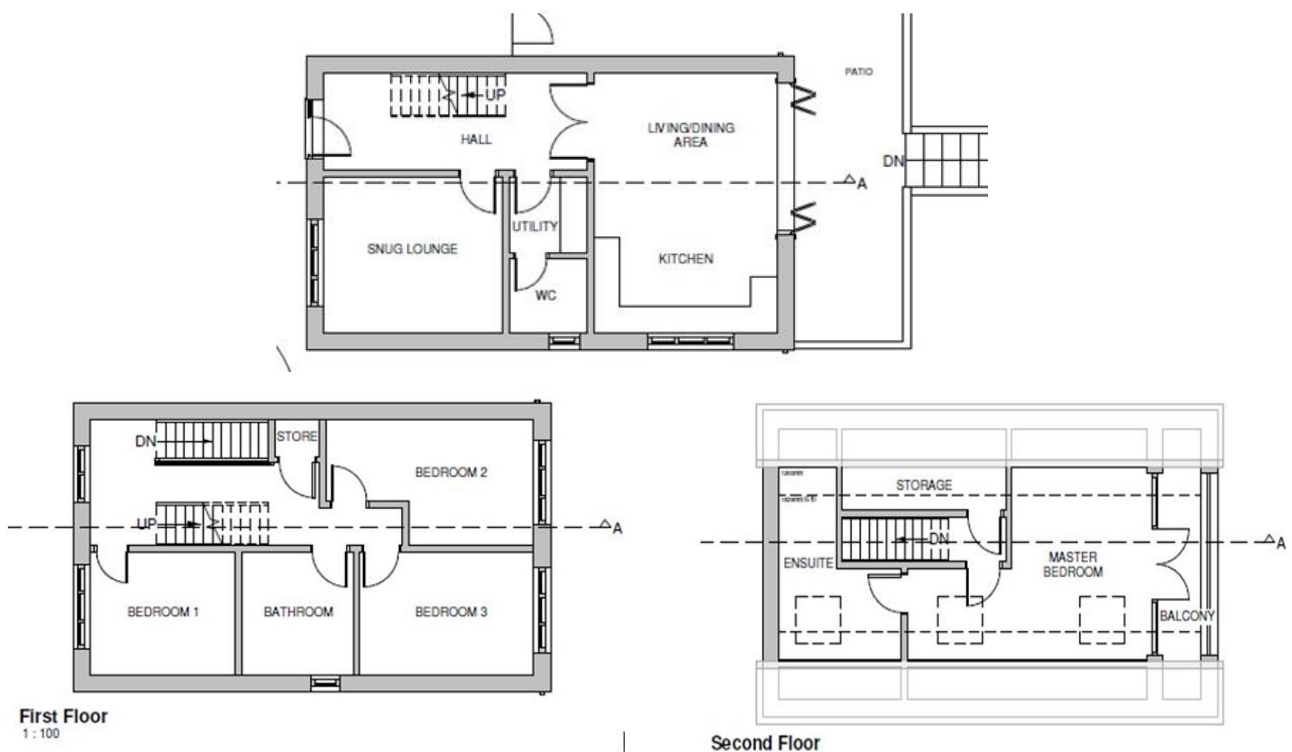
This is a full application seeking LPA approval for the erection of a 76sq.m replacement two storey 4-bedroom dwelling following the proposed demolition of the existing 81sq.m one-half storey dwelling (as shown above and below in plan form). The existing house as shown below measures some 6.6m in height (3.1m to eaves), 9.4m long x 10.5m wide.



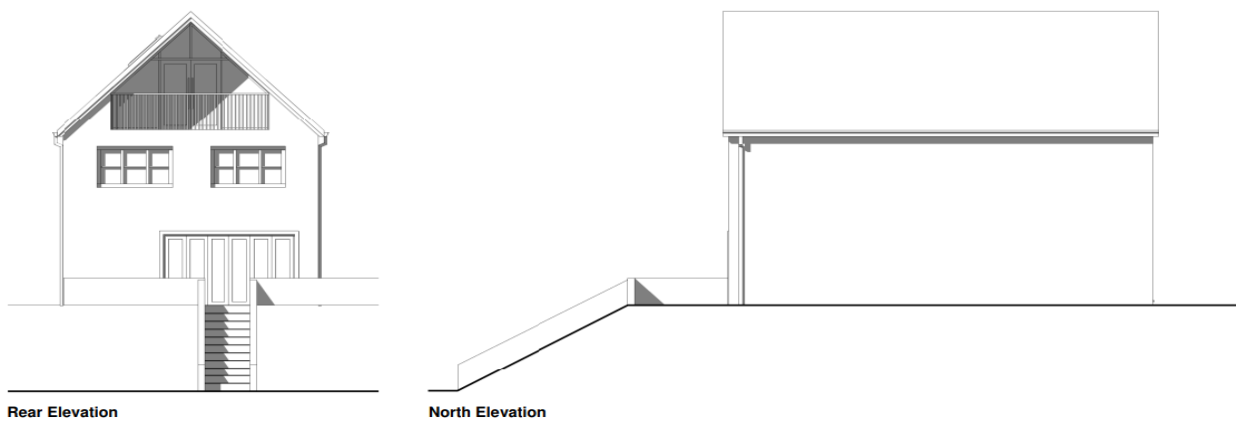
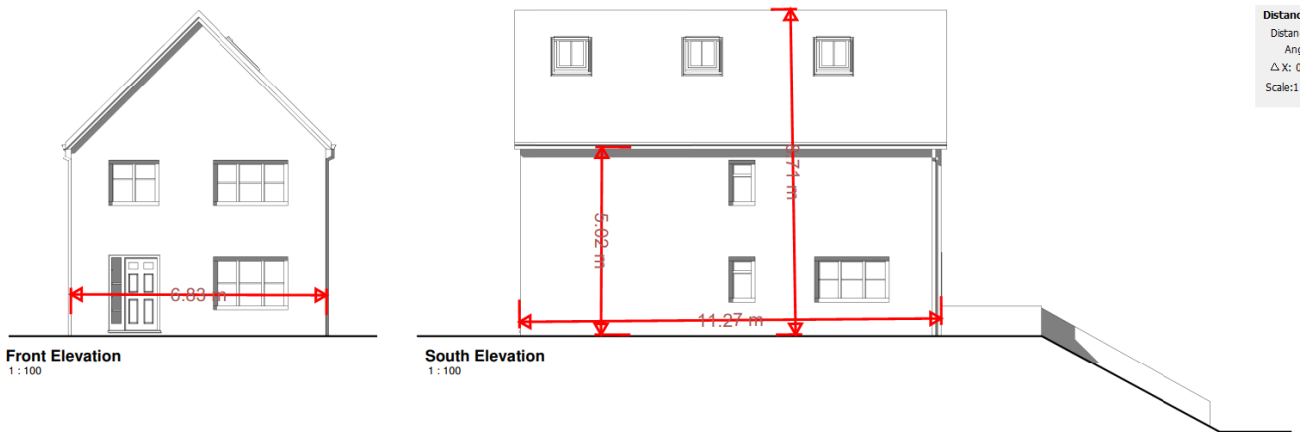
Following officer negotiations, a revised scheme was submitted to reduce the overall bulk of the new dwelling and to relocate the replacement property further away from the neighbouring property at No. 37b Monkton Farleigh – with the following insert reflecting the revised site plan proposal.



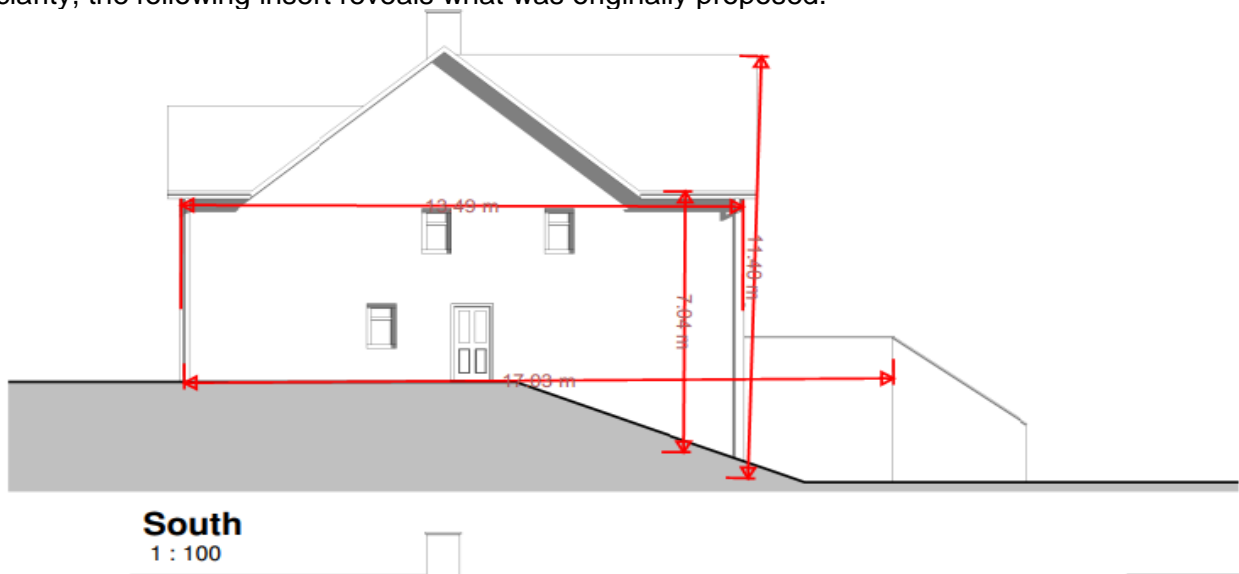
Solely for property footing comparison purposes, No.37b has a plan area of 93.5sq.m and No.37c measures some 63sq.m – with both properties full 2-storey dwellings. The following inserts reveal the proposed floor plans for the proposed replacement dwelling.



Following the demolition of the existing property, the proposed dwelling (which would have a commensurate floor area as confirmed and illustrated above), would consist of a lounge and kitchen/dining area at ground floor level, three bedrooms at first floor level and one bedroom within the roof space. The new house would be finished using natural stone with a slated roof. The vehicular access off the C class (30mph) highway would be retained along with three parking spaces being provided on site at the front of the property. The proposed (revised) dwelling would measure approximately 11.2 metres long, 6.8 metres wide, and would be 5 metres high to the eaves and 8.7 metres to the roof ridge.



For clarity, the following insert reveals what was originally proposed.



## 6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 7: Spatial Strategy – Bradford on Avon Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development

West Wiltshire District Local Plan (1st Alteration) Saved Policies H20 – Replacement Dwellings and U1a Foul Water Disposal

National Planning Policy Framework 2021 (The Framework) and Planning Practice Guidance (PPG)

Wiltshire's Local Transport Plan 2011- 2026 and The Cotswolds AONB Management Plan (2018-2023)

Wiltshire Council's CIL Charging Schedule and s211 of the Planning Act 2008.

## **7. Summary of Consultation Responses**

Monkton Farleigh Parish Council: Objects. The following comments were received with regards the final iteration of plans submitted –

The Parish Council acknowledged and welcomed the removal of a basement and that the new plans were slightly smaller. However, the Parish Council maintained that the plans lack clear dimensions and the following objections still stand.

The proposed new build is still too large.  
It will have a big impact on the neighbouring properties in terms of light and privacy  
There are no dimensions on the plans which makes it very difficult to assess.  
The raised patio would impact on the privacy for the neighbours.  
There is a general lack of information and clarity with the proposed plans

The following comments were received with regard the original plan submission -

- *'The new build is set back a lot further than the old build which impacts the privacy and light on the neighbours.*
- *The footprint, volume and mass of the new build is considerably larger than the old build*
- *The proposed build is in an Area of Outstanding Natural Beauty and a Conservation Area and there should be a good reason to change existing builds*
- *The new build is set back a lot further than the old build which impacts the privacy and light on the neighbours. The patio and kitchen will be in the shade for most of the day.*
- *The new build is out of proportion with surrounding houses*
- *The new build would be very expensive to buy and would not be affordable to people with lower incomes*
- *The proposed cellar has caused concerns that it might affect the foundations of neighbouring houses.*
- *The proposed balcony will affect the neighbour's privacy*
- *The position of the new build would mean no garden which is not in keeping with surrounding houses'*

Wiltshire Council Highways Officer: No objection.

Wiltshire Council Ecology Officer: No objection subject to a planning condition being imposed.

## **8. Publicity**

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site. Following the submission of amended plans, additional public notifications were carried out. As a result of this publicity, 4 property owners submitted seventeen representations dating back to early January – with 12 representations made pursuant to the original planning submission through to the end of August (with 5) passing comment to the revised submission and fresh public engagement.

The representations have been summarised as follows: -

- The development would be inappropriate and overdevelopment within the Green Belt – which would harm its openness and would harm the character of the AONB
- The proposed set back position of the replacement dwelling would harm the character of the area and would be too large for the plot.
- The proposed new dwelling would not have a proportionate amount of outdoor space that is required for new buildings
- The development would have an adverse impact on the amenity of adjacent residents
- Objections raised over the proposed building elevation, its height and projection beyond the rear existing build line – would lead to an overly dominant and visually overbearing impact to all the neighbouring properties
- Additional concerns raised about loss of privacy/light/overshadowing impacts to neighbours
- There are concerns about subsidence and ground instability
- The arguments submitted by the applicant's agent with respect to the application 19/03030/FUL – which granted planning permission for the *demolition of existing side extension & garage & erection of two storey side & single storey rear extension & replacement garage at No.37c Monkton Farleigh* should be disregarded
- If this application is allowed, the hours of operation should be controlled.
- Comments received advising that there would be no local objection to a dwelling of a similar size and mass to the existing property.

## 9. Planning Considerations

### 9.1 The Principle of Development

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.

For this particular case, officers fully accept that the application site has an extant dwelling that the owners wish to demolish and replace. In policy terms, with the site being considered part of the established small village of Monkton Farleigh, there is in principle support for replacement dwellings (subject to set criterion which this report will appraise on the following pages).

The 2015 adopted Wiltshire Core Strategy makes provision for new and replacement dwellings within Core Policy 2 (CP2) which states that:-

*“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*

*i)Respects the existing character and form of the settlement*

*ii)Does not elongate the village or impose development in sensitive landscape areas*

*iii)Does not consolidate an existing sporadic loose knit areas of development related to the settlement”.*

In addition, under ‘saved’ policy H20 of the former West Wiltshire District Plan – 1<sup>st</sup> Alteration replacement dwellings were supported in policy terms “*provided the new dwelling is not materially larger than the dwelling to be replaced*”, does not “*perpetuate a serious traffic hazard*”, “*form an isolated development*” or “*adversely affect the rural scene*”. Policy H20 goes on to detail that “*replacement proposals that involve substantial alteration will be treated as new dwellings under Policy H19*”. However, it is essential to note that Policy H19, which formed part of the West Wiltshire District Plan – 1<sup>st</sup> Alteration, is no longer a saved policy and was replaced by policies CP1 and CP2 of the Wiltshire Core Strategy (WCS).

Core Policy 2 is, in this particular case, recognised as a lead policy, as it sets out the delivery strategy and advises that within the ‘limits of development’, there is a presumption in favour of sustainable development and to steer new dwellings to existing Principal Settlements, Market Towns, Local Service Centres and Large Villages, with infill (including replacement dwellings) being supported in principle within the existing Small Villages.

Appendix F of the WCS sets out that Monkton Farleigh is a Small Village with no settlement boundary.

This negotiated revised application would not provide any additional housing, but it would have a comparable footing to the existing house and officers find no in principle objection to the proposed increased height (from 6.6m to 8.7m) and the proposed increased length (from 9.4m to 11.2m). To counter some of this added bulk the reduced width of the proposed dwelling from 10.5m to 6.8m must be taken into account. The replacement dwelling would be higher and longer, but as a redevelopment of an existing residential plot within the small village, it is considered accepted in principle.

Notwithstanding the more restrictive Permitted Development allowances that apply to existing dwellings within protected areas and landscapes such as Conservation Areas and the AONB (known as Article 2(3) land), the existing dwelling could be extended without requiring planning permission on the south-east side façade and the south west rear elevation – which could extend the footprint of the property by 3m to the side and rear. This legitimate fall back must be taken into account as part of any balanced determination of the replacement dwelling proposal.

In addition to the above, it is also necessary to be mindful that the Council, cannot at present, demonstrate a 5-year housing land supply, and until this predicament is resolved, full weight cannot be afforded to the WCS (or the WWDP) policies that seek to restrict residential development.

However, the full weight of the extant policies that exist to protect the AONB and Green Belt remain in force, in full recognition that in such locations, paragraph 11 of the NPPF is not automatically engaged. Decision makers are nevertheless tasked with appraising this development and its impacts on protected areas such as the AONB and Green Belt – which the following chapters duly appraise.

## **9.2 Impact on the Openness of the Green Belt**

There are no relevant WCS development plan policies relating to the Green Belt, therefore the NPPF provides the policy direction. The recently revised NPPF (July 2021) sets out within paragraph 137 that “*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*”; and in paragraph 138 the NPPF sets out five key purposes of the Green Belt with one being to safeguard the open countryside from encroachment

NPPF paragraph 149 sets out the categories of development which may be regarded as being ‘appropriate’ in the Green Belt, with criterion d) allowing: -

***“the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces”*** (emphasis added); criterion e) allowing: -

***“limited infilling in villages”***; and criterion g) allowing: -

***“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: –***

- ***not have a greater impact on the openness of the Green Belt than the existing development; or***
- ***not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”***.



The proposed development complies with the first test in that the development is for a replacement dwelling. As far as the second test is concerned, planning judgement is required on a case-by-case basis, since the NPPF does not quantify what 'materially larger' means and the Council does not prescribe a volume/percentage maximum. Each case must therefore be assessed on its own merits. Mindful of this information, the following volume calculations help with the assessment on whether the proposed replacement dwelling constitutes and appropriate form of development. But great care must be taken, and a decision should not be made on the volume calculations in isolation and instead, due regard must be afforded to the PD fallback as mentioned earlier and the impacts on the Green Belt.

The approximate volume of the existing dwelling equates to about 343 cubic metres, and the proposed replacement dwelling would have a volume of 513 cubic metres – which would have 170m<sup>3</sup> added volume constituting as a 50% increase. The proposed replacement dwelling would be 2m higher than the existing dwelling and would therefore have more physically bulk and massing, although its width would be nearly 4m narrower in part, when compared to the existing dwelling. Overall, officers accept that the replacement dwelling would be larger than the existing dwelling, but it would be within the parameters of what officers consider to be appropriate and proportionate (recognising here that the existing property benefits from PD rights); and in line with NPPF paragraph 149 criterion d), e) and g); when one considers what could be done under the 'PD' allowances (without requiring Council approval for various extensions/additions) as a legitimate fallback, the difference between the fallback provisions and the proposal as submitted would fall somewhere between 18-25%, depending on whether the property owner utilised every aspect of the PD allowances available.

Officers would not in this instance, given the PD fallback, feel confident about arguing that this proposed development would be disproportionate, materially larger and harmful to the Green Belt on appeal. If the replacement dwelling is to be approved, it would be appropriate to remove PD rights to protect the Green Belt and its openness and the AONB and Conservation Area.

The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, given that officers have concluded that the development is not 'inappropriate', there is no policy requirement for there to be very special circumstances.

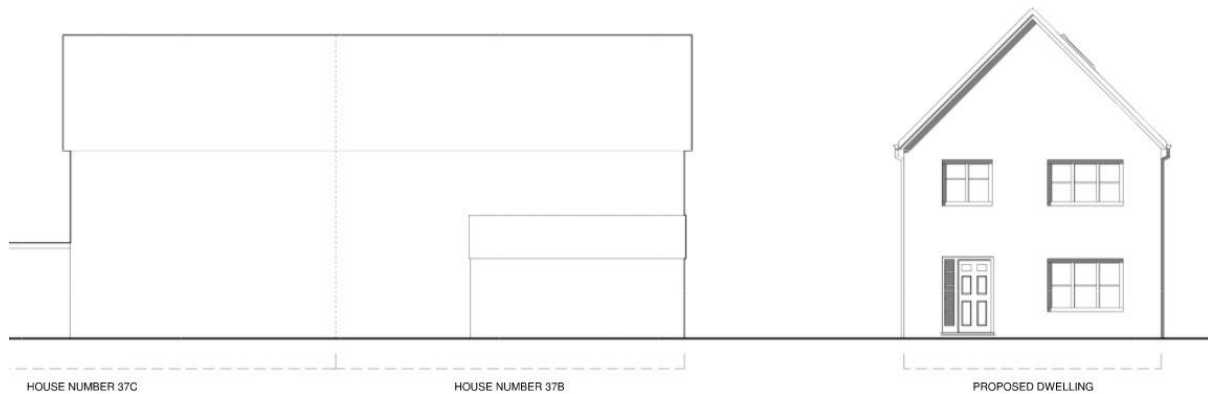
The proposed replacement dwelling would be constructed on an existing residential plot within the established small village envelope of Monkton Farleigh with residential properties to the north, east and south, and the village hall set on elevated ground to the west. The plot is not open countryside and there is no architectural or historic value in the existing dwelling (photos shown below) and the proposed demolition works raise no officer objection.



As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

The application site and its immediate environs area is characterised by existing residential development with medium to large sized gardens. When viewed from the road, the existing property is seen alongside two-storey dwellings at No.37b to No.37c. The proposal would not result in visually obtrusive or out of keeping development and nor would it materially diminish the openness of the Green Belt to such an extent as to warrant a refusal of planning permission.

The following insert is included to illustrate how the proposed replacement dwelling would sit alongside the nearest residential properties.



Notwithstanding the public representation that asserts that no consideration should be afforded to the two-storey extension approved at No. 37b Monkton Farleigh, the cumulative development at the neighbouring property (shown below), constituted a 53% increase or thereabouts over and above the original dwelling – which was considered proportionate and appropriate development in the context of the Conservation Area, the Green Belt, the AONB and neighbouring impacts.



Photograph of the neighbouring property at No.37b Monkton Farleigh with the approved side extension

On the basis of the above, officers are fully satisfied that the proposed (and negotiated) application would not materially harm the Green Belt and nor would it materially diminish its openness. When considered against the PD fallback, there is no substantive reason to refuse this application in terms of green belt policy.

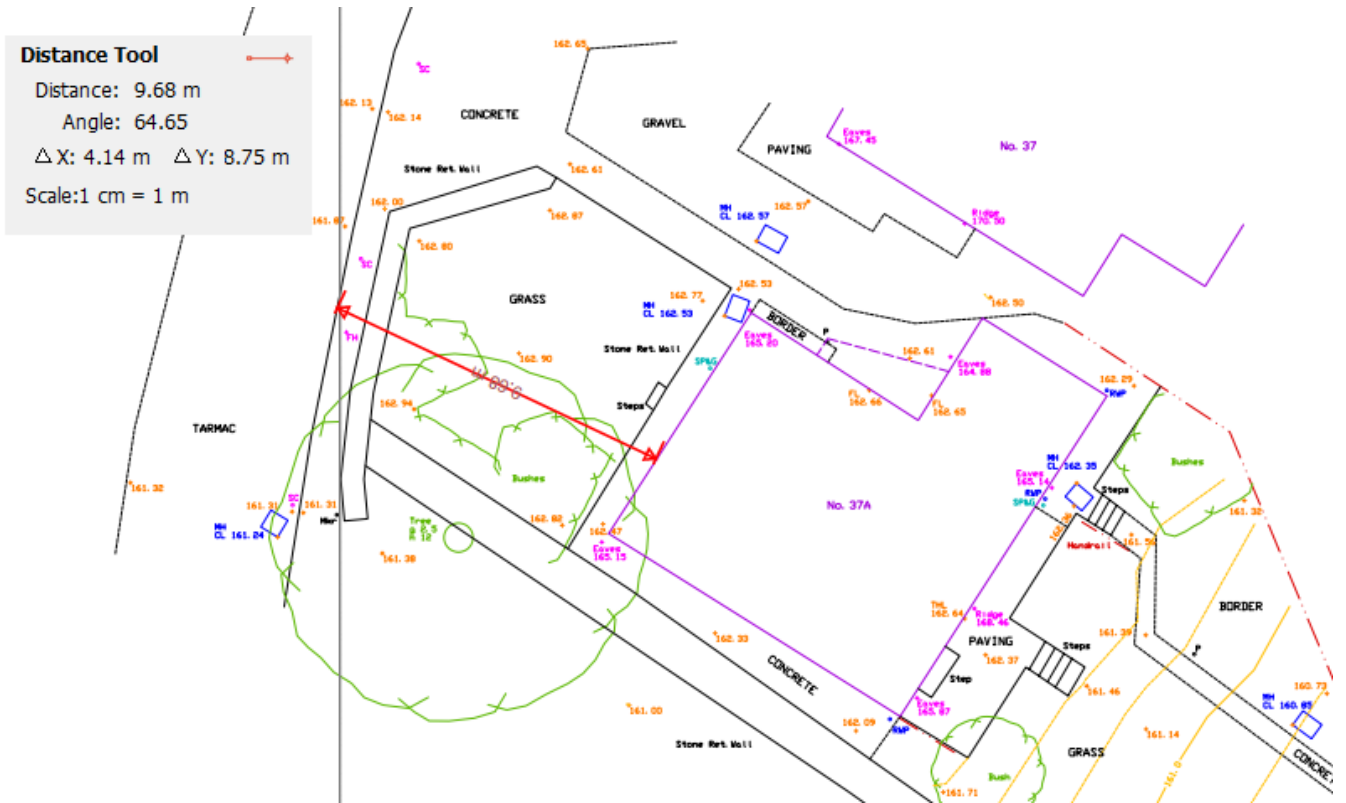
### **9.3 Impact on the character and appearance of the AONB**

Whilst the Green Belt and AONB considerations are separate designations, there are some shared characteristics and well purposed planning protections. Where a landscape has been designated as AONB, it is considered to be of such quality and value as to be a nationally important landscape and should be afforded the highest level of protection and great weight should be afforded to it in the balance of planning considerations. Where any harm is identified, it should be treated as being a significant impact.

The application site forms part of the existing small village of Monkton Farleigh and is located near to several two-storey detached and semi-detached properties (as shown below) set within large plots/gardens. The proposed replacement dwelling would also be 2 storey and finished using natural stone for the walls and a slated roof which would be sympathetic to the immediate village character.



The proposed replacement dwelling would be set back from the highway to a similar extent to what already exists – with sufficient on-site parking space being provided for private motor vehicles at the front of the dwelling.



There is no consistent building line for the six residential properties accessed off the eastern side of the highway (including the application site) as shown below. The old schoolhouse sits forward of its immediate neighbours at the front and to the rear elevations, several properties project by several metres beyond the neighbouring property (including No.37b when compared to No.37c – refer to the below right insert).



The negotiated revised proposal is considered acceptable in terms of the AONB designation. The replacement dwelling would not be incongruous in the streetscene, and would be well contained within the existing defined residential curtilage, thereby ensuring there would be no demonstrable encroachment to undermine the wider area's openness and special protection status. Officers are consequently fully satisfied that the proposal would accord with the NPPF, the WCS and AONB Management Plan.

#### **9.4 Impact on the Conservation Area**

NPPF paragraph 199 states 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.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance*".

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments, noting that this should respond to the value of the historic environment by relating positively to the "*existing pattern of development*".

The Monkton Farleigh Conservation Area encompasses the majority of the village and is characterised predominantly by two-storey, stone buildings under slate or tiled roofs, and arranged in a linear built pattern. Officers concur with the applicant's agent's conclusion that the existing property does not make a positive contribution to the heritage asset, and its proposed demolition would not result in harm to the conservation area.

There is sufficient space on site to provide 3 off road parking spaces and sufficient amenity space would remain for a family dwelling as such the scheme would not result in harm or constitute as overdevelopment of the site.

The proposed dwelling would be clad in natural stone and would have a slate tiled roof which would be sensitive to the prevailing built form and predominant character. The height of the replacement building would be similar to that of No.37b, and the new house would still benefit from a large plot – see previous inserts. The design of the proposed dwelling is considered acceptable, and natural materials to be used in its construction would ensure the new house would be sympathetic to the heritage interests and special character, and would consequently satisfy the aforementioned Act, NPPF and WCS policy.

## **9.5 Environmental Biodiversity Impacts**

The existing house is completely surrounded by hard standing comprising a concrete footpath, paved patio and tarmac drive. The front garden comprises a formal lawn with the occasional ornamental shrub or tree. The rear garden until very recently, comprised formal close-mown lawn, with formal ornamental shrub/flower beds with scattered native shrubs on the border. Boundaries are delineated by close-boarded timber garden fencing and a low stone wall. The front and rear garden supports a variety of native and garden young/semi-mature trees and shrubs, mainly around the perimeter, including ash, holly, hazel, elm and walnut.

The application is supported by an ecology survey which identified no protected species habitat and argued:

*“Given the construction/condition of the building, combined with the complete absence of any signs of bat presence/activity, it is concluded that the house is not used as a roost or place of rest for bats (Category 1), and has negligible potential to support roosting bats in the future.*

*The existing dwelling is not used by bats and is therefore not a resource for greater or lesser horseshoe bats, and therefore does not contribute to the conservation status of the Bath & Bradford on Avon Special Area of Conservation. The proposed residential development will have no effect on the qualifying species of the SAC either alone or in combination with any other plan or project, and no mitigation or compensation is required.*

*The proposed development plot does not require the removal of any trees, and there are no mature trees with the potential to support roosting bats in the garden. No other buildings, structures or trees located outside the development site will be adversely affected by the development proposals.*

*There is no evidence of presence or activity of other legally protected mammal species. There is no badger sett within the garden or that could be seen in adjacent gardens, and there was no evidence of badger foraging activity.*

*There is no suitable habitat within or adjacent to the development plot that could support dormice, water vole or otter. Legally protected mammals are not a constraint for the development, and no further survey is required.*

*There are no records of reptiles within 1km of the proposed development plot. The garden currently provides some terrestrial (foraging and refugia) habitat for reptiles, however, until very recently the garden was kept in a very manicured condition and is subject to shading from trees along the southern boundary, which significantly reduces the suitability of the garden for reptiles. Furthermore, the garden is very small and isolated being completely surrounded by residential development and hardstanding.*

*Reptiles are therefore considered likely to be absent and are not a significant constraint for the proposed development, and no further reptile survey is required.*

*The demolition of the existing house and construction of a new house has the potential to damage, destroy or disturb nesting birds if undertaken at the wrong time of year or without appropriate safeguards. If this were to happen this would be a negative impact. This adverse impact will be removed through implementing appropriate mitigation”.*

Officers are satisfied with the above survey and conclude that the proposed development would not result in harm to biodiversity/ecological interests. Precautionary mitigation measures are however recommended which form part of the suggested conditions.

In particular, to ensure protection of nesting birds in accordance with the Wildlife and Countryside Act, 1981 (as amended) the following action is required:

1. Undertake building demolition and, if required, any shrub/tree removal outside the bird breeding season, which is generally considered to be from 1 March to 31 August (to cover all bird species, particularly multiple brood species). This option will avoid the need for a pre-works inspection to determine the presence of nesting/breeding birds.

If this option is not feasible and some or all of the site clearance has to go ahead within the bird breeding season, as defined above, then the following action shall be taken:

2. A nesting bird inspection immediately prior to (maximum of 2 weeks in advance of) the commencement of vegetation clearance will be undertaken. If nesting birds or birds constructing a nest are subsequently identified to be present work in that area must cease until the nest is clear.

Regardless of timing of work or results of previous surveys, if nesting birds are found within the site during any part of the demolition/construction phase then work shall stop and a qualified ecologist consulted.

3. One new bird nesting feature shall be incorporated into the new building design. An integrated nest box shall be built into the fabric of an external wall to target house sparrows. The box shall be placed on a wall that provides shelter from direct sunlight (i.e. not south-facing) and preferably on a north or east facing wall.
4. One bat roosting brick (which is integrated into the fabric of an external wall) shall be installed on the new dwelling to provide roosting habitat for crevice-dwelling bat species such as pipistrelle bats. The bat brick shall be completely contained and isolated within the cavity of the wall and shall be installed as high above the ground as possible and as close to the roof apex.

## **9.6 Impact on the Amenity of Neighbouring Residents**

Core Policy 57 of the Wiltshire Core Strategy requires development proposals to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development itself.

The aerial photograph extracts shown below illustrate the large rear garden associated with the existing property and the densely planted nature of the southern boundary which abuts a public footpath between No 37a and its neighbour to the south east. Ignoring the dense planting, the neighbour's front elevation is approximately 30m from the existing dwelling. Its private rear garden is further screened and subsequently further away. Directly to the rear (to the east) the separation distance between properties is closer to 60m, and that house is also orientated away from the host property rear garden.



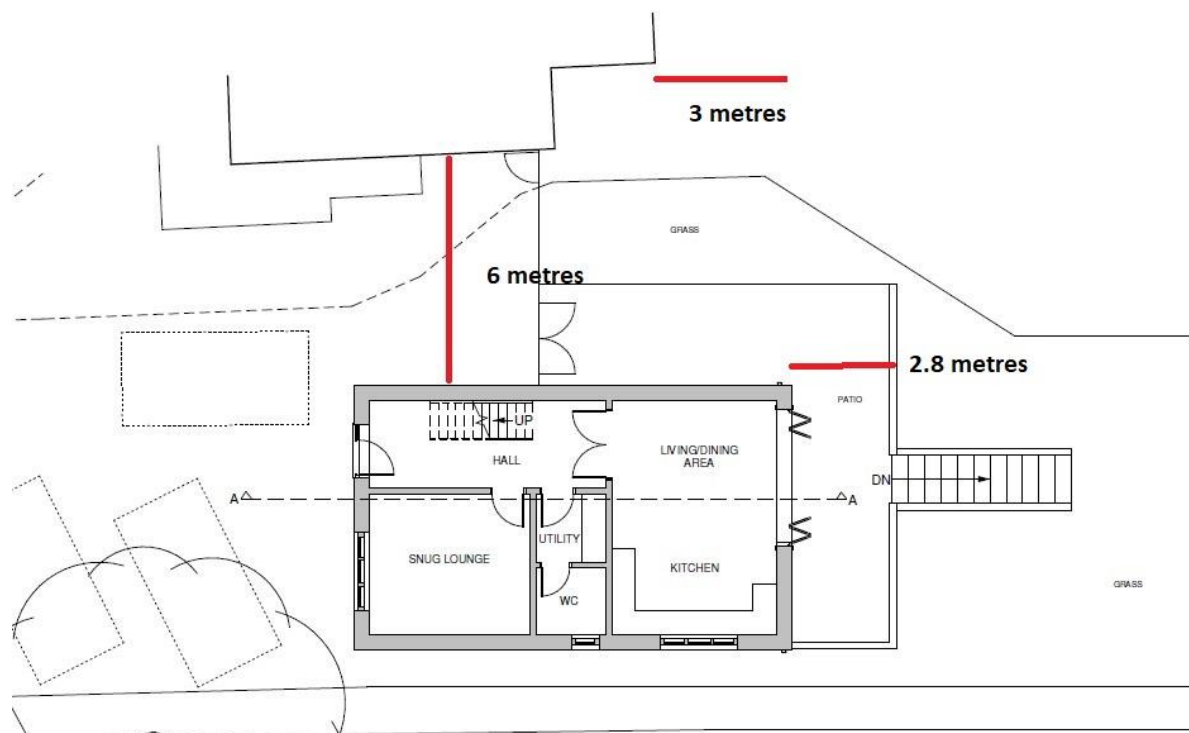
The site is bordered to the south by a tree lined hedgerow, and directly to the north, there are a pair of 2 storey semi-detached dwellings. To the south, the Former Rectory, now a residential dwelling is set within large grounds, while to the east is No. 58, which is also set within a large garden.



The applicant proposes to position the new dwelling that would project some 3.3m beyond the rear elevation of the neighbouring property at No.37b (as shown above), and it should be noted that there already exists some precedent in terms of No.37b having a 3m projection beyond the rear elevation of No.37c (again as shown in the previous insert).

The northeast elevation of the proposed development would be about 6m from the side (southern) elevation of No. 37b (see block plan below) and with there being no windows proposed in the north elevation of the new house, there would be no overlooking or loss of privacy to No.37b.





Block Plan - detailing location of new dwelling in relation to No. 37b Monkton Farleigh

The proposed replacement dwelling would be about 2m higher than the existing property, but officers are satisfied that this would not result in substantive overbearing impacts or loss of light to warrant a refusal of planning permission.

Officers have undertaken a series of online sun cast shadow assessments which the following inserts refer – with the first revealing the extent of the existing shadow cast by the existing property (June and December) as well as similar calculations for the proposed new dwelling (illustrating mid-summer and mid-winter) when the sun is at its highest and lowest.



Above: Sun shadow calculation for the existing property as of 1 June (2pm)



Above: Sun shadow calculation for existing property as of 1 December (2pm)



Above: Sun calculation for the proposed replacement property as of 1 June (2pm)

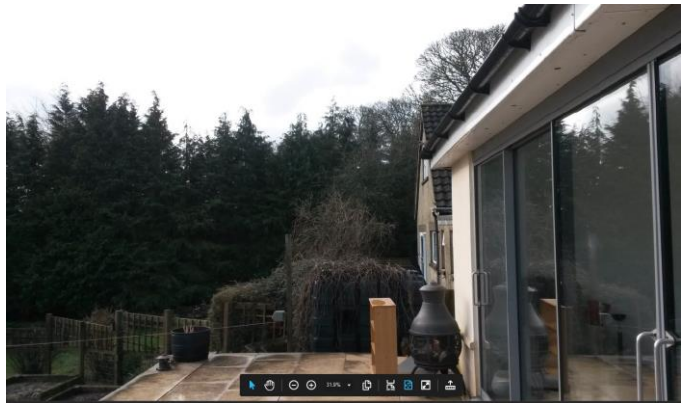


Above: Sun cast shadow calculation for proposed replacement property 1 December (2pm)

The above assessment reveals that there would be little to no material impact to neighbouring properties including No.37b in terms of loss of light/overshadowing when the proposed development is compared against the existing development. The existing property casts a shadow at certain times of the day and year to varying degrees, and the replacement dwelling would not create a significant loss of light or shadowing over the immediate neighbouring properties. There would be some additional shadowing to the neighbouring garden, but the extent is within acceptable parameters.

The revised development would extend past the rear conservatory of No.37b by about 3m (refer to block plan included on an earlier page). Due to the sloping nature of the rear garden, it is acknowledged that the proposal would also include the creation of a new extended raised patio and extension of the embankment at the rear of the proposed dwelling by 2.8m. This is detailed in the block plan as previously listed, which officers are satisfied would result in no substantive neighbouring harm.

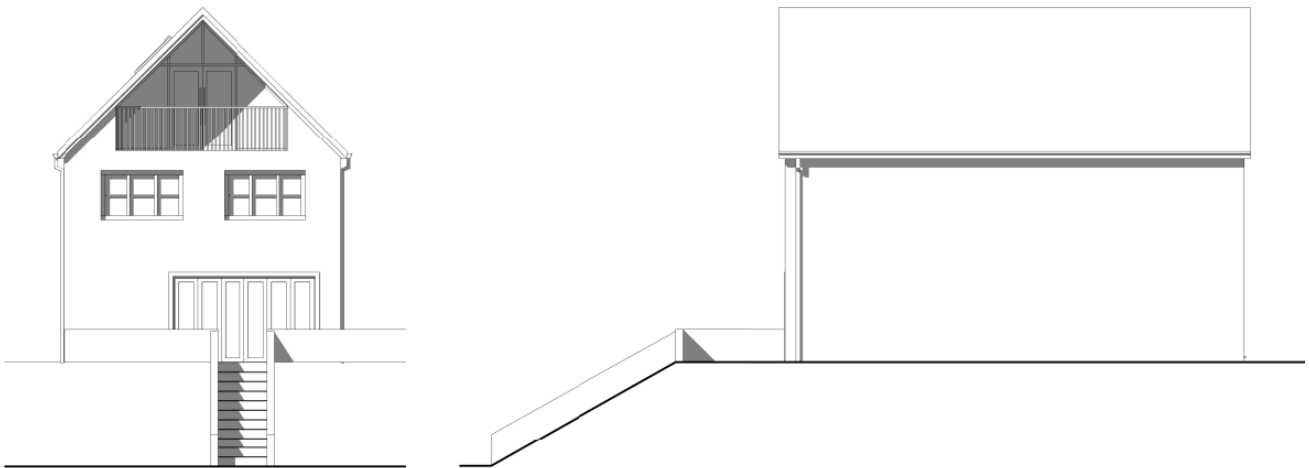
The photographs below show the slope of the existing rear garden from the application site (left photo) and the rear patio of the neighbour at No.37b (right photo).



It is also acknowledged that the proposed replacement dwelling would project beyond the existing rear elevation of No.37b (as detailed in the block plan), however officers are satisfied that this extent of projection would not result in significant overbearing impacts to the neighbouring residents, and in particular to those at No. 37b.

As can be seen from the photographs above, there exists at present, degrees of mutual overlooking between the host property and No.37b, and officers are satisfied that the replacement dwelling would not lead to significant neighbouring overlooking impacts. To reduce the potential impact of the proposed patio, a condition is recommended to secure 2m high screening along the patio's north boundary.

The proposed balcony to be created in the eastern gable would be inset into the roof as shown below, which would limit the extent of overlooking across the garden of No.37b. There would no overlooking to neighbouring habitable room windows.



Given the separation distance of some 26m to the former Rectory property, and the well-established boundary landscaping, the replacement dwelling would not create substantive harm to the neighbouring residential interests to the south.

On the basis of the above, officers are satisfied that this proposed development would not lead to significant harm to neighbouring amenities through overshadowing, overbearing or loss of privacy. The proposed development is considered to be fully compliant with Core Policy 57 of the WCS and the NPPF.

### **9.7 Other Issues**

Other issues have been raised by third parties as part of their representations relative to the potential impacts this development may have upon local house prices however this is not a material planning consideration, and the previously raised concerns made about the construction of a basement requires no officer appraisal since the application has been revised which proposes no basement.

### **10. RECOMMENDATION: APPROVE subject to conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan scale 1:1250

Amended Proposed Block Plan scale 1:500 dwg no. LPC 4788 SD6 001A

Amended Proposed Ground Floor Plan scale 1:100 dwg no. LPC 4788 SD6 002A

Amended Proposed First and Second Floor Plans scale 1:100 dwg no. LPC 4788 SD6 003A

Amended Proposed Elevations scale 1:100 dwg no. LPC 4788 SD6 004A

Amended Proposed Cross Sections dwg no. LPC 4788 SD6 005A

Site Survey scale 1:100 dwg no. 14090/20

Existing Elevations scale 1:50 dwg no. 14091/20

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

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

REASON: In the interests of residential amenity and privacy.

4. 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, B and E shall take place on the dwellinghouse hereby permitted or within its curtilage.

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

5. No development shall commence above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

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

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in order to protect the setting of the conservation area and AONB.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner, or to a timescale to be agreed in writing with the Local Planning Authority; All shrubs, trees and hedge planting shall be maintained free from weeds and shall

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

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

7. No development hereby approved shall commence beyond ground floor slab level until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. The development hereby approved shall be carried out in strict accordance with the ecological mitigation measures as set out within section 4 of the Final Report by AD Ecology dated August 2020.

REASON: To define the terms of this permission and to safeguard ecological interests and provide biodiversity net gain.

9. Notwithstanding the submitted plans there shall be no tree felling along the southern site boundary and suitable tree protection measures shall be implemented prior to and for the complete duration of the demolition and construction phases.

REASON: To safeguard the treed boundary and ecological interests and to ensure there is no biodiversity net loss and in the interests of protecting the AONB and Conservation Area.

10. No development hereby approved shall commence beyond ground floor slab level until the exact stone and slate materials to be used for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.

REASON: To define the terms of this permission and in the interests of protecting the AONB and Conservation Area.

11. Prior to the occupation of the new dwelling, full details of the screen fencing to be provided along the patio's northern boundary, to a height of not less than 2m, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the screen fence shall be erected in accordance with the approved details and shall be maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

12. 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 final scheme of hard and soft landscaping. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

13. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the public right of way, 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.

### **INFORMATIVES**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.