

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

Date of Meeting	2 nd March 2022
Application Number	PL/2021/09418
Site Address	13 THE BEECHES, LYDIARD MILLICENT, SWINDON, SN5 3LT
Proposal	Erection of single storey front, rear and first floor extensions and replacement roofs with roof lights
Applicant	Mr Law
Town/Parish Council	LYDIARD MILLICENT
Electoral Division	Councillor Mr. Steve Bucknell
Grid Ref	408,186
Type of application	Householder Planning
Case Officer	Hilary Baldwin

Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Steve Bucknell to consider concerns in relation scale, height and massing in relation to adjacent properties, and compatibility with Wiltshire Core Policy 57 subsections i, iii, and vii, among others.

1. Purpose of Report

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

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character, appearance, visual amenity of the locality
- Impact on the residential amenity
- Access, parking and highway safety

Lydiard Millicent Parish Council objects to the proposals on the grounds of overbearance, that the scale and height is out of context, that windows have a negative effect in the residential area, overlooking and lack of appropriate parking provision.

5 representations from members of the public were received all of which were objections.

3. Site Description

The application relates to a detached, brick built, single-storey dwelling located on the inner horseshoe of this unclassified cul de sac known as The Beeches and which lies to the north of the main highway which runs through Lydiard Millicent.

The site lies on the south-western corner of the inner section of this residential turning which, in terms of architectural style and materials contains a variety of detached dwellings, including two storey dwellings with roof dormers within the immediate vicinity of the site. The six located in the inner section are single storey, whilst those in the directly adjoining section generally comprise chalet style properties, two-storey chalet style properties and larger two-storey properties with front elevation roof dormers.

Lydiard Millicent is classified as a smaller village within the Wiltshire Core Strategy and whilst not benefitting from a settlement boundary there is a village conservation area which excludes The Beeches. The Beeches lies to the west of the main village between Lydiard Millicent and an area known as Lydiard Green.

4. Planning History

There is no planning history on the site which is considered to impact upon the determination of this proposal.

However, it is noted that several of the properties within The Beeches have been granted permission for alterations and extensions. Most particularly, is the property directly opposite (south) of the site subject of this report, which was granted permission for an increase in ridge height, rotation of its ridge parallel with the highway and front elevation dormer windows.

16/01814/FUL - Revision to planning permission 15/00169/FUL - Two storey side extension and ground floor rear extension, new garage and retrospective application for ground floor side and rear extension
Approved with Conditions

5. The Proposal

The proposal comprises works to enlarge the property by way of a first floor and rooms in the roof and would increase the existing number of bedrooms from 3 to 5.

The original property comprises a mainly rectangular footprint with a projection to the eastern side elevation which is for the benefit of a third bedroom, the entrance porch and an adjoining garage which projects northwards into the garden for a storeroom.

The development would raise the ridge on the main rectangular footprint for first floor accommodation and, with a steep pitched roof slope, would provide for rooms in the roof. At ground floor level a shallow, hipped roof extension along the rear (northern) elevation would provide for enlarged ground floor living accommodation. The existing eastern side projection would be retained for the benefit of the entrance porch, a study and adjoining garage. The existing flat roof above the garage would be raised to match that of the existing roof in that location and include a hipped end.

In terms of fenestration at first floor level for the three bedrooms, the main windows would either be located on the front (southern) or western side elevation with those on the eastern side providing secondary windows or a primary window for the bathroom. The rooms in the roof would be lit by roof light windows in the eastern roof slopes only.

All materials would match that of the existing dwelling.

Parking within the front amenity area would be retained along with the existing single garage and provide for up to three vehicles.

6. Planning Policy

National Planning Policy Framework 2021

Paragraph 2 -	Determination in accordance with Development Plan Unless material consideration indicate otherwise
Paragraph 3 -	The Framework is to be read as a whole
Paragraph 8 -	Overarching Sustainable Development
Paragraph 10 -	Sustainable Development pursued in a positive way
Paragraph 11 -	Presumption in favour of sustainable development
Paragraph 39 -	LPA's to approach decisions making in a positive and creative way
Paragraph 47 -	Determining Applications
Paragraph 124-	Making efficient use of land
Paragraph 130 -	Function and form of Development

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 19: Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 62 - Development impacts on the transport network

Wiltshire Housing Site Allocation Plan (WHSAP) (Adopted 25 February 2020)

The Plan allocates sites for housing development to support the WCS and provides for updated settlement boundaries.

Wiltshire Local Transport Plan 2011-2026

Lydiard Millicent Neighbourhood Plan – Made May 2021

Policy LM1 – Managing Design in Lydiard Millicent

7. Summary of consultation responses

Lydiard Millicent Parish Town Council: OBJECT

to the application due to a number of reasons which can be summarised as follows:-

- Overbearing development
- Scale and height out of context in residential area
- Overlooking of adjacent bungalows, overbearing impact and loss of light
- Insufficient parking
- Loss of privacy for neighbouring properties
- Not in keeping with Neighbourhood Plan in that infill should be in keeping with buildings either side

Wiltshire Council Highways officer:

No objection. The minimum parking standards on this unclassified dead-end street will be met.

8. Publicity

The application was originally advertised by neighbour letters and Parish Council notification. This generated 5 letters of objection and no letters of support. A summary of the representations based upon the revised scheme is set out below:

Main reasons for Objection

Overbearing Impact. Out of character with adjacent single-storey properties. Height and scale not in keeping with adjacent single-storey properties. Loss of views and character within The Beeches. Properties within the inner section are all single storey.

Neighbour Impact. Loss of privacy from first floor windows, loss of light and sunlight. Radiant warmth from sunshine would be lost.

Parking. Insufficient parking provision for a 5-bed property

9. Planning Considerations

Policy and principle of development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 124 of the Framework also states that policies and decision should support development that makes efficient use of land.

The statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLPL) 2011 (adopted June 2006); The WHSAP, (adopted February 2020) and the Lydiard Millicent Neighbourhood Plan (Made May 2021).

Core policy 1 defines the settlement hierarchy in Wiltshire supporting the strategy for development and identifies smaller villages such as Lydiard Millicent to have a limited range of employment services and facilities. Development in such places will be limited to that needed to help meet housing needs.

Core Policy 2 of the WCS states that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development. It advises that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan.

CP19 of the WCS states that development in the Royal Wootton Bassett and Cricklade Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The extension of existing properties is acceptable in principle under these policies and the development strategy of the plan subject to site specific impact considerations. Such matters are addressed further below.

Impact on the Character and Appearance of the Area.

Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

The Lydiard Millicent Neighbourhood Plan at Policy LM1 states that any development proposals in Lydiard Millicent must sustain and enhance the distinctiveness of the village.

The site already benefits from a single storey dwelling with an eastern side elevation projection, adjoining garage, adjoining garden store and, within the front amenity space, the vehicle access. The site, being set on a corner plot has an open aspect on the south-western corner which is bounded by low walling. The rear garden, which is bounded on the western side by the highway is enclosed by 1.8m fencing to provide privacy to the rear garden. The site benefits from a long rear garden at approximately 20m.

The proposed upward development would be restricted to the rectangular footprint of the existing bungalow, with the addition of a shallow (2m) hipped roof extension across the rear elevation. The existing front entrance porch, side elevation projection and garage would be retained but the roof would be remodelled to include a hipped end roof above the garage.

The first floor would be below eaves level with the second floor comprising two rooms in the roof and served by roof light windows.

In terms of the visual impact upon the street scene, the site already contains a residential dwelling with frontage vehicle parking, private amenity space and fenced boundaries.

Whilst the property would be enlarged, this is mainly restricted to the upward development which would not (with the exception of the shallow hipped roof, rear elevation extension) alter the footprint or bring the property closer to any side boundary. The matching materials to the existing dwelling would help assimilate the development into the site and street scene.

Many of the dwellings within The Beeches have been extended, both on their footprint and in terms of scale and height and the area now comprises of an eclectic mix of two-storey dwellings. Many of those properties have benefitted from first floor development, by way of two storey extensions, front dormer windows, flat roof extensions, elevations on ridge heights and a variety of treatments to their elevational materials. This is particularly noticeable in the south-western corner of The Beeches where more significant alterations and enlargements have taken place and in particular, directly opposite the application site. (Referenced in a preceding section of this report).

These changes over time are considered to have resulted in the loss of the original predominant vernacular architecture and whilst the open aspect on each particular plot may have been retained, there is now a wide variety of designs, styles and sizes of dwellings in the immediate vicinity of the application site.

As previously stated, the proposed development would not bring the dwelling any closer to the side boundaries of the site and whilst there may be some loss of open views from properties adjacent to and around the site, private views are not protected under planning legislation and this is not considered to justify a reason for refusal in this instance. The overall height of the dwelling would be comparable to the development opposite the site at No 6 The Beeches but its lack of increase on the footprint is considered to balance the increase for the two-story element and would assist the open aspect of the site.

The Parish Council have referenced the Made Neighbourhood Plan (NP), and in particular referred to infill development. Policy LM1 of the NP states that infill development within the built area of the village in accordance with CP 1 & 2 of the WCS will be supported provided it has regard to specified design principles. However, the listed design principles relate to heritage assets, long views and the conservation area.

The addition of a pitched and hipped roof above the existing side elevation extension and garage and the addition of a shallow, rear elevation extension are not considered to result in any harm to the character and appearance of the area or be out of character with other properties in the locale.

In this instance, the impact on the character and appearance of the site, the street scene, public realm and visual amenity of the locality would not be so significantly harmful such that consent ought to be refused on this basis.

Therefore, the proposal on this basis is not considered to have a significantly adverse impact on the character appearance, visual amenity and openness of this part of the small residential area of The Beeches and is in accordance with WCS Core Policies 57 and guidance and principles of the NPPF, in particular paragraphs 11 and 130; and the vision and principles of the Lydiard Millicent Neighbourhood Plan.

Impact upon the residential amenity

Paragraph 130 of the Framework (July 2021) and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants.

Concern has been raised from adjacent neighbouring occupiers in relation to the potential for loss of privacy, overlooking and overbearing impact. It is noted that the adjacent dwelling to the east and north of the site and which share a common boundary, are both single-storey properties.

However, the dwelling at the application site already has a side elevation extension to the east and a garage in that location. The proposal to raise the roof above the single storey extension with a hipped end, sloping away from the common boundary to the east is not considered to result in overbearing impact upon that adjacent dwelling. Furthermore, the shallow, hipped roof extension to the rear would not result in significant additional overlooking or loss of privacy.

There is significant concern from adjacent neighbouring occupiers in relation to the increase in height to the main dwelling. However, the two-storey element would be restricted to the main section of the existing dwelling and approximately 7m from the common boundary to the east and in excess of 20m from the common boundary to the north.

The proposal includes fenestration at first floor level. The northern (rear) elevation has two proposed windows; one, a secondary bedroom window and the other a window for a dressing room. Whilst these windows could provide views down into the adjacent neighbouring gardens, the distance to the common boundary to the north at 20m, and the oblique angle to the adjacent garden to the east is not considered to result in significant overlooking or loss of privacy as to justify a reason for refusal in this instance.

On the eastern elevation at first floor level a bathroom window is proposed and a secondary bedroom window which would only provide views down into the front amenity space of the adjacent dwelling.

The first-floor windows on the western side elevation and the front (southern) elevation would provide overlook the adjacent highway and front gardens of properties on the other side of the highway and is not considered to result in loss of privacy.

Within the eastern roof slope, it is proposed to install roof light windows; one to the northern bedroom, two to the southern bedroom and one above the proposed stair well. These

windows are not considered to result in significant loss of privacy, overlooking or overbearing impact to justify a reason for refusal in this instance due to their height above floor level and the angle of the roof.

Concern has also been raised in relation to loss of sunlight and radiant heat gain to adjacent neighbouring properties. However, due to the distances between the respective properties and the positioning in relation to one another and angles between the dwellings, this is not considered such a significant impact as to justify a reason for refusal in this instance.

A condition to secure the proposed design, as shown on the submitted plans, can be attached to any grant of permission and is considered appropriate and necessary in this instance to secure the privacy of adjacent occupiers.

On balance, given the distances to the common boundaries with the adjacent dwellings to the north and east, the distance across the highway to dwellings to the south and west, window placement, matching elevational materials and existing domestic use of the site it is not considered the proposals result in loss of outlook, overshadowing, additional noise impact and is not considered so overbearing as to as to justify a reason for refusal.

Access, Parking and Highways safety

Representations received and the Parish Council have raised concerns regarding the parking provision within the site. The plans have demonstrated to the satisfaction of the Council's Highway Engineers that the parking provision is suitable for the size of the dwelling.

Furthermore, comments have been received in relation to on-street highway parking. Again, the Council's Highway Engineers have assessed this element and have reported that The Beeches is an unclassified highway which leads to a dead end.

As such the application and parking proposals were fully assessed and considered acceptable by the Council's Highways Officers in the context of the site circumstances. It is not considered that there is a sound and defensible basis for refusal in this regard. In addition, no objection is raised to this proposal by Highways Officers.

10. Conclusion (The Planning Balance)

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.

The proposal is set within a residential part of this designated small village and from the public realm the character is one of an eclectic mix of built form, with a variety of sizes of properties, architectural styles and elevational materials. The plans, which this report is based upon, are not considered to result in loss of privacy, overbearing impact or under provision of domestic parking requirements within the site.

Regarding impact to the highway network and parking provision, the Council's Highways officers have not raised any objection with regard to impact upon this undesignated highway and have concurred that parking levels are suitable for this five-bedroom dwelling.

As such it is considered that the proposal is acceptable in planning terms and in accordance with the provisions of WCS CP1, CP2, CP19, CP57 (i), (iii) and (vii) & CP58 of the WCS; Policy LM1 of the Lydiard Millicent Neighbourhood Plan and paragraphs 11, 130, of the Framework.

11. Recommendation

That planning permission be GRANTED 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:

775/001. Site Location Plan. Received on 01 October 2021

775/005. Existing Site Plan. Received on 01 October 2021

775/010. Existing Ground Floor Plan. Received on 01 October 2021

775/020. Existing Elevations. Received on 01 October 2021

775/050. Proposed Site Plan. Received on 01 October 2021

775/100. Proposed Ground & First Floor Plans. Received on 01 October 2021

775/110. Proposed Second Floor Plan. Received on 01 October 2021

775/200. Proposed Elevations. Received on 01 October 2021

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans and application form.

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

INFORMATIVES TO APPLICANT

CIL 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.

WP6 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.

WP13 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

WP18 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.