

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

<b>Date of Meeting</b>	28 <sup>th</sup> April 2022
<b>Application Number</b>	PL/2022/00133
<b>Site Address</b>	Gardeners Cottage Pound Street, Ebbesbourne Wake
<b>Proposal</b>	Proposed alterations and extension to existing dwelling.
<b>Applicant</b>	Mr Kishere
<b>Town/Parish Council</b>	Ebbesbourne Wake
<b>Electoral Division</b>	Fovant and Chalk Valley
<b>Grid Ref</b>	377532 137062
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Tom Collins

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

The application has been called-in by Cllr Nabil Najjar if officers are minded to approve due to the scale of development and the relationship to adjacent properties

**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 for the reason(s) set out below.

**2. Report Summary**

The issues in this case are:

- Principle of development
- Design, impact on Conservation Area/listed buildings and the AONB
- Impact on amenity
- Parking/Highways Impact;
- Ecological Impact/River Avon Catchment Area/drainage/flooding

The publicity has generated 63 letter of objection. The Parish Council object to the proposal

**3. Site Description**

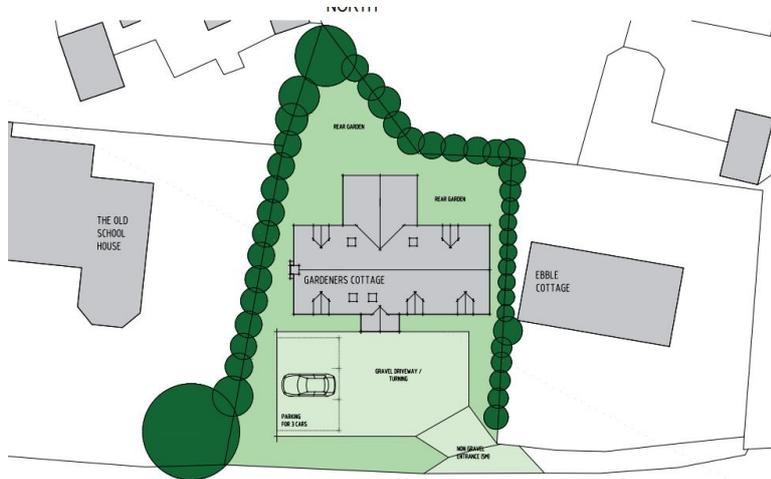
The existing bungalow is located in the Small Village of Ebbesbourne Wake, in an existing housing area. The site is located within the Conservation Area and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

**4. Planning History**

No recent history on this particular site.

## 5. The Proposal

The proposal seeks planning permission for the conversion/enlargement of the existing bungalow to a chalet bungalow style property. A parking and turning area would also be provided to the front of the property.



## 6. Local Planning Policy

### National Planning Policy Framework

#### Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 50 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 58 Heritage Assets

Core Policy 61 Transport and New Development

Core Policy 67 & 69 Flooding/Protection of the River Avon SAC

### Saved Salisbury District Local Plan

Policies C24 and H31

Wiltshire Local Transport Plan 2015-2026: Car Parking Strategy

AONB Management Plan

## 7. Summary of consultation responses

WC Archaeology - Gardeners Cottage lies within the historic village of Ebbesbourne Wake, which may have Saxon origins. However, the proposed extension is small in area with limited below ground impacts. On this basis, I am satisfied that it would not be proportionate to require an archaeological response should this application be permitted. No further action is therefore required as regards the buried archaeological heritage in relation to this application.

WC Highways – The proposal will result in the property becoming a 4 bed dwelling and as such 3 off street parking spaces are required to meet Wiltshire’s current parking standards, these are demonstrated on the submitted drawing together with turning to allow vehicles to enter and exit the site in a forward gear. The existing vehicle access is not proposed to be altered as part of this application. I wish to raise no highway objection providing ..conditions are imposed

## 8. Publicity

63 responses have been submitted, indicating the following:

- Proposal is overdevelopment of a small site and out of keeping with the village
- Village needs small dwellings for a good mix
- Proposal would exacerbate highway and parking issues
- Proposal would impact on adjacent privacy and amenity/loss of light
- Proposal should be an application for a replacement dwelling given level of works
- Doesn’t meet AONB policy and has impact on AONB
- Proposal would have an impact on protected species in the area
- Proposal would exacerbate flooding/drainage issues in the area
- Welcome the adjustment to the scheme but doesn’t address other issues raised

Ebbesbourne Wake Parish Council – Object

*“We are pleased to note that there has been some reduction in the height of the proposed extension compared with the previous plan. However, the other concerns raised in relation to the previous application do not appear to have been addressed. These are repeated below. Negative effect on the character and appearance of the street scene.*

*The proposal is a much larger, more imposing and visible structure in comparison to the existing dwelling and represents a marked change to the overall street scene in a conservation area. Added to this, the extensive hard landscaping (which has already commenced) at the front of the property does not blend with the existing softer, green, environment that is more suited to the village ambience.*

*In essence, this is an overdevelopment of a small site*

*Loss of a dwelling suitable for a young couple or retired person(s) within the community.*

*Provision of homes for these groups is vital to maintain a sustainable, balanced population.*

*The village has seen the number of these more affordable, smaller homes, lost over the last few years as they are converted to larger, more expensive family homes. Such dwellings are never replaced, leading a continuous change in our demographic and inevitably a detrimental migration of young and old.*

*Potential harm to a neighbouring property. The western boundary consists of a high bank on top of which sits The Old School House. Concern has been raised that building works could disturb the soil structure and affect the stability of the retaining bank and the waste drainage amenities within it.*

*If, after assessment and deliberation, the Local Authority is minded to approve the application, the Parish would welcome this being subject to the following conditions:*

*All future permitted development rights are removed; No private living spaces of neighbouring properties should be overlooked; The legal “right to light” should be respected for all neighbouring properties; Minimal external lighting within the development to protect the Cranborne Chase Dark Night Sky Reserve; Any landscaping works to have minimal environmental impact and to be in keeping with the existing street scene; Structural surveys to be performed to ensure protection of neighbouring properties from any excavation*

*disturbance. Detailed plans are made to ensure adequate rain water drainage and waste management facilities.”*

## **9. Planning Considerations**

### **9.1 Principle of development**

Saved policies C24 and H31 of the WCS allow the extension and enlargement of dwellings in the open countryside. These indicate that:

*H31*

*In the countryside extensions to existing dwellings will be permitted provided that:*

- i) The existing is subservient in size to the existing dwelling and house plot and does not substantially alter the character of the dwelling;*
- ii) The design of the extension is in keeping with that of the existing dwelling and uses complimentary materials; and*
- iii) The extension would not create or be capable of creating a separate dwelling*

*C24*

*Extensions and additions to buildings in the countryside will only be permitted if they are sympathetic in scale and character with the existing building and surroundings and fall within the existing curtilage*

Many of the third party comments have suggested that the proposal represents a new replacement dwelling, rather than the extension and enlargement of the existing bungalow.

Whilst it is indeed the case that this current proposal involves significant works to the existing bungalow which would transform its character, these works would involve the retention of parts of the existing bungalow structure within an enhanced structure, and also involve the extension of its footprint. The enlarged dwelling therefore remains on the same footprint of the bungalow, albeit significantly altered in character, and extended upwards, and to the side and rear. In officers opinion, in order for the application to be a replacement dwelling proposal, the existing bungalow would have to be totally removed down to its base/footings, and this is not the case here. Should, if planning permission is granted and works commence, the Council's enforcement team consider that the works on site exceed those approved and do represent a total rebuilding of a replacement property, then it is within the gift of the Council to take action, and request a revised planning application.

In response to these concerns, the applicant's agent has confirmed that the application proposal does not relate to a replacement dwelling, and that the works will involve the retention of parts of the existing dwelling, as well as significant new construction. The design and access statement indicates that:

*The majority of the existing structure will be retained, with the existing external walls overbuilt using the local natural stone as a new outer skin. The external walls will be raised to a new plate level to create first floor rooms with a sloping ceiling.*



Further relevance is given to Para 176 of the NPPF which states

*176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*

Paras 189-208 of the NPPF relate to heritage assets. In particular, paras 206 and 207 state as below:

*206 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 the asset (or which better reveal its significance) should be treated favourably.*

*207 Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

Core Policy 51 of the WCS states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. *Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.*

The proposal should aim to conform to the objectives of Core Policy 57 of the Wiltshire Core Strategy which aims to achieve a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Policy CP58 relates to heritage assets and indicates that development should protect, conserve and where possible enhance the historic environment. Designated heritage

assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The existing bungalow appears to date from the early 1960's with its neighbouring dwelling to the immediate east (Ebble Cottage) of a slightly later date. It is important to note that the dwelling to the east of Ebble Cottage is relatively new, as are several of the dwellings to the rear of the site, which all seem to result from permissions granted in the 1990's. Consequently, many of the dwellings in this area are of modern design, and many of a chalet bungalow style design.



The applicants design and access statement indicates that:

*The proposed extension walls will be constructed in different materials to break up the rear elevation and give visual interest. A rendered lower section and timber clad upper section will be incorporated in the extension. The proposed porch will also be timber clad.*

*The proposed roof will be covered in clay plain tiles similar to those on The Old Parsonage nearby. Traditional open eaves, fascia and barge rafter details will be used alongside the natural materials to create a new dwelling which will sit well within the Conservation Area and the village setting.*

*New windows and doors will be added in new openings as indicated. These will be a simple casement design replacing the existing upvc windows and doors*

The intention is to clad the existing bungalow in natural stone and a plain tile roof matching the dwelling across the road from the site. The house is set 12m back from the road edge and the existing bungalow is set approximately a metre below the front boundary ground level (which remains unchanged). The existing building height (5m) is two thirds of the proposed height (7.5m) so the increased ridge set another 3.5m into the site and the new eaves will be only partially visible.

The existing bungalow already has a vehicular access and a small parking area/driveway. The works to modify and enlarge the parking and turning area would result in the removal of much of the front garden area. However, such works to the garden are often permitted development and are not unusual on more modern dwellings. Parking on a front lawn does not usually require permission. Given the rather secluded and screened nature of the plot apart from at

close quarters, it is therefore considered that the proposal would have a limited impact on the character or significance of the Conservation Area and its buildings.

Consequently, whilst the area is designated as a Conservation Area, much of its character is derived from more modern housing development, and the existing bungalow is not considered to be of any architectural merit. It is therefore considered that the existing building does not contribute to the significance of the heritage asset.

It is considered that the proposal would result in an enlarged dwelling which would share many of its design characteristics and its scale with many of these existing properties, and thus, it is difficult to argue that the proposal as suggested would be out of keeping with the area or have an adverse impact on it. It is suggested that the proposal preserves the character of the conservation area.

Similarly, whilst there are a few listed buildings in the vicinity (the church, the war memorial, and a nearby dwelling), the character and setting of those buildings is currently derived from being located within a built up residential setting, which contains a mixture of architectural styles and materials. Only the war memorial is located close to the application site, but in reality, only the top upper part of the roof of the proposal may be visible when stood at the memorial looking north east. In the main, the dwelling as enlarged would not be inter-visible with any of the listed buildings, and the proposed works would not therefore impact on the heritage significance of those listed buildings.

Works to alter the character of the building are therefore considered to accord with the guidance within the NPPF and particular paras 206 and 207 and CP58.

Whilst the entire area is located within the landscape of the AONB, the proposal is only visible from close quarters, and not to the wider landscape, given existing topography. Given its design similarities with other nearby dwellings and its lack of identified harm to the character of the conservation area, it is also considered that it would be difficult to argue that the proposal would have an adverse impact on the landscape character of the AONB. It is noted that the AONB group, which will often comment on applications off the weekly list that it has comments on, has not chosen to submit a comment.

### 9.3 Amenity impacts

There have been a number of third party comments related to the impact of the proposal on adjacent properties.

The existing bungalow is of a small scale compared to its neighbouring dwellings to the east and west and it is accepted that any increase in height and width of the current property is likely to have some impact, particularly in respect to Ebble Cottage to the immediate east. However, this impact is likely to be in relation to some modest additional dominance from the increased height and proximity of the eastern gable end, which will be visible from the rear garden of Ebble Cottage. There may also be some overshadowing created as a result of this enlargement later in the day/early evening, although for much of the day, any shadow cast by the enlarged dwelling is unlikely to fall onto the Ebble Cottage site. The eastern most dormer

window may also be visible from the rear garden of Ebble Cottage, although as this serves a bathroom, the window is likely to be frosted, and any actual loss of privacy limited.

Overall it is note considered that the proposal would have such an adverse impact on the amenities currently enjoyed by occupiers of Ebble Cottage as to warrant refusal.

The Old School House is located to the immediate west of the application site. This is a much larger taller dwelling, and appears to site on slightly higher land than the adjacent property subject of this application. Even with the increase in the height of the dwelling, and even if the enlarged roof is visible from the side garden area of the Old School House, it is unlikely that the development would overshadow its adjacent neighbour or introduce any adverse dominance. Whilst the side of the second proposed dormer would be likely to be visible when viewed from the west, it also seems unlikely that the dormer would result in any significant overlooking or loss of privacy.

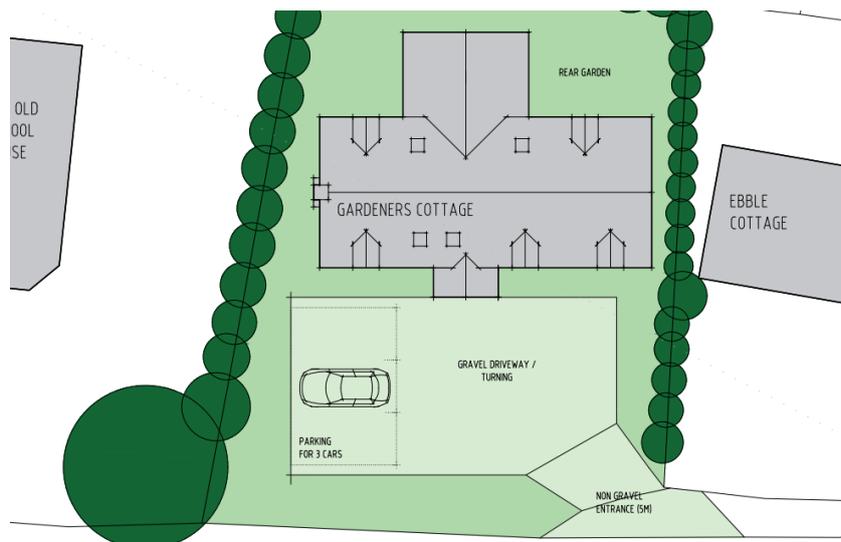
To the rear (north) of the application site is located a number of properties, which due to the land levels, are located somewhat lower than the application plot. Even at the current time, these rear properties face towards the rear gardens of Gardeners cottage and Ebble cottage, and there appears to be limited privacy existing between any of these dwellings due to the juxtaposition that currently exists. If the application dwelling is enlarged as proposed, there would be a modest increase in the height of the roof, and the introduction of two dormer windows facing north. A rear single storey extension is also proposed. Whilst all these features would be readily visible to adjacent properties to the north, given the already limited privacy which exists in this area, it is considered that a refusal of the proposal on loss of privacy grounds given the existing relationships may be difficult to justify. Furthermore, whilst the application works would be to the south of those existing dwellings and slightly higher, it seems unlikely that any overshadowing caused would be so significant as to warrant refusal.

The amenity of dwellings to the south of the application site would in officers opinion, remain largely unaffected in planning terms, albeit with some additional overlooking from the proposed front dormers. However, given the context of the site, a refusal on loss of privacy is unlikely to be successful.

Whilst it is accepted that the enlargement of the dwelling as suggested will change the visual appearance of the dwelling as seen from its neighbours,

#### 9.4 Highway safety/parking

The dwelling already benefits from a vehicular access, and the works proposed would provide the dwelling with an on site parking/turning area. Given the narrow nature of the associate lane, it is considered that the proposal represents a modest improvement in highway terms.



WC Highways have no objections to the proposal, stating: *“The proposal will result in the property becoming a 4 bed dwelling and as such 3 off street parking spaces are required to meet Wiltshire’s current parking standards, these are demonstrated on the submitted drawing together with turning to allow vehicles to enter and exit the site in a forward gear. The existing vehicle access is not proposed to be altered as part of this application. I wish to raise no highway objection providing the following conditions are imposed:*

*The development hereby permitted shall not be first brought into use until the first 5m 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.*

*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.*

*No part of the development hereby permitted shall be first brought into use until the turning area & parking spaces [3] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.”*

## 9.5 Ecological Impact/River Avon Catchment Area/flooding

### Phosphates

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the site is not adjacent to any rivers or in any respective flood zones, this development falls within the catchment of the River Avon SAC and has potential to cause 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.

This proposal is considered to be “planned” development and therefore, is covered by the generic AA agreed between the Council and Natural England. The phosphate impact between the existing and proposed works are likely to be negligible.

#### Flooding/drainage

Some third parties have referred to a flooding issue in this area and that these works would exacerbate this. However, according to Council records, the site is in flood zone 1, and liable only to ground water flooding events. It is difficult to see how these would be exacerbated significantly by enlarging the existing dwelling. The proposed new driveway area is shown as gravel surface, so would presumably be permeable, thus allowing rain waters to filter through. A refusal on that basis would be difficult to justify, and a Flood Risk Assessment is not considered necessary in line with the requirements of footnote 55 of the NPPF.

#### Bats

Some third party comments have highlighted that they have seen bats using the area around the bungalow. Whilst this may be the case, this is itself not proof that protected species have been using the property as a roost, or that the enlargement of the property would significantly affect protected species, particularly as this is a predominantly rural area, where one would expect to see the presence of bats.

Whilst a formal bat survey has not been submitted, in order to refuse the proposal, the Council would need some evidence that the building and immediate environment has been or is being used by bats, and therefore be able to demonstrate that the works would cause significant harm to the protected species. However, the applicant has provided their own assessment of the likelihood of bats having used their property. This states that:

*Following a request from the Local Authority regarding the likelihood of Bats being present and the need for an ecological survey, I would make the following comments:*

*With regard to the loft space I would estimate the sarking material was installed within the last ten years, the material doesn't bear any makers marks however the material does appear to be a breather membrane of some sort. This being the case, it is unlikely bats would roost here as they tend to favour a constant temperature and humid conditions (found under traditional bitumen felt roofs). Breathable membranes increase airflow, create temperature fluctuations and changes humidity levels (by eliminating condensation). Breather membranes can also cause entanglement issues due to the micro fibre nature of the material.*

*The photos taken by the client show no evidence of bats and the closeups of the soffits and verge suggest access is very limited, if at all possible. Any roost assessment carried out would have to determine the three triggers for an more details emergence surveys to be carried out. These triggers are:*

- *presence of bats i.e. positive/negative*
- *evidence of their activity e.g. droppings, urine stains, bits of prey, dead bat carcasses*
- *access to features suitable for roosting (graded on a continuum from negligible through to high)*

*No evidence of bats being present or evidence of bat activity has been found, nor is there either a medium or high potential for roosting – such as hanging tiles, gaps in walls, unsealed properties or infrastructure close to woodland.*

*As a result it is unlikely that a roost assessment survey would progress to an emergence survey due to the lack of bat presence, any evidence of bat activity and poor roosting opportunities*

It appears from the information submitted that the roof void is essentially modern and insulated in recent years, and on the supplied photographs, there appears to be no evidence that the roof void is or has been used by bats. Similarly, the immediate environs around the house appear to show no such evidence. Consequently, to insist on a formal bat survey from a qualified consultant would in the circumstances seem disproportionate, and a refusal based on the assumption that the works would be likely to affect bats and or bat roosts would be difficult to justify.

It is considered the proposal is addresses the aims of Core Policies CP50 and CP69 of the WCS.

## **10. Conclusion**

The concerns of the various third parties have been noted and taken into full account. The amended design for the enlargement of the dwelling is unlikely to have a significant impact on existing residential amenity, taking into account the already close proximity and juxtaposition of the existing dwellings in that immediate area. The resultant dwelling as enlarged would be sympathetic to the character of the Conservation Area, which is characterised by a mixture of modern and traditional dwelling types. Furthermore, there is no evidence that the works would harm protected species, or exacerbate any ground water flooding issues. The highway system would be unaffected by the proposal.

Consequently, the proposal would accord with the aims of saved policies C24 and H31 and Core Policies CP 50, 51, 57 and 67 & 69 of the Wiltshire Core Strategy and the aims of the NPPF.

## **11. 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:

Existing and Proposed elevations and floor plans, site plan and location plan No. 484-15

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

3.Before the development commences regards the enlargement of the dwelling, full details of the materials to be used for the external walling and roof of the enlarged dwellings shall

be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out as approved.

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

4. Before the extension comes into use, the first floor bathroom dormer window shall be glazed with obscure glass to an obscurity level of no less than 5, and maintained in that condition thereafter. Other than those shown on the approved plans, there shall be no windows inserted in the first floor side or rear elevations/roofslope of the enlarged dwelling hereby approved.

REASON: In the interests of amenity

5. The development hereby permitted shall not be first brought into use until the first 5m 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

6. The approved parking and turning area shall be constructed of a permeable gravel material, and 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: In the interests of highway safety

7. No part of the development hereby permitted shall be first brought into use until the turning area & parking spaces [3] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials during construction works.

REASON: In the interests of highway safety

## INFORMATIVE

### Protected species

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

### Party Wall Act

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.