

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	6 July 2022
Application Number	PL/2022/02786
Site Address	Yew Tree Cottage, 10 Horse Road, Hilperton Marsh, Trowbridge, Wiltshire, BA14 7PE
Proposal	Additional domestic accommodation in the form of a single-storey annexe.
Applicant	Ms F Larkin
Town/Parish Council	Hilperton Parish Council
Electoral Division	Hilperton ED – Cllr Ernie Clark
Grid Ref	38654 - 159689
Type of application	Householder planning application
Case Officer	Yancy Sun

Reason for the application being considered by Committee

In accordance with the Council's Scheme of Delegation Specific to Planning', this application is brought to the committee at the request of Cllr Ernie Clark, based on the scale of the development, the visual impact upon the surrounding area, the relationship to adjoining properties, as well as the design, bulk, height, general appearance, and car parking provision.

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 planning considerations and to recommend that the application should be approved subject to conditions.

2. Report Summary

The main issues discussed in this report are as follows:

- The principle of the development
- Impact on visual amenity
- Impact on heritage assets
- Impact on neighbour amenity
- Highway impact

3. Site Description

The application site at Yew Tree Cottage (which is alternatively known as 10 Horse Road), is located within the village settlement limits of Hilperton and comprises a two-storey end of terrace property which has pebble dashed external walls under a tiled roof. The subject property benefits from a 26-metre-long rear garden which can be accessed from either through the dwelling itself or via the eastern side access. Within the rear garden, there is an existing timber outbuilding, which is shown below. The width of the garden varies from 4.7m – 5.7m with one side being fenced (eastern) and the western side being landscaped.



View facing north

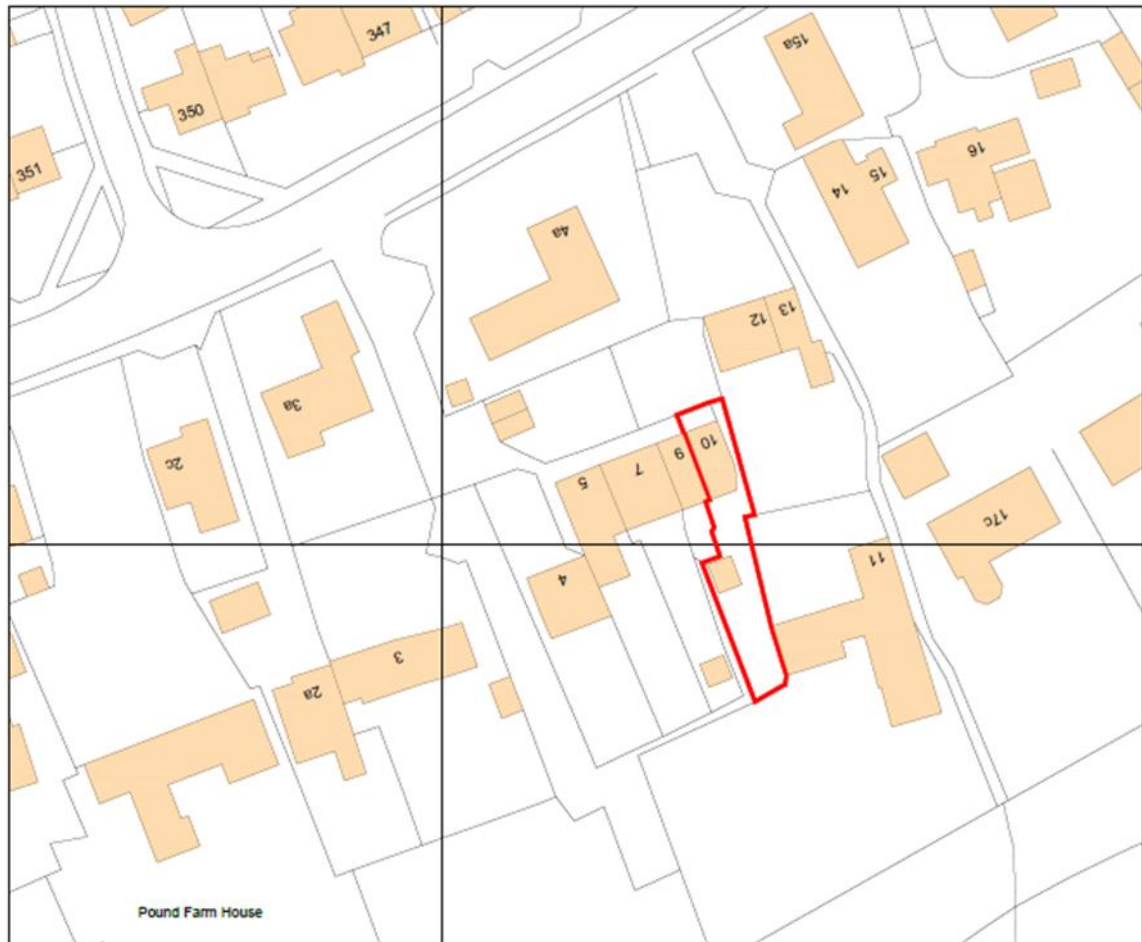


View facing south

The application site is not subject to any specific land designation constraints, and it is not within Flood Zone 2 or Flood Zone 3. The conservation Area is over 600m to the southeast. The nearest listed building (the grade II listed Weavers Cottage at No. 16 Horse Road) is

over 50m distant with 5 other properties/gardens being positioned on the intervening land. In this case, officers do not consider there to be any substantive intervisibility between the application site and the nearest listed building.

The subject property and site location is shown in the following map extract.



Map of site

The application site is set back from the main road by around 40m and is not readily seen from the public domain due to intervening properties, garden outbuildings and landscaping. The subject property is accessed off Horse Road, which provides access for 8 properties.

There is no on-site car parking provision with the applicant confirming that Horse Road is used for car parking purposes

4. Planning History

No planning history is recorded for the subject property.

5. The Proposal

This application seeks planning permission for a detached annexe to be constructed within the rear garden – to be sited to the south of the existing timber shed. The annexe would comprise a bedroom, living room and bathroom and would be occupied by a family member to provide additional ancillary living space for herself, and being available to provide family support.

The proposed annexe would measure 2.7m high and would have a footprint of 8m x 3.5m and would be finished with vertical 'light-coloured composite timber boarding' for the walls, and have a grey membrane for the flat roof.



The following insert shows the proposed elevations and floor plan for the proposed annexe.



6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015): in particular: CP1 – Settlement Strategy
CP2 – Delivery Strategy; CP29: Spatial Strategy for the Trowbridge Community Area;
CP57 – Ensuring High-Quality Design and Place Shaping

Other Material Considerations –

The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy

The made Hilperton Neighbourhood Plan and the adopted Hilperton Village Design Statement

National Planning Policy Framework 2019 (NPPF) and Planning Practice Guidance (PPG)

7. Summary of Consultation Responses

Hilperton Parish Council – Responded to the planning consultation in late April and advised having no comment to make in respect of the actual proposal, but concern was expressed by some parish councillors about access for plant during the construction phase.

8. Publicity

Four representations were received in objection to the proposal from 3 neighbouring properties. Their concerns have been summarised below.

- Concerns regarding the construction phase, and how the annexe would be constructed as the site has pedestrian access only.
- Concerns raised that during construction, vehicles would be parked on the access lane which would impact access for neighbouring properties.

- The proposed prefabricated building would not be a good design and would be contrary to CP57 of the WCS. The proposed development would not assimilate well with 'surrounding buildings, street pattern and features.
- The height of the proposed dwelling would have a severe negative effect on neighbouring properties, especially with number 11 – the oldest property within the immediate curtilage. Further, the scale, plot size and elevation of the proposed build would be incongruous, constituting overdevelopment and failing to be sympathetic to 'conserving historic landscapes.
- The proposed design lacks an attractive frontage, and the proposal would exacerbate existing issues with water pressure and light pollution to the rear and side of the neighbouring properties.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

9.1 Principle of Development and Permitted Development Fall Back

9.1.1 The proposed development would be located within the established residential curtilage of the existing dwelling and within the rear garden of No. 10 Horse Road. The annexe as proposed would be occupied by a family member and would be available to provide family support as and when required. The submitted design and access statement sets out that the subject property (with annexe) would remain a single household with the applicant's daughter planning on residing within the dwelling and the mother occupying the annexe with shared use of the kitchen (and as illustrated on the block plan), there would be a shared use of the garden.



9.1.2 The annexe would have a shower/bathroom, living room and bedroom as illustrated above.

9.1.3 Notwithstanding the clearly set out intention of the applicant, should Members be minded to support this application, officers recommend that any grant of planning permission should be subject to a planning condition restricting the use of the annexe to remain ancillary to the main dwelling and to prevent any sub-division of the plot.

9.1.4 It should be appreciated that the host property benefits from certain permitted development rights, which would allow the owner to construct a smaller outbuilding (of no more than 2.5m in height) with some amendments to the internal room provision, an 'annexe' could be erected using the provisions set within Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development (England) Order (2015) (as amended). It should also be duly noted that for unlisted properties outside of conservation areas, Class E does not restrict what materials can be used for what is known as incidental outbuildings.

9.1.5 The proposed annexe would occupy about 20% of the rear curtilage of the property (excluding the area of the host building) and this is not considered to constitute as overdevelopment of the plot.

9.1.6 The proposed annexe submitted under this application would exceed the maximum height parameters for a structure within 2m of the boundary. During mid-June, and appreciating the committee referral was still in place, the agent provided alternative plans to evidence and illustrate how an annexe could be provided within the rear garden and not require planning permission. Officers are fully aware there would be a PD fall-back, however this application requires planning permission and the merits and effects of the proposal require a full appraisal.

9.1.7 In terms of principle however, the proposed development is considered acceptable with regard to policies CP1, CP2 and CP29 of the WCS.

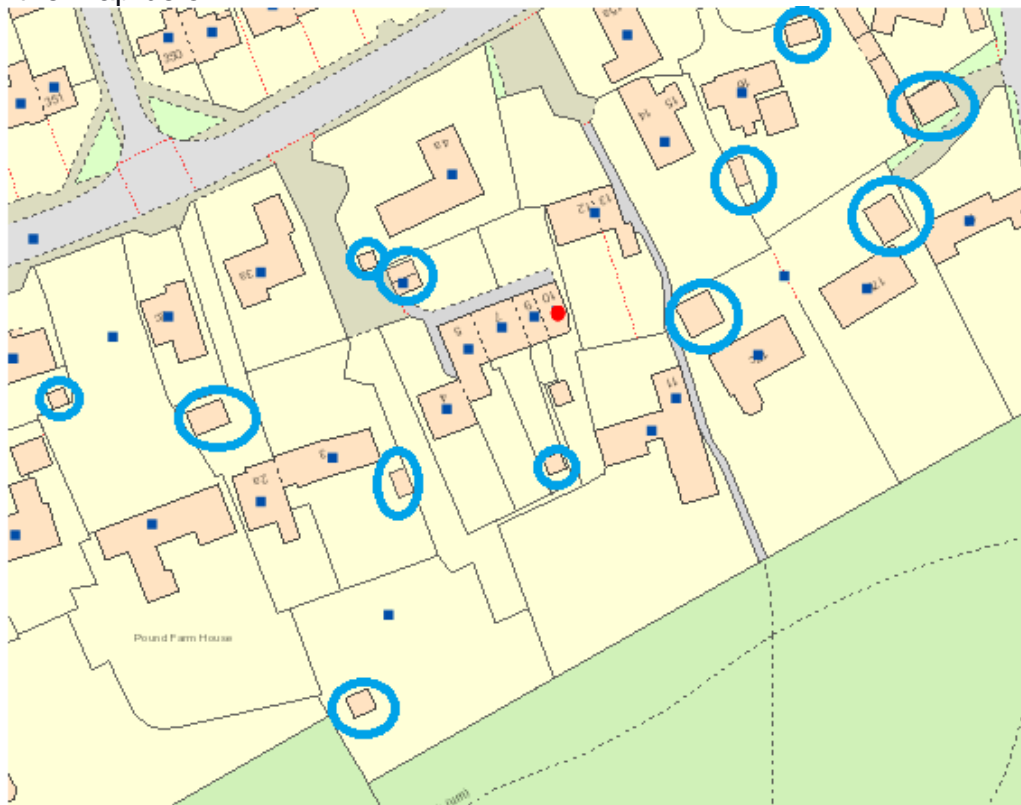
9.2 Impacts on Neighbouring Properties and the Surroundings

9.2.1 Adopted Wiltshire Core Strategy Core Policy 57 states that a high standard of design is required in all new development, which is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Paragraph (iii) of CP57 requires that new development should respond positively to the existing townscape features in terms of height, mass, scale, elevation design and materials.

9.2.2 The properties that are accessed off Horse Road are very mixed with a wide selection of property and plot sizes. The Hilperton Village Design Statement (VDS) references buildings along Horse Road to be predominantly Bath Stone or built using reconstituted stone, with clay-tiled roofs in brown and red shades. Yellow and red shades of brick are also prevalent along Horse Road. The north of Horse Road is comprised of brick-built houses, with brown or red clay tiles. In the case of this application, the host property has pebble-dashed rendered walls whilst other neighbouring properties have painted render to walls as well as brick.

9.2.3 The Hilperton VDS explains that new development should be of a scale appropriate to the surrounding buildings, rendered finishes should not be used except to maintain continuity to rendered buildings and new building should conform to existing building lines. From a quick review of the site and its immediate surroundings, numerous properties have

detached outbuildings of a similar footprint to what is proposed under this application, as shown in the map below.



Map of area



View looking north towards No.10 Horse Road with roof of timber outbuilding in middle ground

9.2.3 The proposed annexe would have what the applicant refers to as vertical light-coloured composite timber boarding under a flat roof. At 2.7m in height and occupying around 20% of the rear garden, the proposed annexe would constitute as a modest and

subservient outbuilding and would not appear as a discordant or harmful structure. A planning condition could be imposed to secure an appropriate colour finish.

9.2.4 The proposed structure would not be readily seen from the public domain and would be obscured from public view by intervening buildings, fencing and landscaping boundary planting, and consequently, it would not result in visual harm to the street scene and officers are satisfied it would be well contained within the rear garden without resulting in harm.

9.2.5 Paragraph (vii) of adopted Wiltshire Core Strategy Core Policy 57 requires new development to have regard to the compatibility of adjoining buildings and uses, as well as to consider the impacts on the amenities of existing and neighbouring occupants, and this application should consider overshadowing, overbearing and loss of amenity impacts.

9.2.6 No.9 Horse Road, located to the west of the site, would not be substantively impacted by the proposal as the annexe would be located along the narrow path that leads to No.9's garden and alongside a well-established hedge as shown below.



9.2.7 The existing timber outbuilding (which is used as domestic storage) in the rear garden of No.10 has been measured as being just under 2.5m to the ridge (and is thus only 20cm lower than what is proposed for the annex) which would, given its size and position, provide a physical and visual buffer for the proposed annexe and would minimise the impacts on No.9.



9.2.8 No. 12 Horse Road, positioned to northeast of the site, would not be substantively affected by the proposal. There would be no overlooking, overbearing or overshadowing impacts that would warrant refusal of the application.

9.2.9 No. 11 Horse Road, positioned along the eastern common boundary with No.10, would be the nearest domestic neighbouring property to the proposed annexe. However as previous site photos reveal, the building that connects with the common boundary is garaging with no western elevation wall openings facing No.10 as the following site photo reveals:



9.2.10 The timber fence measures 2m and provides sufficient containment and level of privacy for the application site and local residents. Given the scale of the proposed annexe, officers are satisfied that the amenities of No 11 would not be substantively harmed in this case.



View of No.11 from the application site



View of application site from No.11's garden



View of applicant site from No.11's driveway

9.2.11 In terms of the concerns expressed about additional light pollution, it is important to acknowledge that the proposal is for an ancillary annexe, within the rear garden of a domestic property in a residential area of Hilperton. Officers have no substantive concern about additional lighting causing neighbouring harm.

9.2.12 Mindful of the PD fallback potential, officers are satisfied that this planning proposal is acceptable in planning terms pursuant to neighbouring impacts.

9.3. Impact on heritage assets

9.3.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Further, paragraphs 199-202 of the NPPF require local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal and to make an assessment as to whether there would be substantial harm, less than substantial harm or no harm to the heritage asset. Paragraph 203 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

9.3.2 Paragraph (iv) of CP57 also states that proposals should be sympathetic to historic buildings and historic landscapes. Core Policy 58 titled 'ensuring the conservation of the historic environment' states that the historic environment, including non-designated heritage assets, which contribute to the local character and identity, should be conserved.

9.3.3 The site is located within 50m of the Grade II listed building (as shown in the map below left). The subject property is not listed and nor are any of the immediate neighbouring properties, and as confirmed previously, the site is not located within a conservation area.



Map of nearby heritage assets and an epoch map of the area dated 1868-1899

9.3.4. It is appreciated that some third parties / local residents consider the host property at Yew Tree Cottage and the terrace it forms a part of, to be a non-designated heritage asset, however, officers do not share this view. The property may date from the late Victorian period, but it has been materially changed since it was constructed, and the pebble dash render has significantly changed its original character. It is an old property, but it does not merit any elevated level of protection in heritage terms.

9.3.5 It is also important to note that the proposed annexe would be positioned about 13m from the rear of the cottage and behind the existing timber outbuilding and it would have limited impact upon the setting or character of the host dwelling. No substantive concerns are raised pursuant to Section 16 of the NPPF, Paragraph (iv) of CP57 or indeed CP58 of the Wiltshire Core Strategy, with respect to appreciating the distant setting of the nearby listed building found elsewhere along Horse Road.

9.4 Highway Impacts / Accessing the Site for Construction Period

9.4.1 Chapter 9 of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 111 furthermore states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

9.4.2 Core Policy 60 titled 'Sustainable transport' states that planning decisions should help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people. Core Policy 62 of the Wiltshire Core Strategy titled 'Development Impacts on the Transport Network' states that development should provide appropriate mitigating measures to offset any adverse impacts on the transport network. Core Policy 64 (titled Demand Management) seeks to manage demand for parking with residential parking standards based on minimum parking standards. These minimum parking standards are set out in the adopted Wiltshire Local Transport Plan 2011-2026.

9.4.3 The adopted (2015) Wiltshire Car Parking Strategy states that the minimum parking standards for 1-2 bed dwelling houses requires 1 allocated parking space, and that the minimum parking requirement for each external parking space should be 2.4m x 4.8m.

9.4.4 The proposal would result in an additional bedroom for No.10 Horse Road effectively creating it as 2-bedroom property (one being within the proposed annexe). As previously reported, the property does not have any dedicated on-site parking, and instead the property owner relies upon unrestricted car parking opportunities along Horse Road. As far as the Council's car parking strategy is concerned, the additional bedroom within the annexe triggers the need for 2 spaces overall. However, it is important to appreciate that the strategy allows for flexibility for sites within settlements and sustainable locations served by good public transport links and with there being no on-street car parking prohibition along Horse Road, officers are not minded to put forward the lack of any on-site car parking space as a reason for refusal for this particular proposal.

9.4.5 Notwithstanding the strategy setting out the minimum car parking standards for new development, decision makers are required to be mindful of what paragraph 111 of the NPPF states in terms of setting that highway-based refusals should only be used "*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". Officers are satisfied that this proposal would no result in unacceptable highway impacts and there has been no evidence submitted to prove there would be severe residual cumulative impacts on the highway.

9.4.6 Officers acknowledge that the site will present the applicant with some difficulties in terms of deliveries and for the construction period. The annexe structure would most likely come as sectional components to be connected up on site and in situ. The construction period for such a modest outbuilding should be limited in its extent and the Council would expect all associated deliveries and construction workers to arrange the timing following some neighbour consultation and to park all associated construction/ delivery vehicles appropriately on the highway and carry equipment and materials by hand. A construction management method statement could be conditioned to secure the necessary details and to safeguard neighbouring interests.

10. Conclusion (The Planning Balance)

Overall, officers are satisfied that this application for an ancillary annexe complies with the relevant policies of the adopted Wiltshire Core Strategy and the NPPF and subject to planning conditions, it is recommended for approval.

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:

Location and block plan Drawing 2114.100, and Proposed plans and elevations: Drawing 21145.102, received 5 April 2022

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

3. The ancillary annexe accommodation hereby approved shall only enure for the benefit of the owner/occupiers of the host dwelling at Yew Tree Cottage (otherwise known as No.10 Horse Road) and it shall only be used for purposes ancillary to the residential use of the main dwelling and shall remain solely within the same planning unit as the main dwelling and not be sold or let as a separate unit of accommodation.

REASON: To define the terms of this planning permission and in the interests of good planning.

4. 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 garages, sheds, greenhouses or any other ancillary domestic outbuildings shall be erected within the curtilage of the host dwelling unless approved under a separate planning application.

REASON: It is considered necessary to remove any residual Permitted Development rights for any additional outbuildings to safeguard the character and appearance of the area.

5. No development shall commence on site, until a Construction Method Statement, which shall include details of the following:

- a) the parking of vehicles of site operatives.
- b) loading and unloading of plant and materials.
- c) storage of plant and materials used in constructing the development.
- d) measures to control the emission of dust and dirt during construction.
- e) hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

6. No development shall commence beyond slab level until full details of the exact colour and finish to the external walls of the annexe as well as the surface water details and the foul connections to be made to the sewerage system have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and shall be maintained for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance of the area and to ensure appropriate site servicing connections are made available prior to occupation.

Planning Informatives

Pursuant to condition 3, the applicant is advised that this application is hereby approved on the basis that the ancillary annexe has and maintains a direct, functional and dependant relationship with the main dwelling.