9th September 2022

Our Ref: SWLC.LPC5264

Development Services – Central
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire BA14 0RD

FAO Ms G Collins

Dear Ms Collins

Town and Country Planning Act 1990
6 Leigh Park Road, Bradford on Avon, BA15 1TE

As you will be aware from my recent email exchange with your colleague; Mr Daniel Tyrell, following the refusal of my client's refused application at the above property (LPA Reference; PL/2022/00387) it has been agreed to reconsider the scope to provide a separate self-contained residential unit. The enclosed application is therefore a resubmission made within 12 months of the previous submission and ostensibly involving the same site etc and thus does not attract a new planning fee.

I have of course been mindful of the advice at Article 35 to the Town and Country Planning (Development Management Procedure) (England) Order 2015, such that the reasons for refusal raised in respect of the above application represented your Council's 'complete' and 'precise' grounds to resist that proposal and that it would therefore be unreasonable to introduce any new concerns.

Specifically, the key issues raised related to the substandard living accommodation created on the ground floor, as a single bedsit - Class C3 unit. It is the purpose of the enclosed application to conjoin that room with the one above as a new single bedroomed unit, including its own front door and hall.

The ground floor provides a kitchen and living room with downstairs bathroom. Laundry facilities are provided under the stairs. On the first floor there is a single double bedroom with ensuite facilities.

Externally, although I note that the reasons for refusal describe the external amenity space as 'insufficient', it is of course a matter of fact that your Council has no external space standards to be applied and the existing usable space is

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not overlooked by No 6 which is set substantially forward, nor is there a view into the space from the detached western neighbour.

The space ensures a protective rear buffer and provides light into the living space as well as an area to keep a bike secure, together with refuse and recycling storage. There is also space to dry clothes and sit out, commensurate with the one bedroomed property.

Indeed, if this was described as a flat it would have no such amenity space. On balance therefore I hope we can agree that the lack of any policy standard for outdoor amenity space allows this aspect of the previous refusal to be reassessed, recognising the principle of 'buyer beware'.

The more fundamental issue is the application of the Nationally Described Space Standards (March 2015) which for a one bedroomed property refers to a two person unit over two storey having a minimum gross internal floor area of 58m², with 1.5m² for built in storage. The application property has a floor area of 61.8m² and includes storage under the stairs and in the bedroom corner above the stairs, thus satisfying the National Standards.

Your delegated report regarding the refused application helpfully confirms that the creation of a separate dwelling within this residential area, within the defined limits of Bradford on Avon, is acceptable in principle, albeit subject to various considerations, which I have addressed below. As indicated by the completeness of the previous refusal these are the only relevant issues.

Neighbour Amenity

The development does not change the property externally, and there are consequently no new windows so that the physical impact and relationship to the neighbours will be unchanged.

Furthermore, given the established self-contained residential use of the annex space in question it is also maintained that a one bedroomed residence (in all probability retained in the ownership of No 6- which could be conditioned) is unlikely to result in a materially discernible intensification of use. Again, as you have clearly noted there is separate legislation to ensure against possible antisocial noise levels and nuisance.

The increased level of accommodation proposed over the two floors will ensure the Government's adequate level of amenity is achieved for the new unit. There is no conflict therefore with Core Policy 57 (vii) and paragraph 130 (f) to the NPPF.

The Government concentrate on the provision of a minimum space standard internally and it is telling that where a new domestic curtilage is created in

association with permitted development pursuant to Part 3, Class Q of the General Permitted Development Order for instance, it is restricted to no more than the existing built footprint as a maximum, and there is in fact no minimum. As you have noted this appears to reflect the general rule taken from the Building for Life 12 manual, but does not create a minimum standard, preventing each case being considered on its own merits, given that the yard space provided provides the necessary space to serve the tenant's needs.

There is of course space to extend the defined space directly behind the proposed new property if you wanted to conditionally insist on a larger enclosure, equalling the built footprint (30.9m²), and being provided within say 3 months from the grant of permission, enclosing blue land, where there would be no actual change of use. Although such an approach could be argued to satisfy the tests for the imposition of a condition to make the development acceptable and my client would not resile from the terms outlined, it is a matter of fact that my client's current tenant does not want to increase the openness or be responsible for a larger area.

Design and Visual Impact

In light of the changes made I trust we can agree that the conditional grant of permission will maintain the street scene but more specifically achieve a residence with an acceptable function, making the efficient use of the housing land available.

Highway Safety

As before, the proposed development does not change the existing access and parking arrangements as sanctioned to serve the extended accommodation, where the intensity of use of which is not demonstrably changed by the application development.

On its face as a strict planning policy assessment though the provision of a separate self-contained dwelling generates the need for a single new parking space in accordance with your Council's Car Parking Strategy as well as Core Policy 64. However, the reality is there is ample on-street parking spaces in this area and consequently within the terms of the highway's assessment criteria at paragraph 111 to the NPPF there is no evidence of a severe change to the safety and convenience of other road users should a tenant be a car owner in the future. Your highways colleague agreed this position and hence there was no highways reason for refusal and there is no material change in circumstances to justify one now.

On balance therefore I hope you can agree that the previous grounds for refusal have been satisfactorily addressed and that the conditional adaptation of the existing accommodation can be achieved within a specified timetable to fully

remove those previous objections, including the agreement of a larger garden area if considered essential in light of the lack of any formal standards.

If however, you wish to discuss any aspects of the proposal to ensure your support and in accordance with Daniel's advice, and the terms of the previous refusal, please do not hesitate to contact me.

Yours faithfully

[redacted]

Simon Chambers
Director

Enc:

Cc: Ms H Crapnell