CASE OFFICER'S REPORT

Application Reference:	PL/2023/04995
Application Type:	Removal/variation of conditions
Site Inspection:	03 August 2023
Consultation ends:	27 July 2023
Case officer:	Helena Carney

Site Address:	Wayside, Roundway Park, Devizes, SN10 2ED
Proposal:	Variation of Condition 2 (materials) of PL/2021/10077 (Single storey side extension, first floor extension over existing garage, timber cladding over external insulation and minor fenestration changes to existing dwelling).
Recommendation:	Approve with Conditions

Planning Policy

National Planning Policy Framework (2021) (NPPF)
Wiltshire Core Strategy (WCS, 2015)
Devizes Area Neighbourhood Plan
Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Practice Guidance (PPG)

Consultation Response

Devizes Town Council: object to this application on the grounds that the materials used to repair the building are not to the standard of what is being replaced.
Representations

Trust for Devizes: Object to this conspicuous downgrade of previously approved cladding materials. Mass use of fibre cement cladding in this leafy residential area, two doors along from the grade II listed Marlborough Lodge gatehouse, conflicts with policy 57 of the Core Strategy and NPPF 130.

Relevant Planning History

PL/2022/10077 - Single storey side extension, first floor extension over existing garage, timber cladding over external insulation and minor fenestration changes to existing dwelling, approved 24/01/2022

Application Site and Proposal

This application relates to Wayside, a two-storey detached property, located on Roundway Park in Devizes. The dwelling is constructed of brown brick, under a concrete tiled roof, with white UPVC windows and doors throughout. The property is set back from the highway and benefits from a wrap-around garden. A single bay garage is attached to the south-western side of the property.

There are neighbouring residential properties located to either side, to the rear and to the front on the opposite side of the road. Marlborough Lodge, which is a grade II listed building is located on the corner of Roundway Park and London Road (A361).

This application seeks permission to vary condition 2 (approved plans) of planning reference PL/2021/10077. This is to allow for the existing dwelling to be clad with horizontal fibre cement cladding (granite colour) in place of vertical cedar cladding as previously approved.

Assessment

Section 73 application

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary conditions imposed upon a decision already granted planning permission by the Local Planning Authority. Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted….they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.
The variation to the planning permission would not revoke the development, however, the grant of a planning permission under Section 73 essentially provides a new planning permission.

Wiltshire Core Strategy

Core Policy 57 requires a ‘high standard of design’ for all new developments and to draw on the local context and be complementary to the locality.

The proposed change of material is not considered to be detrimental to the character and appearance of the host dwelling or surrounding area. The approved scheme involves extensions to the existing dwelling and alterations to existing fenestration, which resulted in a more modern contemporary appearance. It is proposed to clad the existing dwelling with horizontal fibre cement cladding in a granite colour. Whilst this would result in a different appearance from the previously approved cedar cladding, it would integrate well with the grey powder coated standing seam walls and roof of the side extensions and anthracite window frames. It is therefore considered that the alternative cladding would tie in with the modern contemporary appearance of the side extensions and altered fenestration and not give rise to such demonstrable harm to the character and appearance of the area or street scene as to warrant refusal of planning permission.

Sections 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority [or the Secretary of State] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

Marlborough Lodge is a grade II listed building located at the entrance into Roundway Park. The application property is at least 38m from the listed building, with The Sycamores located between them. Given the separation distance and the fact that views of the proposed development will be obscured by the neighbouring property, it is considered that the proposed change of material would not harm the setting of the listed building.

Other matters

The grant of a planning permission under Section 73 enables the Local Planning Authority to impose planning conditions that are deemed appropriate and meet the relevant tests as cited within the NPPF (para 56). Given that the application provides a new planning permission, it is considered necessary and reasonable to continue to impose those planning conditions attached to planning permissions PL/2021/10077 that remain relevant to the development for clarity and completeness, with amended phrasing where applicable.

RECOMMENDATION:

Approve with conditions

Conditions: (1)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form
1995-Design and Access Statement
Agent email dated 04 August 2023 confirming colour of cladding
Cladding Product Data Sheet, received 04 August 2023

Plans:
P1_A-1995-Planning1.dwg, revision A - House as proposed
OS-1995-Location.dwg, Location plan

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