**DELEGATED REPORT**

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| **Application Reference:** | PL/2023/05090 |
| **Application Type:** | Planning Permission |
| **Site Address:** | 2 The Ley, Box, Corsham, SN13 8EH |
| **Proposal:** | Proposed extension to rear of property |
| **Recommendation:** | That Planning Permission is GRANTED with Conditions |

**PROPOSAL**

This application seeks planning permission for the erection of a 2-storey rear extension. The proposed extension on the ground floor will project some 4.2m from the rear elevation of the property and with extend across the entire width of the rear elevation, albeit with a small variation between ground and first floor level (being some 7.0m). The ground floor extension will accommodate a summer room and at first floor will accommodate 2 bedrooms and a shower room.

The rear elevation of the extension will see the insertion of two windows at first floor with three at ground floor. A door and window is proposed to the side (south-east facing) elevation at ground floor, along with a small window at first floor. There are also two roof lights proposed on the original roof line that will allow natural lighting into the bedroom. The site is to accommodate 3 car parking spaces from the rear southeast elevation.

The site benefits from planning permission PL/2022/09305 which remains extant. The applicant has submitted this new application to revise the proposal so as to increase the depth of the rear extension approximately 500mm (from 2.6 to 4.27m on the ground floor and 3.8m to 4.27m on the first floor). It is understood from the applicant that the increase in depth is due to the existence of a public sewer that runs across the site. In all other respects the proposal remains as per the 22/09305 proposal.

The application sets out the following components for which permission and consent are sought:

- Erection of 2-storey rear extension
- Internal alterations on the ground floor
- 2 roof lights on first floor (original roof)
- Removal of shed at the rear
- Addition of 3 parking spaces to the rear

The development and works are intended for purposes associated with the occupation and use of 2 The Ley as a single residential dwellinghouse.

**DESCRIPTION/CONTEXT**

The project site consists of a modest semi-detached reconstituted stone/concrete tile dwelling and is found within the established residential frontage along The Ley. The north-eastern side of The Ley has properties characterised with similar age, size and design. The site is slightly set back from the road behind a small hedge and at a lower level than the adjacent road. The property benefits from a large rear garden with an alley and access located from the rear as well. The site is also situated along the side of a hill (sloping downward towards the rear of the property). To the rear of the site is The Ley Business Park.

Also of relevance is the existence of planning permission PL/2023/01931 to the adjoining semi-detached property (no.1 The Ley) for a substantively similar two storey flat roof extension. That extension is not yet built but is currently the subject of a planning application (under reference PL/2023/05092) which amends the consented scheme in a similar manner to that now proposed for no.1 The Ley.

The site is within the North Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

**PLANNING HISTORY**

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| PL/2022/09305 | Proposed two storey extension to the rear of property (resubmission of PL/2022/08468) | Approved |
| PL/2022/08468 | Proposed extension to rear of property | Withdrawn |

As previously mentioned above, extant planning permission under reference PL/2022/09305 exists for a two-storey flat roof extension across the rear elevation of the property, in a similar position to that now proposed. Plan excerpts are provided in figure 1, below.

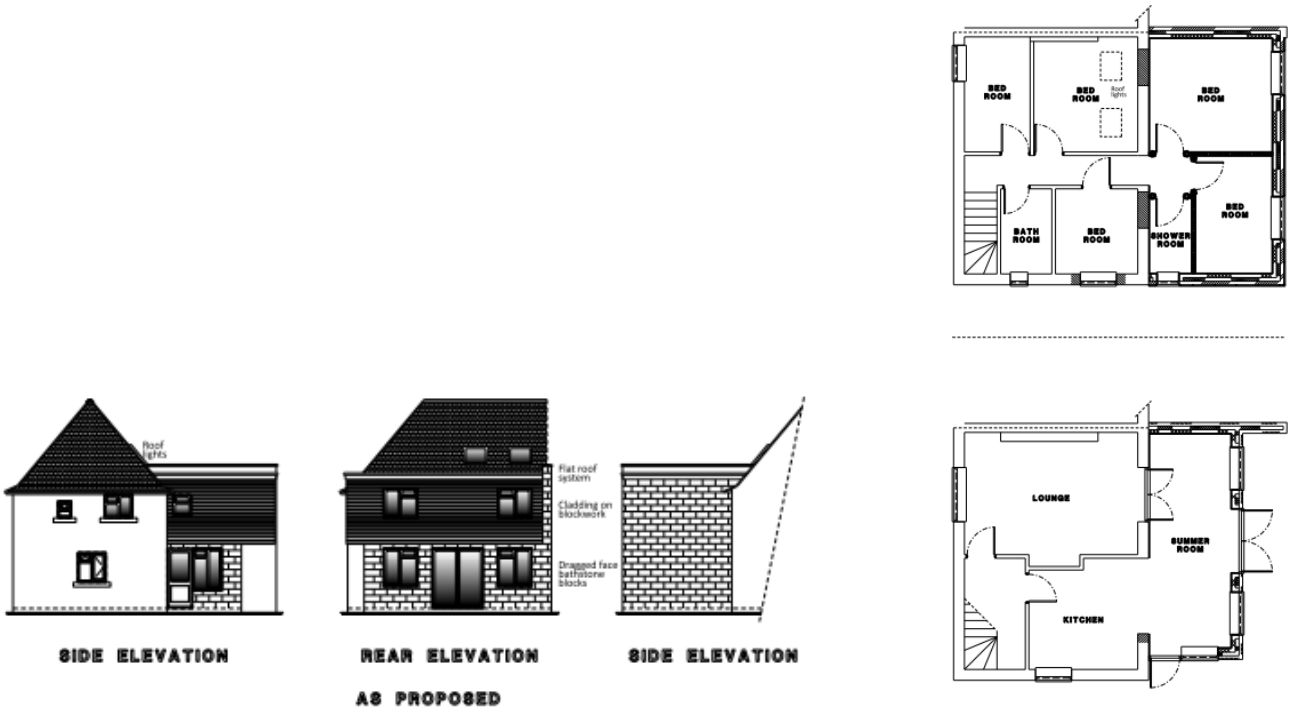


Figure 1: Previously approved plan excerpts (PL/2022/09305)

**POLICIES**

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 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. At the current time 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 (NWLP) 2011 (adopted June 2006); and the made Corsham Neighbourhood Plan (2019).

Thought the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy Policies 2015 (WCS):

Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping

Cotswolds AONB Management Plan 2023:
Policy CE1 (Landscape)

National Planning Policy Framework 2023 (NPPF)

**ISSUES**

The main issues in the consideration of this application are:

- Principle Of Development
- Impact to the Green Belt
- Impact to the AONB
- Design and appearance
- Impact to Residential Amenity
- Highway impacts

**CONSULTATION**

Box Parish Council: No objections.

**REPRESENTATIONS**

Consultation has been carried out and no neighbours or third-party comments received.

**ASSESSMENT**

Principle of Development

The principle of householder extensions and alterations is established as acceptable where they are found to be in accordance with CP57 of the WCS.

Irrespective of the above, the existence of an extant planning permission for a large two storey flat roof extension across the rear elevation, and in a similar position to that now proposed (under reference PL/2022/09305), must be regarded as a significant material consideration weighing in favour of the development now under consideration.

Of course, and with regard to the extant 2022 permission, the detail of such proposals must still be assessed against the provisions of other policies within the development plan, and that assessment is set out below.

Green Belt

Section 13 of the NPPF states that the construction of new buildings in the Green Belt, by definition, harmful to the Green Belt. Exceptions to that policy position are set out in paragraph 149 to the NPPF, and in particular criterion (c), which relates to the extension or alteration of existing buildings, providing they are not disproportionate over and above the original building.

With regards to the scale of the extension permitted under ref. PL/2022/09305, it measured 7.0 in width across the rear elevation at ground floor level and first floor. The extension projected some 3.8m from the rear elevation with its height being 5.2m. That extension was considered to be not inappropriate development in the green belt and to preserve it openness.

With regards to the enlarged extension now proposed, the depth would increase from 2.6 to 4.27m on the ground floor and 3.8m to 4.27m on the first floor when compared to the approved 2022 application. The height (5.2m) and width (7.0m) remains unchanged. Whilst the proposal will increase the depth from the previously approved 2022 application, the extensions addition would not result in a proposal that would be considered disproportionate in size over and above that of the original building. The original building has not been extended previously. However, the proposal is considered to be right on the threshold of failing to comply with the exception set out in paragraph 149(c) to the NPPF, with any further enlargement or future extension likely to be regarded as inappropriate development in the green belt.

In other respects, the development does not encroach into the countryside or lead to further sprawl of the built-up area, since it is surrounded by existing development. It is not considered that the proposal would harm the openness of the Green Belt or conflict with the purposes of the Green Belt.

Ultimately, although increase the scale of the extension previously granted planning permission, the proposal continues to be considered not inappropriate development in the green belt, since it would meet with the exception set out in paragraph 149(c) of the NPPF.

Area of Outstanding Natural Beauty

In regard to impacts on the AONB, Core Policy 51 of the WCS and Policy CE 1 of the Cotswolds Management Plan (CMP) seek to ensure that the landscape character, scenic quality and geological features of the AONB are conserved, and where possible enhanced.

As required by CP51 of the WCS due consideration has been given to the proposal's potential impact upon the Cotswold AONB. As per the previous proposals, the development continues to be located within the confines of the existing site. The proposed extension continues to be finished in sympathetic materials that are prevalent in the AONB, which is considered to be acceptable. Despite its increase in size, the proposed extension will continue to be considered not to be harmful in terms of design and scale and it would not create harm to the openness of the AONB due to the location of the proposal.

For the above reasons, the proposal continues not to be considered to result in any unacceptable impact upon the landscapes special qualities. Therefore, the proposed development will meet the requirements of policy CP51 to the WCS and Policy CE1 of the CMP.

Design and appearance

Core Policy 57 requires a high standard of design in all new developments; of particular relevance to householder developments is paragraph (iii) which require development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape, and rooflines to effectively integrate the building into its setting.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; the layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard of poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality. A high standard of design is required in all new developments, including extensions, alterations, and changes of use of an existing building.

The 2022 permission concluded that the rear extension significantly differs from that of the existing dwelling—most significantly in the use of a flat roof compared to the flared roof style of the existing property. Further, the extend of the flat roof exceeded the levels of the existing eaves by some 0.33m and resulted in an awkward junction. Also divergent was the proposed use of timber cladding for the first-floor level of the extension. Whilst it was not readily apparent that the extension was sympathetic or responded positively to the existing property in terms of its built form, height massing, elevational design, materials and roof line, it was nonetheless noted that the extension would take place at the rear and would leave the frontage of the property somewhat unaffected and therefore unlikely to feature prominently in the street scene. The diminished impact of the development upon the appearance of the key frontage elevation of these properties continues to be considered to be a significant factor mitigating the effect of the development when assessed against planning policy. Whilst the mass and appearance of the proposed extension remains difficult to reconcile with the existing property and its similarly designed neighbours, its visibility in the above context was considered likely to remain limited with reduced impacts. With regard to the proposed use of timber cladding at first floor level, whilst being divergent from the reconstituted stone block used for

the existing (and also the ground floor element of the extension), it was concluded that the timber would assist in diminishing the bulk of the extension to the eye and render the junction between existing and proposed eaves less awkward in visual terms than if an attempt was made to match the existing materials.

With regards to the current application, it is noted that the application represents an approximate 1.67m increase in depth at ground floor and c.500mm increase in depth at first floor compared with the earlier 2022 permission. This increase at first floor is not considered to alter the appearance unacceptably, although would increase its mass. Whilst the increase at ground floor is more substantial, it would bring the extension to a point flush with the existing first-floor rear elevation. In other respects, the flat roof, two storey design which stretches across the entire rear elevation, awkward relationship with the eaves, and divergent materials, the new proposal is substantively similar to that of the 2022 permission. To that extent, the inherent weakness of the two proposals also remain similar albeit with a shift towards being less able to rationalise its acceptability against the requirements of policy CP57 and section 12 to the NPPF.

Accordingly, whilst the proposal would see an increase in depth, its positioning to the rear of the property continues to mean that it would not be overtly visible from The Ley and Devizes Road, with only limited opportunity for views at the rear across the business park (which itself consists of substantial buildings and mature landscaping). Taking account of the above and with a comparison with the extant 2022 permission, it continues to be considered that the development would not cause unacceptable harm to the character of the property in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines amounting to a reason for refusal. As such, the scale and design of the proposal are (albeit marginally) still considered to be acceptable and comply with Core Policy 57 of the WCS and the NPPF in relation to design.

It is noted that the other half of the semi-detached pair (No. 1 The Ley) has submitted a similar application to increase the depth of a similarly already permitted extension (reference PL/2023/05092). At the time of preparation of this report, that application remains undetermined, but it is intended that it will be determined concurrently. Although there would be a differential in depth of extension, it would be possible for either one of the two properties to implement their earlier permission and the new enlarged version extension to still be acceptable on the other half of the pair.

Residential Amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The 2022 permission concluded that the proposal would not immediately present an unacceptable impact upon the living conditions of neighbouring residents through oppressiveness or mass and no objections or concerns were raised by neighbouring residents. No additional windows have been proposed, but the extension would introduce additional built form projecting from the rear elevation of the property.

With regard to the current application, whilst the ground floor will increase by 1.67m and first-floor 500mm, in the context of the likely impacts upon neighbour amenity and living conditions, the increase is not considered to be significant. Indeed, the other half of this semi-detached pair (no.1) has also submitted an application increase the depth of the extension to a similar extent, and whilst it would be possible for each

respective half of the pair to implement two different permissions (if their new applications are granted) without impact on each other, the likely outcome is that both would implement the permission for the enlarged extension so as to preserve symmetry. Similarly, one neighbour not implementing either permission granted and the other neighbour implementing would also not result in an unacceptable impact on amenity. Indeed, in such instances, the impacts on each other's amenity and living conditions would be no different to that already considered acceptable under the earlier applications.

In terms of impacts to No.3 The Ley, it is not considered to unacceptably impact upon amenity. The proposed extension would be situated some 3.0m to No.3 dwellinghouse and would allow for a substantial distance between the proposal and neighbouring property. In terms of the side (southeast facing) window towards no.3 The Ley, it is still considered reasonable and necessary to make use of a planning condition which ensures the side window (which serves an ensuite) is obscured glazed to protect the privacy of the neighbouring property.

It is noted that during public consultation, there were no objections or concerns raised by neighbouring properties.

In the context of the nature and layout of the development, there continue to be no unacceptable impacts upon the amenities and living conditions of the neighbouring properties, thereby complying with the relevant provision of CP57 of the WCS.

Highways

Wiltshire Core Strategy policy CP61 states that new development should be capable of being served by safe access to the highway network. Core Policy 64, states that provision of parking associated with new residential development will be based on minimum parking standards.

As per the 2022 permission, the proposal continues to propose 2 additional bedrooms, allowing for a total of 5 bedrooms within the dwelling which would require 3 parking spaces for the site. Also as per the 2022 proposal, the application continues to include 3 parking spaces on the rear garden area and would alter existing parking provisions to include an additional parking. Parking for all dwellings located on the north-eastern side of The Ley are located along the rear of the properties and accessed from an alleyway off The Ley.

Although the Council's Highway Engineer has not been consulted on this revised application, since the parking standards required to be met and the proposed arrangements to the front of the property remain unchanged, there is considered to be no reason not to rely upon the no objections the Highway Engineer raised in respect of that earlier 2022 application.

As such, the parking standards and requirements are considered to have no unacceptable impact upon highways safety, thereby complying with the relevant provision of CP61 and CP64 of the WCS.

**CONCLUSION**

Albeit relating to an extension of smaller scale, planning permission PL/2022/09305, which remains extant, is for what is a substantively similar two storey flat roof extension and must be regarded as a significant material consideration weighing in favour of the new proposal.

Although larger; the proposed extension continues to be regarded as not inappropriate development in the green belt thereby meeting the exception set out in paragraph 149(c) to the NPPF.

In terms of assessing the impacts associated with the new permission and how they compare with those associated with the 2022 permission, the proposed extension is considered to be a step backwards and is less sympathetic to the character, appearance of the dwelling and surrounding locality and is now less able to be rationalised against the requirements of policy CP57 to the Wiltshire Core Strategy and section 12 to the NPPF. However, when weighing the existence of the 2022 planning permission, the differences are not so great as to warrant a reason for refusal. In all other respects, the proposal is considered to comply with policies CP51 and C58 of the Wiltshire Core Strategy and policy CE1 to the Cotswolds AONB Management Plan 2023.

Subject to the imposition of planning conditions, the proposals continue to not unacceptably impact upon the amenity and living conditions of the surrounding residential properties.

Ultimately, and whilst acknowledging the now much greater difficulty in reconciling the proposals with the requirements of policy CP57 to the WCS in respect of built form, height, mass, scale and elevational design, as well as that set out in section 12 to the NPPF, in this instance and subject to conditions, it is recommended that planning permission be granted.

**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:

Block and Location Plan; DWG No. 23/123/1; Received 26 June 2023
Revised Elevation and Floor Plans; DWG No. 23/123/2; Received 26 June 2023

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

3 No development shall commence above ground floor slab level until details of the timber cladding to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4 Before the development hereby permitted is first occupied, the first-floor side window in the southeast elevation shall be glazed with obscure glass only to an obscurity level of no less than level 5 and said window shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

INFORMATIVES:

5 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 https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

6 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.

7 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.