# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/06953 |
| **Application Type:** | Householder planning permission |
| **Site Inspection:** | |
| **Consultation ends:** | 13 September 2023 |
| **Case officer:** | Stefan Galyas |

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| **Site Address:** | CUSHLEA COTTAGE, 3 THE FORTY, CRICKLADE, SWINDON, SN6 6HR |
| **Proposal:** | proposed garage |
| **Recommendation:** | Approve with Conditions |

Site Description

The site is located within the defined settlement boundary of Cricklade, identified as a Local Service Centre.

The site constitutes a relatively small two-storey cottage with a pitched roof, and a single-storey lean-to extension on the northern gable end. The dwelling fronts Purton Road with access gained via a driveway to the north. The remainder of the site is largely occupied by trees and vegetation.

The existing dwelling features rendered walls, slate and concrete roof tiles and uPVC windows and doors.

The west boundary treatment constitutes an orthostatic wall. The wall is similar to that of 18 The Forty, a short distance to the north, which has a Grade II listed orthostatic wall.

There is no predominant architectural style within the immediate surrounding area for new development to respect. The dwellings fronting Byre Close, to the east, benefit from some mature tree plantation in rear gardens adjacent to the boundary with the site.

The site is located within 20m of a watercourse and Purton Road is subject to a surface water flood risk designation, though this does not extend to the site itself.

Regarding policy constraints, the site is not within any designated area.

Proposal

The application seeks planning permission for the erection of a single storey detached garage with a pitched roof.

The proposed garage would be 6.5m in length, 5.6m in width, have an eaves height of 2.3m and a ridge height of 4m.

External materials would constitute rendered walls, concrete roof tiles and uPVC windows and doors.

Policies

Wiltshire Core Strategy (Adopted January 2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 62: Development Impacts on the Transport Network Core Policy 64: Demand Management

Core Policy 67: Flood Risk

North Wiltshire Local Plan 2011 (Adopted June 2006)
NE14: Trees and the Control of New Development

Cricklade Neighbourhood Plan 2026 (Made March 2018)
Policy H1: The Settlement Boundary
Policy H7: Residential Car Parking

Wiltshire Local Transport Plan 2011-2026
Car Parking Strategy

National Planning Policy Framework (NPPF) (2023)
Paragraphs 2, 8, 11, 12, 111, 130 and 131
Section 2 Achieving Sustainable Development Section 9 Promoting Sustainable Transport
Section 12 Achieving Well Designed Places
Section 15 Conserving and Enhancing the Natural Environment

Assessment
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.

Key Issues
Principle of Development
Impact on the Character and Appearance of the Existing Dwelling
Impact on the Character and Appearance of the Locality
Impact on Residential Amenities
Highways and Access
Impact on Trees
Drainage

Relevant Planning History
PL/2023/02274 – Proposed Garage. Refused 10/08/23

PL/2022/06764 – Construction of Detached Garage and Annexe. Refused 16/01/23

PL/2021/05591 – Proposed Garage. Refused 08/03/22

Consultation Responses
Cricklade Town Council: No comment

Wiltshire Council Archaeology: No objection

Wiltshire Council Highways: No objection

Representations

There were three letters of representation received in response to the proposal. Two of the letters objected to the proposed garage for the following reasons:

• The application does not include an elevation showing the new garage in relation to the host dwelling in order to demonstrate its proportionate scale.
• The reduction in length is not sufficiently reduced when compared to the previous application.
• While the hedge may screen the blank elevation, this may be removed and thus increase the proposals visual prominence.
• The lack of detail concerning the existing orthostatic wall.
• The building being of an inappropriate style with regard to its location.
• The proposals overlooking impact on adjacent neighbouring occupiers.
• The potential for an increase in the number of vehicles kept on site and thus backing out onto the highway, decreasing road safety.
• The removal of trees increasing the noise pollution from the road as heard by the occupants at Byre Close.

The other letter of representation voiced its support in favour the scheme, stating that the proposal would accommodate safe and secure off-road parking.

Principle of Development

The application site constitutes a dwelling house located within open countryside, as established within the WCS Core Policy 1. However, the principle of an annexe within the curtilage of a dwelling where they respond well to their context and account for the needs of the occupants are considered acceptable under the provisions of Core Policy 57.

A key element which contributes towards the acceptability of an annexe is that there should be a functional relationship with the primary use of the planning unit. It is noted that the proposed annexe contains all the elements of a separate dwelling. However, as established within the Uttlesford DC v SSE & White [1992] JLP 171, even if the accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree.

To this end, if an outbuilding with its living accommodation was part of the same planning unit as the dwellinghouse and provided that the planning unit remains in single family occupancy and continues to function as a single household, no material changes of use is involved.

The annexe would share access through the driveway to the north of the site and the principal elevation would face towards the host dwelling on site. Accordingly, it is considered that the annexe would be intrinsically linked to the main dwelling and would not result in a change of use. However, this is subject to a condition requiring the building to remain as an annexe in perpetuity.

On this basis, subject to accordance with Core Policy 57, the principle of an annexe to this dwelling is considered to be acceptable.

Impact on the Character and Appearance of the Existing Dwelling

Core Policy 57 of the WCS requires a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to draw on the local context and to complement the locality. It is required to respond positively to the

existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines.
Paragraph 130 of the NPPF states, among other matters, that developments should be visually attractive as a result of good architecture and be sympathetic to local character. The need for good design is reinforced by the National Design Guide (2021).
Outbuildings are expected to respect and reflect the form, scale and architectural style of the principal building and their size and design should relate to their purpose and be no larger than is necessary.
The site is in a sensitive location, occupying a prominent position on the street positioned at the southern entry to Cricklade. The street scene is predominantly made up of a mixture of inconsistently placed dwellings and grass verges. Outbuildings and garages are not a common feature of this section of Purton Road. The garages associated with the dwellings at Dance Court, to the south, are set back from the street and are subservient in scale to the host dwellings.
The proposal has been reduced in length and height from the previously refused proposal under PL/2023/02274. The reduction in height is the most notable change, going from a two-storey appearance to a single storey garage under the current proposal. Additionally, the proposal has been reduced in length from 7m to 6.5m, further limiting the proposals scale. It is considered that the reduction in height would ensure that the garage would remain subservient to the principal dwelling on site, thus remaining ancillary.
The use of mature planting to the west of the garage would likely limit the proposals visual prominence. In conjunction with the reduction in scale, the proposed boundary treatment is considered to screen the proposed blank elevation from the roadside. While views towards the proposed garage during the wintertime would be more prominent, the inclusion of this buffer between the proposal and the roadside is considered to help mitigate its overall visual impact on the area.
While the proposed palette of materials has not changed from the previous application, it is considered that the reduction in height and scale would help minimise the harm inflicted to the character and appearance of the locality. It is noted that the garage door height has not been reduced. When viewed as part of the northern elevation, the door does appear slightly large, however, it is not considered that the application could be reasonably refused on this basis.
As with the previous application, it is unclear whether the orthostatic stone wall would be retained or demolished as part of the development. Given the contribution made by the wall to the character and distinctiveness of the area, a condition could be appended to any permission that might be granted to secure its protection during the construction phase of the development.
Accordingly, the proposal is considered to result in an acceptable impact on the character and appearance of the area and would not conflict with the provisions of Core Policy 57 of the WCS.

Impact on Residential Amenities
Core Policy 57vii. of the WCS requires consideration to be given to the compatibility of proposals with adjoining buildings and uses, their impact on the amenities of existing occupants and to ensure that appropriate levels of amenity are achievable within the development itself.
The proposal would introduce additional built form adjacent to the rear boundaries of 21 and 22 Byre Close. Given the single storey nature of the proposal and an eaves height of about 2.4m adjacent to the boundaries with these dwellings, it is unlikely that the proposed building would result in an overbearing impact or loss of light to these dwellings. Additionally, the proposed rooflights on both sides of the roof pitch have been removed from the previous scheme. The windows positioned on the southern elevation would face towards the principal dwelling on site.

Thus, it is considered that the proposal would not give rise to an unacceptable overlooking impact on adjacent neighbouring properties.
In light of the above, the proposal is not considered to give rise to an unacceptable overshadowing, overbearing or overshadowing impact on adjacent neighbouring occupiers.

Highways and Access
Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
Core Policy 62 of the WCS requires appropriate mitigating measures to be provided to offset any adverse impacts on the transport network at both the construction and operational phases.
The application indicates there are three exiting parking spaces on the site. It is understood that the garage could provide one additional parking space. However, the application form states that the parking space would be unchanged and it is clear that the space within the garage would be inaccessible when the existing parking spaces are occupied.
The Council's Highways Officer commented that the land on which the parking spaces are shown is a dedicated highway, therefore, the spaces cannot be attributed to the host dwelling itself. It was noted that it is not common for private parking to be located on a dedicated highway. The Highways Officer highlighted that the current informal parking arrangement is currently served by a dropped kerb which likely was approved through Vehicle Crossing Permission. An informative has been recommended should the proposal be granted permission, recommending the standard process to undertake when dropping a kerb.
Additionally, the Highways Officer went on to recommend that the application provides an opportunity to improve the current arrangement and requested the conditions ensuring details of visibility splays, the dropped kerb and that the parking area is consolidated and surfaced.

Impact on Trees
There are trees both on the site itself and on the eastern boundary shared with dwellings fronting Byre Close. Saved policy NE14 of the North Wiltshire Local Plan is clear that permission will not be granted for proposals that would result or be likely to result in the loss of trees or hedges that could be successfully and appropriately incorporated into the design of a development. Additionally, paragraph 131 of the NPPF recognises that trees make an important contribution to the character and quality of urban environments.
Whilst the application form indicates that no trees would be removed, it is clear that there would be some tree felling and the removal of vegetation in order to facilitate the construction of the proposed development.
In regard to previous applications, Wiltshire Council's Arboriocultural Officer advised that none of the trees on the site are prominent or worthy of protection and raised no objection. This response is considered to be relevant to the current scheme given the buildings similar siting and scale.
The Case Officer agrees with the advice of the Arboricultural Officer and thus concludes that there would be no conflict with Saved Policy NE14 of the North Wiltshire Local Plan or Paragraph 131 of the NPPF.

Drainage
Concern was raised over the effect the proposed development would have on drainage in the area. However, while it is noted that the proposal would be located within 20m of a watercourse, the site is not covered by any designations indicating that it would be at increased risk of flooding from any source.

Given the relatively limited scale of the proposal with regard to its likely impact on flood risk and the lack of a flood risk designation on the site, it is considered that surface water discharge arrangements would be capable of being dealt with appropriately at the building control stage, should planning permission be granted.
Therefore, it is considered that there would be no conflict with Core Policy 67 of the WCS.

Conclusion
It is concluded that the proposed development is acceptable in principle and in design and amenity terms, in accordance with Wiltshire Core Strategy Core Policies 1, 2, 19, 51, 57, 62 and 67, NE14 of the North Wiltshire Local Plan, Policies H1 and H7 of the Cricklade Neighbourhood Plan and the relevant paragraphs of the NPPF.
The proposal accords with the adopted development plan and as such, should be granted permission.

Recommendation
That planning permission be GRANTED subject to the following conditions:

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**Conditions:** (9)

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-Proposed Floor Plan, Elevations, Block Plan and Location Plan
Received 16/08/23

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved plans.

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

4 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Cushlea Cottage, 3 The Forty, Cricklade, SN6 6HR and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

5 The existing orthostatic stone wall on the western boundary shall be protected throughout the construction phase and retained and maintained as such at all times thereafter.

REASON: To ensure the preservation of an undesignated heritage asset.

6 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the North and 43 metres to the South from the centre of the parking area in accordance with plans to be submitted to and approved by the Local Planning Authority. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

7 The development hereby permitted shall not be first brought into use until the whole of the parking area, 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

8 No part of the development hereby permitted shall be first brought into use until area for parking spaces to include an extended dropped kerb 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.

REASON: In the interests of highway safety

9 All soft landscaping shown on the approved plans shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any

trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**Informatives:** (5)

10 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.

11 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

12 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.

13 The application involves an extension to the existing dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing

Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent . Please contact the Drainage Team at Drainage@wiltshire.gov.uk

14 Before commencement of the works the applicant will be expected to apply for and receive written approval of the stopping up of the highway. The applicant is advised to apply to the Secretary of State/ Department of Transport. The following guidance outlines the procedure. The applicant may want to seek independent legal advice on the matter. https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways