CASE OFFICER'S REPORT

Application Reference:	PL/2023/06607
Application Type:	Full planning permission
Site Inspection:	15 September 2023
Consultation ends:	08 September 2023
Case officer:	Helena Carney

Site Address:	Platencia, 33 Church Street, Market Lavington, Devizes, SN10 4DU
Proposal:	Erection of wooden garden room (Amendments to previous approval under PL/2022/01400 for alterations to openings, positioning and design).
Recommendation:	Approve with Conditions

POLICIES

Wiltshire Core Strategy (adopted January 2015):
Core Policy 57: Ensuring High Quality Design & Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment

Market Lavington Neighbourhood Development Plan 2018-2026, made May 2021

The National Planning Policy Framework (NPPF) 2023

Planning Practice Guidance (PPG)

Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

ISSUES

• Impact upon amenity of occupiers of neighbouring properties
• Scale, design and materials
• Impact upon the setting of a listed building and the character and appearance of the conservation area

RELEVANT PLANNING HISTORY

• 14/04942/LBC - Internal and external alterations, repairs and replacement, approved 13/08/2014
• PL/2021/06316 - Addition of a conservatory to the rear of the property, over the foot print of a previously established conservatory, approved 15/12/2021
• PL/2021/06328 - The addition of Solar panels to the secondary lower lean-to roof line, approved 13/10/2021
• PL/2022/01400 - The erection of a timber construction and timber clad garden room with solar panels on roof at the bottom (southern extremity) of the garden, approved 13/04/2022

REPRESENTATIONS

Market Lavington Parish Council: no objection

Environment Agency: no comment received at time of writing

Natural England: no comment received at time of writing

Third party representations: The following is a summary of comments received (full comments available on the council's website):

• Objection to footbridge, request for it to be refused'
• Permission not granted by owners of woodland for applicants to access their land via the footbridge; no right of access to woodland; the owner of the woodland has insisted that the footbridge is removed as soon as possible;
• Applicant has cleared the woodland without consent of the landowner, resulting in garden room being visible from No.7 New Street;
• Protected wildlife has been disturbed and have been seen in back garden;
• At least one tree has been felled without planning consent;
• Incorrect and misleading responses, especially under the heading Biodiversity & Geological Conservation;
• Misinformation within the Design and Access Statement that the current footbridge to the privately owned registered woodland was in place when taking over the property;
• Applicant failed to mention that he is a member of Market Lavington Parish Council and that he sits on the Planning Committee;
• There now appears to be eight larger panels installed instead of seven proposed;
• Clearly mentioned existing trees and foliage to the south of the proposed location of the Garden Room (i.e. the woodland);
• Overshadowing by PV Panels - the woodland owner should have been approached and informed of this overshadowing;
• Applicant has embarked on a much larger scale operation to clear areas of the woodland for use as a children's playground;
• Installation of a larger three-section window on the southern elevation of garden room without obtaining consent of the landowner- disturbing wildlife and much of the natural habitat in the process;
• Footbridge recently constructed is clearly not shown on the registered plan WT 139760 (woodland to the south of Church Street;
• The boundary for No 33 Church Street appears to lie to the north of the stream. However, where properties are separated by a natural non-tidal river or a stream, the presumption is that the boundary follows the centre line of the water (ad medium filum aquae) so that each owner has half of the bed;
• The appearance and design of the footbridge is thoroughly out of keeping with the conservation area;
• The construction and siting of the footbridge is detrimental to the integrity of the banks of a watercourse:
• The positioning of the footbridge adversely affects the privacy of the adjacent property in that it contains a gate;

• The window openings on the shed look directly into the neighbouring property which adversely affects privacy on the neighbouring land;
• The presence of the solar panels on the roof of the shed have resulted in the felling of a tree in woodland without permission in order to provide light to the panels;
• Surprising to note that Market Lavington Parish Council have raised NO OBJECTION as the last Planning Committee appears to have been held many months ago in April 2023;
• Site is within a conservation area and I have a direct view of this area;
• Loss of view since construction of the building and positioning of the solar panels;
• No objection to the building itself or panels, but should be level to the roofline so as not to take away any of the beauty from this previously unspoilt area.
• The garden is not enclosed to the rear and is open to properties to the rear. The rear garden to 33 Church Street has always been clearly visible to the rear elevations of other properties on Church Street and New Street.
• Late comments suggest that the garden room is not located in the same location as the site layout plan.
• Late comments suggest that a CCTV camera has been installed on the garden room.

Late correspondence received that raises no new issues beyond those already received, the amendments to the plans reduce the level of development and remove the footbridge, railings and gate and therefore no re-consultation was considered necessary.

With regard to the submitted site layout plan, as the garden room is already in situ, the assessment has been carried out based on where the structure exists at the time of drafting this report.

With regard to the CCTV camera, this does not form part of the current planning application. There are many circumstances where CCTV cameras do not require planning permission. However, this matter has been forwarded to the appropriate officer for investigation.

ASSESSMENT

The application site relates to Platencia, a Grade II listed property located within the parish of Market Lavington.

The statutory listing description of the property is as follows:

> *MARKET LAVINGTON CHURCH STREET SU 0054-0154(south side) 12/139 No 33 II House in row.*
>
> *Early-mid C19. Brick with stone facade, slate roof. Two storeys and cellar, 3 bays. Lower half of front below guilloche plat band is line rusticated. End pilasters rising to eaves band and Ionic capitals. Central 6-panelled door with doorcase of Ionic pilasters and flat canopy. Casement windows with sidelights, and 4-paned sash over door with palmette eaves brackets either side. Roof hipped.*
>
> *Listing NGR: SU0141554077*

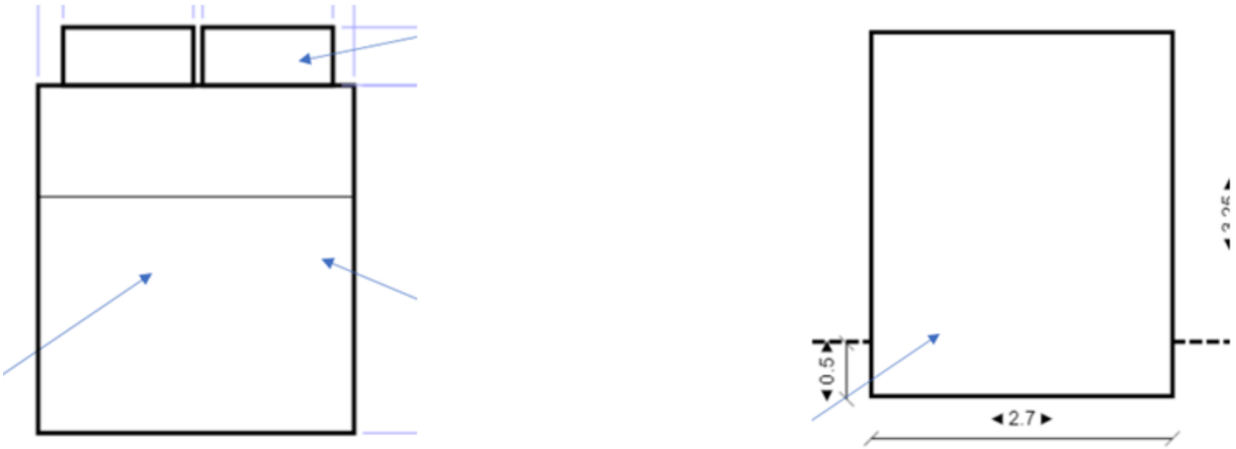
The application site lies within the Market Lavington Conservation Area.

The proposals:

Planning permission was granted to erect a detached garden room with roof mounted solar panels in April 2022. The development has not been constructed in accordance with the approved plans and as such this application is seeking retrospective planning permission for the changes to the approved scheme. The key changes are summarised as follows:

Change of fenestration on the west and south facing elevations and change to the number and positioning of solar panels. The previous permission comprised 7no. solar panels fitted in line with the sloping roof of the garden room. This application comprises 8no. solar panels, arranged in 4 rows of 2 panels and project above the roof slope. The changes can be seen in the images below:

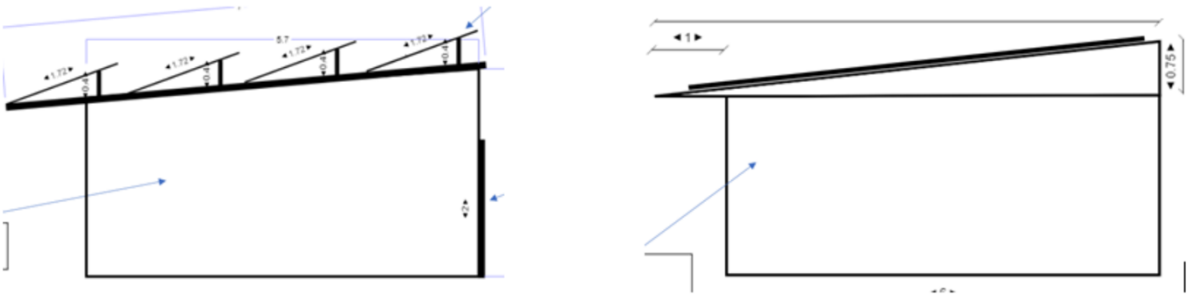
As built and subject of this application: As approved under PL/2022/01400:



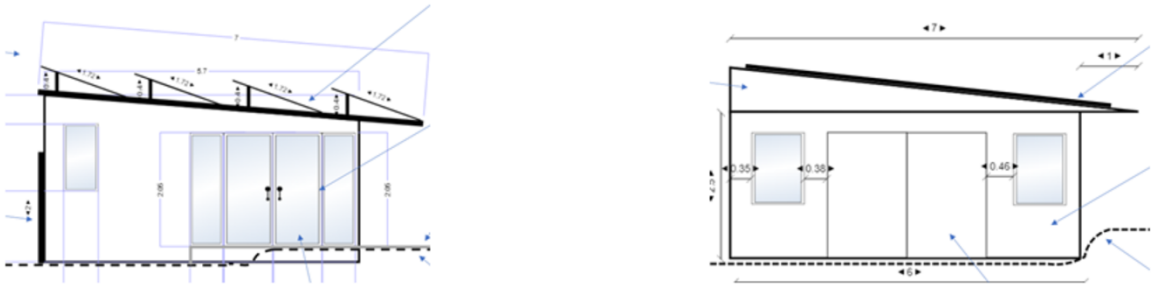
North Elevation



South Elevation



East Elevation



West Elevation

This application also sought retrospective planning permission for the construction of a footbridge, railings and gate. It is understood that this element was constructed after approval of the previous application (PL/2022/01400) and does not have the benefit of planning consent. However, on reviewing the submitted plans and following the Planning Officer's site visit, concerns were raised with the applicant with regard to the accuracy of the location plan (as the footbridge appears to lie outside of the red line denoting the development area) and that the footbridge has been erected on land not solely within their ownership and consequently the relevant land owners may not have been served the requisite notice.

The applicant requested that the footbridge was omitted from this application whilst a new application for the footbridge is prepared to address officers' concerns regarding inaccurate plans and land ownership.

Revised plans and Design & Access Statement were submitted by the applicant omitting the footbridge.

Concerns raised by occupiers of neighbouring properties regarding the footbridge, access to the woodland/private land have been duly noted. However, as this element has been omitted from this application, the footbridge does not form part of this assessment.

Principle of development:

The principle of development has been found to be acceptable under the previous planning assessment for application ref: PL/2022/01400 and as such this current assessment does not seek to readdress all aspects of the proposal.

This application has therefore been assessed on the basis of changes to fenestration and number and positioning of solar panels.

Impact upon amenity of occupiers of neighbouring properties:
The proposed changes to fenestration affect the west and south facing elevations only. The fenestration on the west facing elevation as built comprises 1no. window and a set of French doors, compared to 2no. windows and double sliding door. The fenestration on the south facing elevation as built comprises 1no. 3-pane window, compared to 1no. single pane window and full height door as previously approved. The fenestration changes are minor in nature and considered not to materially impact upon the occupiers of neighbouring properties as a consequence of loss of privacy.

There are no changes to the east and north facing elevations which do not comprise any openings and is as previously approved.

It is acknowledged that there has been an increase in the number of solar panels as built compared to what was previously approved and that they project above the roof slope rather than sitting in line with the roof slope as previously approved. However, this is considered to be a minor change which will not adversely impact upon the occupiers of neighbouring properties as a consequence of overbearing impact or overshadowing.

The comment received from the occupier of 7 New Street, the neighbouring property to the south (to the rear of the woodland) regarding loss of privacy resulting from the 3-pane window in the south facing elevation has been duly noted. Given that the previously approved plans comprised openings in this elevation, it is considered that the change in fenestration subject of this application is not materially different and consequently will have a neutral impact upon the occupiers of neighbouring properties. Furthermore, the garden room is sited in excess of 19m from the northern boundary of this property, which is considered a sufficient distance to avoid any loss of privacy as a result of direct overlooking.

Scale, design and materials:
The windows and doors in the west and south facing elevations of the garden room as built are considered acceptable in terms of design, scale and materials. The changes from the previously approved plans are minor in nature and not considered to cause such harm to the appearance of the garden room or visual amenity of the surrounding area.

The changes also include an increase in the number of solar panels as built compared to what was previously approved and they also project above the roof slope rather than being in line with the roof slope as previously approved. It is acknowledged that the projecting nature of the panels may result in them being slightly more visible from neighbouring properties. However, whilst the solar panels as previously approved were fitted in line with the roof slope, by virtue of the sloping nature of the roof, the solar panels would have been visible from south (from the woodland to the rear). The changes are considered to be minor in nature and not considered to cause such harm to the appearance of the garden room or to visual amenity of the surrounding area to warrant a reason for refusal.

Impact upon the setting of a listed building and the character and appearance of the conservation area:

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The changes subject of this application is considered to be minor in nature, resulting in a neutral impact upon the setting of the listed building and on the character and appearance of the conservation area.

Other issues:
Comments relating to the applicant not declaring that they are a Parish Councillor and a member of the Parish Council's Planning Committee have been duly noted.

Applicants and/or agents are required to declare on the Planning Application Form whether with respect to the Authority (in this instance Wiltshire Council) they are:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member.

As a Parish Councillor is not an elected member of the Authority, there is no requirement for it to be declared.

Comments relating to trees being felled/woodland cleared, and the impact of this on ecology has also been duly noted. However, it appears that the trees and woodland in question are not within the application site. As such any felling of trees/clearance of the woodland does not form part of this application and has therefore not been assessed.

Conclusion:
In conclusion the proposals seem fitting with regards to scale, design and materials. The proposal is considered acceptable in the context of its surroundings and is in accordance with the general criteria set out in the aforementioned policies of the local development plan.

Conditions: (2)

1 The development hereby permitted has been assessed in accordance with the following approved plans and documents:

20220219_Location Plan_CS33-GR_Proposed Garden Room;
DRAWING: CS33-A/GR/01 – FLOOR PLAN, received 6 October 2023;
DRAWING: CS33-A/GR/02 – WEST ELEVATION, received 6 October 2023;
DRAWING: CS33-A/GR/03 – EAST ELEVATION, received 6 October 2023;
DRAWING: CS33-A/GR/04 – NORTH ELEVATION, received 6 October 2023;
DRAWING: CS33-A/GR/05 – SOUTH ELEVATION, received 6 October 2023

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

2 The photovoltaic panels hereby approved shall be removed within 2 months of them no longer being needed for microgeneration purposes and within 2 months of their removal, the roof slopes and the surface of the building shall be made good to its appearance at the time immediately before the panels' first installation.

REASON: In the interests of the visual amenity of the Conservation Area.