Poulsom

Poulsom Architectural Design and Planning Services

13 OCtober 2023

Development Management
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Olivia,

Section 73 application to vary the sole condition of planning consent: 71/UH/201/O

Lad adjacent to no.5 Follyfield, Hankerton, Malmesbury, SN16 9LA

Please find enclosed an application for full planning permission relating to the above development. The submission includes (all submitted electronically unless stated):

- This covering letter;
- Relevant forms and certificates;
- Site location plan;
- All necessary indicative plans;
- The correct fee of £234

Introduction
Planning consent was granted on 20.12.2022 for the erection of a detached dwelling on land adjacent to no.5 Follyfield, Hankerton. The application was for Proposed Use Lawful Development, for the erection of a single dwelling to accord with the approved site layout plan from 14th February 1972 and the approved elevations and floorplans for 'House Type C', on drawing dated 19th April 1969. This Section 73 application is to apply to vary the condition attached to 71/UH/201/O, due to an Enforcement Case which has raised an alleged breach of the siting of the dwelling, currently under construction.

Principle of Development
The principle of development has been established through the granting of the CLP in December 2022. This application has come forward to vary the drawings granted under the aforementioned application. The variations include the change in siting, change in materials and alterations to the fenestration to allow for the internal layout to be adjusted for modern family living.

Siting
When reviewing the drawings approved for the CLP, they are actually photographs of original drawings from 1972 and therefore scaling off these is not a practical solution to ascertaining where exactly the property should be constructed. In terms of the methodology of where to locate the property, we took a known measurement of the gable wall of no.5 and used this to

create a scale of where no.6 should be located. (image one). It was concluded that the property should be located 5.6m away from the gable wall, as indicated in image one.

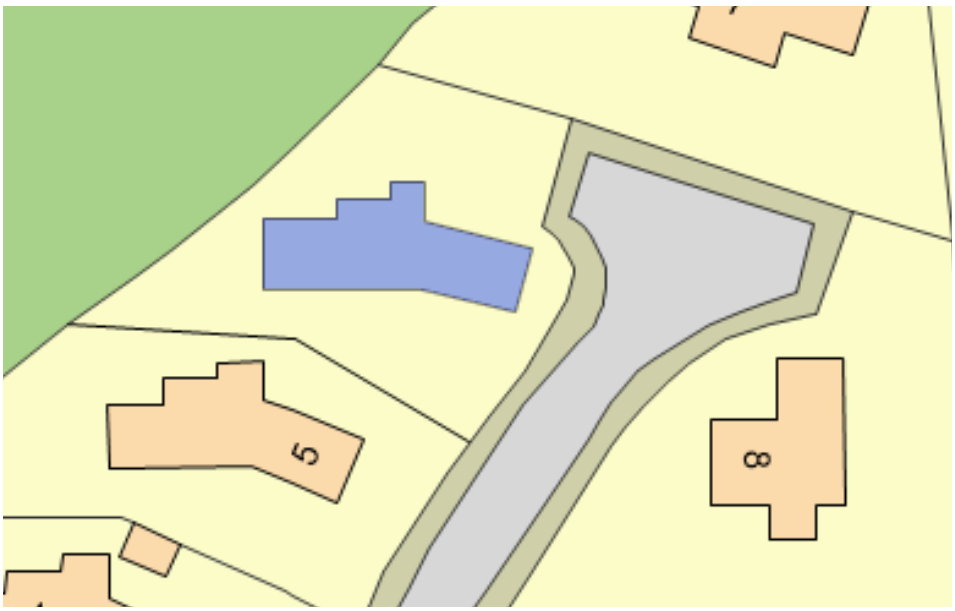


Image one: where no.6 should have been constructed

The Enforcement Officer has also overlaid the 1972 drawing and plotted the actual footings as constructed on site (image two).

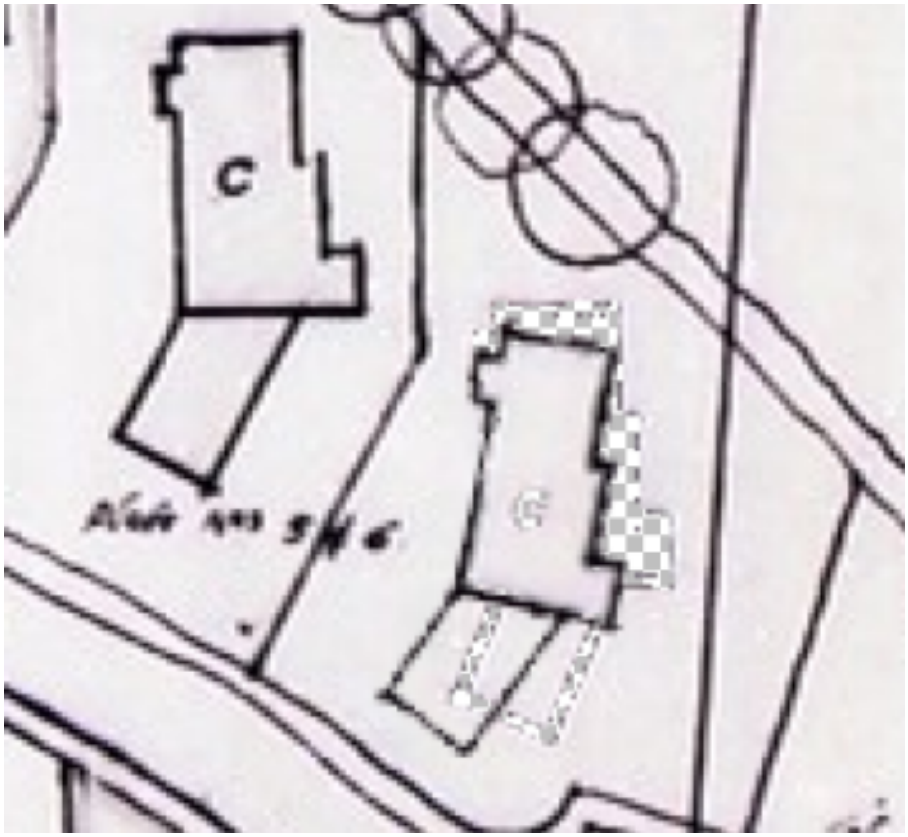


Image two: Enforcement Officer overlay of where the property has been constructed

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The proposed siting has essentially orientated the property west, this has resulted in parts of the property being further away and some other elements marginally closer to no.5 Follyfield. Although, as indicated in image three, where the property has moved closer to no.5, there is still in excess of 12m between the two properties, with the north east of no.5 being absent of any fenestration to the first floor. Given the closer proximity between nos.5 and the proposed new property, it is necessary to assess any potential impacts on neighbour amenity.



Image three: distances between nos.5 and 6 Follyfield, as constructed

Neighbour Amenity

The property is closer to no.5 Follyfield but is still more than 12m away. At the closest point between the two properties, there is almost a 6.9m gap, which is in fact further away than as proposed in 1972 and approved under the 2022 CLP. The orientation of the two properties is such that the closest point on no.5 (6.9m) is non-habitable space (a bathroom) at first floor level, although the owner has decided not to have obscure glazing here. The absence of any first floor windows the north east elevation of no.5 confirms there is no loss of privacy and the distance between the two properties will not result in a loss of light which would be detrimental to the occupants of no.5.

Elevations

It is apparent from the site location plan from 1972 that nos.5 and 6 were intended to be the same house type. Usefully, no.5 recently came to the market and this has provided all information for elevations, floorplans and fenestration.

It is proposed that the fenestration is changed to suit modern living. Whilst the property will appear different, it will still read well within the streetscene and have similarities with the neighbouring properties. Further information is indicated on the submitted drawings.

With regards to materials, it is proposed that reconstructed stone is used to provide better structural integrity and longevity to the property. From a planning perspective, Follyfield is characterised by a mixed palette of materials and there is not a sense of uniformity amongst the external appearances of properties within the streetscene, with many properties having gone through alterations and extensions since they were first constructed.

Planning Policy Context

In terms of planning policy, paragraph 126 of the NPPF identifies how the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. (Paragraph 130, criterion c). The proposed scheme respects the area by using materials which are sympathetic to the locale and the proposed changes to the design and materials will see the property form an integral part of the urban grain, whilst adopting innovative design ideas, compatible with modern family living. In addition, Core Policy 57 of the WCS requires new development to respond positively to the existing townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design and rooflines to effectively integrate the building into its setting (criterion iii). Criterion vi of CP57 requires proposals to make efficient use of land to deliver an appropriate development which relates effectively to the immediate setting. There is also a requirement for proposals to have regard to the compatibility of adjoining buildings and uses, the impacts on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy and overshadowing (criterion vii).

The proposal has considered the massing, scale and proximity to neighbouring dwellings within the vicinity and makes effective use of land to deliver an appropriate development. The orientation is broadly in line with that of neighbouring properties to ensure that it integrates well into the locale. Potential overlooking and impacts on neighbouring amenity have been carefully considered to ensure there is no negative impact on neighbours. Overall, it is concluded that the scheme is compliant with CP57 of the Core Strategy, as well as the relevant policies within the Framework.

I trust that the application will meet with your support and result in a favourable recommendation in due course. Please contact me if you require any further information at any stage of the application process, and I would be grateful for an update once you have had a chance to review the application.

Yours sincerely

Amy Hallett MSc, BSc (Hons)

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