DELEGATED REPORT

Application Reference:	PL/2023/07201
Application Type:	Householder Planning Permission
Site Address:	10 Eastrip Lane, Colerne, Chippenham, SN14 8AX
Proposal:	Application for the erection of 2 no. (screened) windows to first floor South Elevation (retrospective).
Recommendation:	Planning Permission be GRANTED.

PROPOSAL

The proposal seeks retrospective planning permission for the installation of two windows to the side (south) elevation at first floor level which has started without consent. The application form states that work was started 17/07/2023 and not yet completed. From a visual assessment the external works of the proposal appear to have been substantially completed, but with the glazed panels yet to be inserted.

The "householder" application form has been completed by the applicant and there is no suggestion that the fenestration alterations would be for any other purpose than that associated with the occupation of no.10 Eastrip Lane as a domestic dwellinghouse.

DESCRIPTION/CONTEXT

The application relates to a detached house located in Colerne. The property sits on the eastern side of Eastrip lane and has been remodelled in a contemporary fashion within the recent past.

This application is located within the Cotswold AONB (Cotswold National Landscape), but not covered by any conservation or ecological designations. The north eastern periphery of the Colerne Conservation Area is located approximately 104m to the south of the application site.

PLANNING HISTORY

17/06607/FUL - Addition of a new first floor onto an existing single storey bungalow and small front extension to connect to an existing garage – Approve with Conditions

N/91/02116/FUL – Extension and Alterations – Approve

N/91/00422/FUL – Erection of Extensions – Refuse

POLICIES

- National Planning Policy Framework (NPPF)

- Wiltshire Core Strategy Policies (WCS): CP51, CP57 and CP58
- Colerne Neighbourhood Plan Policies: BE1(Character and Design), Policy NE1: Landscape and Natural Environment
- Cotswolds Management Plan 2023 - 2025: Policy CE1 (Landscape)

ISSUES

- Principle of Development
- Design, Scale and Materials
- Residential Amenity
- Heritage
- Landscape

CONSULTATION

Colerne Parish Council: Support

> *Colerne PC discussed the application and support the request for clear glass to be used and not frosted, as it looks down the owners driveway and does not overlook the neighbours.*

REPRESENTATIONS

Consultation has been carried out and individual neighbour letters to adjoining properties and one representation letter has been received.

Main issues raised:

- *This application provides no drawings or written details of exactly what the windows look like or any guide as to their physical size.*

- *The two windows, which have already been partially constructed, are very large, they are not in keeping with the style and design of the existing property and they overlook the side and front of our property, no.9 Eastrip Lane. As the property is designed for upside down living, these rooms are not bedrooms, but principle living rooms.*

- *The title of the planning application suggests they are screened windows, this however is misleading. In fact the window design is such that they jut out from the side of the property (at least 600mm wide and possibly double that in height, but it's difficult to be accurate) making them even closer to our property and very imposing.*

- *From the rearmost of the 2 windows, due to its angle and location, it will be possible to look directly into our utility room through the small glass panel in the top of our door.*

- *The rear elevation of 10 Eastrip Lane is predominantly glazed, with a number of fully opening patio doors, there are also a number of roof lights, as per the original planning consent 17/06607/FUL, so it is highly unlikely that these windows are necessary in order to provide adequate light or ventilation.*

- *In the previous planning application 17/06607/FUL, dated April 2017, the plans included a small first floor window, for an en-suite bathroom, on the north elevation, overlooking No.11 Eastrip Lane (a bungalow style property).In the Council's decision letter dated Sept 2017, planning permission is granted with a number of conditions; one such condition is as follows:*

  6. Before the development hereby permitted is first occupied the first floor window serving the en-suite in the North Elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the window shall be maintained with obscure glazing in perpetuity.

  REASON: in the interests of residential amenity and privacy.

  This, condition, sets a precedent for any future first floor windows either on the North or the South elevation of 10 Eastrip Lane.

- *If these windows are to be given planning approval, then they must have the same condition applied, in that they must have obscure glazing in perpetuity to maintain residential amenity and privacy.*

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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of Development

The principle of domestic extensions and alterations within the curtilage of existing dwellings is considered acceptable, providing those proposals are compliant with the requirements of relevant policies within the development plan.

Design, Scale and Materials

Core Policy 57 of the WCS requires new development to respond positively to existing landscapes in terms of building layout, built form, height, mass, scale, building line and materials in order to effectively integrate the building into its setting. Consideration must also be

given to Policy BE1 within the Colerne Neighbourhood, which states that development proposals should respond positively and distinctively to the National Model Design Code and the Colerne Design Statement as appropriate to their scale, nature and location. In particular, BE1 highlights that development proposals should be designed in a way which takes account of their surroundings in their built form, height, materials, historic character and boundary treatments.

This application seeks retrospective permission the installation of two first floor windows to the southern (side) elevation. It is considered that the alterations adopt a relatively simple design approach and use complementary materials that will allow them to integrate sufficiently to a contemporary designed dwelling. The windows have been inserted at an oblique angle and the window apertures face a south-westerly direction.

The fenestration alterations are considered to be subservient and are easily accommodated within the side elevation of the dwelling, with a very minor addition of internal floor space being created. The dwelling is set back from the road and in conjunction with the use of complementary materials will ensure that the addition of new fenestration, does not appear prominent against the dwelling. During public consultation concerns were raised in relation to the windows not being in keeping with the style and design of the existing property. Whilst those concerns are understood, in this particular case, the property has been significantly remodeled in the recent past and presents as contemporary dwelling with a right-angled linear form, externally clad with vertical and horizontal timber, render and asymmetric windows. The proposed oblique angled windows could be described as a somewhat contemporary approach which does respond to the also contemporary style of the remodeled dwelling. The windows would not be an unduly prominent feature against the host dwelling and are considered acceptable.

The proposal is considered to be acceptable in terms of size, design and materials and complies with the requirements of CP57 to the Wiltshire Core Strategy as well as policies BE1 of the Colerne Neighbourhood Plan.

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.

Alterations have been undertaken at first floor level. The proposal seeks to finish the installation of two windows to the southern elevation, it is considered that due to the site circumstances and orientation of the dwelling that the proposed fenestration alterations would not result in any unacceptable impacts in terms of overlooking of private space, nor would there be an increase in the built form resulting in overshadowing to immediate neighbours due to appropriate distance between the properties which would largely mitigate against any direct or unacceptable overlooking. The proposal is adding very minor increase to the living room floor space but is not seeking an increase in height of the dwelling, the neighbouring properties would suffer no loss of daylight or sunlight as a result of alterations and minor remodelling of internal space.

During public consultation concerns have been raised in relation to overlooking and loss of privacy to the front and side of the neighbouring dwelling no.9. The window units would measure approximately 0.5m (w) x 2.25m (h). The concerns are entirely understood and that the windows are positioned to a principle living space, however due to the orientation of the windows facing toward the front of the properties and angled away from the neighbouring property no.9 (and their more private rear garden) which largely removes direct overlooking into the most private areas of the neighbouring property and, therefore, unacceptable loss of privacy. The frontage of the properties fronting Eastrip Lane, including no.9, do have sizeable private space/driveways, but those areas are more open to public view (and mutual overlooking) and are not perhaps less of an expectation of privacy as would the rear of the properties. The proposed windows are set at an oblique angle, with relatively slim glazed panels and would not directly look into any principle living spaces of the neighbouring dwelling, in such a context, the potential for overlooking and loss of privacy is minimised and is not considerably worsened given the existence of mutual overlooking of the front driveways spaces in this location.

The representation letter received suggests that a condition to obscure glaze a window to the north elevation from the previous application granted circa 2017 should be reapplied. This condition was applied to a window that would serve an en-suite bathroom and whilst the windows would serve a principal living area, due to the orientation and style it is considered to be unnecessary to insist on obscure glazing in this instance. The Parish Council response agrees with that approach.

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

Heritage

Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special attention should be given to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

The north eastern periphery of the Colerne Conservation Area is located approximately 104m to the south of the application site. At the time of writing this report there is no Conservation Area Appraisal published for this designation. However, the conservation area is significant in historic and architectural terms, with a clear historical and illustrative value and presents as a traditional rural village with a wealth of period stone-built cottages and houses.

Due to the degree of separation, approximately 104m, location, limited alterations of the proposal to the side of an existing residential dwelling and the relatively enclosed nature of the side elevation it is considered that the proposed fenestration alterations would not compromise, impact or harm the identified nearby heritage assets. Due to the nature of the proposal and established residential built form, there is considered to be no harm to the identified heritage assets and in this regard, the proposal complies with the requirements of policy CP57 and CP58 to the Wiltshire Core Strategy.

Landscape

Core Policy 51 and Chapter 11 of the NPPF is applicable as the application site is wholly located within the Cotswold AONB (Cotswold National Landscape). In regard to impacts on the AONB, Core Policy 51 of the WCS and Policy CE1 the Cotswolds Management Plan and position statement seek to ensure that the landscape character, scenic quality and geological features of the AONB are conserved, and where possible enhanced. The site is located within the Cotswolds Area of Outstanding Natural Beauty where the impact of development on the wider landscape is an important consideration.

Additionally, Core Policy 57 indicates that proposals should relate positively to its landscape setting by ensuring that important views into, within and out of the site are retained and enhanced. Core Policy 51 requires that proposals affecting the AONB shall demonstrate they have taken account of the objectives, policies and actions set out in the Management Plans for these areas.

Due to the application proposing predominantly minor alterations to the existing envelope of the dwelling there would be not any unacceptable impacts on the character and appearance of the area or AONB as a result. Due to the relatively minor scale of the proposal and the design being read within an existing residential curtilage, there is considered to be no harm to the openness of the AONB. It is considered that the proposal complies with CP51 and CP57 to the Wiltshire Core Strategy and Cotswolds Management Plan 2023 - 2025: Policy CE1 (Landscape).

Other matters

Representation have been received which suggest there is a lack of drawings or written details explaining the appearance and size of the proposed windows. In this particular case, however, it is considered that the submitted details are sufficient to understand and conclude upon the acceptability of the proposals.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The above report has shown that this proposal is in accordance with the NPPF, Wiltshire Core Strategy Policies: CP51, CP57, CP58 and Colerne Neighbourhood Plan and the Cotswolds Management Plan 2023 - 2025, as it is of an acceptable design and will not have a detrimental effect on the character and appearance of the area, host dwelling, neighbouring amenity, wider landscape including the AONB and nearby conservation area. It is therefore recommended that this application is approved with conditions.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

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

Design And Access Statement – Dated 14th August 2023
Existing First Floor Plan and Elevations 2305-P 02
Location And Block Plan 2305-P 01
Proposed First Floor Plans and Elevations 2305-P 03

Received: 23.08.23

Supporting Statement – Dated 5th September 2023

Received: 05.09.23

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

2 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 drawings.

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