CASE OFFICER'S REPORT

Application Reference:	PL/2023/07130
Application Type:	Full planning permission
Consultation ends:	21 September 2023
Case officer:	Meredith Baker
Site Address:	10 St Margarets Mead, Marlborough, Wilts, SN8 4BA
Proposal:	Demolition of existing garage and sunroom and replace with new detached dwelling (Resubmission of PL/2023/03730)
Recommendation:	Approve with Conditions

Planning Policy

National Planning Policy Framework 2023 (NPPF)

Section 2 (Achieving sustainable development)
Section 4 (Decision-making)
Section 5 (Delivering a sufficient supply of homes)
Section 7 (Ensuring healthy and safe communities)
Section 9 (Promoting sustainable transport)
Section 11 (Making effective use of land)
Section 12 (Achieving well-designed places)
Section 14 (Meeting the challenge of climate change, flooding and coastal change)
Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance (PPG)
National Design Guidance

Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 14: Marlborough Community Area
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 51: Landscape
Core Policy 57: Ensuring High-Quality Design and Place-Shaping
Core Policy 60: Sustainable Transport
Core Policy 62: Development Impacts on the Transport Network
Core Policy 64: Demand Management

Marlborough Area Neighbourhood Plan 2021-2036

Policy MARL3: Meeting Local Housing Needs
Policy MARL17: Conserving the Scenic Beauty of the AONB

Policy MARL18: Achieving Dark Skies
Policy MARL19: Building to the PassivHaus Standard

Other Documents

Waste Storage and Collection: Guidance for Developers
Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)
Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)
North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024

Relevant Planning History:

PL/2023/03730 – Demolition of existing garage and sunroom and replace with new detached dwelling – Refused 05.07.2023

Planning permission was recently refused for a dwelling on site. This application was for a detached dwelling (as opposed to the current application which is attached to the existing dwelling of 10 St Margarets Mead) and was refused for the following reasons:

1. The proposed development would appear unacceptably cramped and incongruous by virtue of the siting and spacing of the two-storey detached dwelling and its proximity to existing dwellings. The proposal would appear contrived and out of keeping with the established pattern and character of the surrounding development and by virtue of its detached layout and siting and therefore does not represent high quality design. As such the proposal would not satisfactorily integrate into the street scene or positively contribute to the overall quality of the area contrary to Policies 51 and 57 of the Wiltshire Core Strategy and Section 12 of the NPPF which seeks well-designed places.

2. By reason of the proposed two storey bulk in close proximity to the shared boundaries, the proposal would have an overbearing effect on the occupiers of numbers 8 and 10 St Margarets Mead and their private amenity spaces, to the detriment of their reasonable living conditions. The proposal would therefore be contrary to Core Policy 57 of the Wiltshire Core Strategy.

3. The proposed development is unsatisfactory, in that, it does not demonstrate to the satisfaction of the Local Planning Authority that adequate motor vehicle parking can be provided onsite for both the proposed dwelling and the existing dwelling of 10 Margarets Mead. As a result the proposed development would encourage the parking on the surrounding highway network which would interrupt the free flow of traffic, inconvenience, obstruct and cause undue interference with the safety and convenience of users of the adjoining movement network. As such the proposal is contrary to Core Policy 64 of the Wiltshire Core Strategy.

4. Insufficient information has been submitted to adequately demonstrate that the proposal would protect and safeguard the nearby tree protected by a Tree Preservation Order (reference E/397). The proposal therefore fails to comply with Core Policies 51 and 57 and Section 15 of the NPPF which seeks to contribute to and enhance the natural and local environment.

Consultation Responses

Marlborough Town Council: “At the Planning Committee meeting held 4 September 2023 it was RESOLVED: that Marlborough Town Council objects to this application on the grounds of

overdevelopment and the loss of a front garden resulting in biodiversity loss, not accounted for within the application"

Highway Officer: No objection.

Archaeology Officer: No objection.

Thames Water: No objection.

Drainage Officer: Objection due to insufficient information.

Representations

None received.

Application Site and Proposal

The application site comprises the existing residential curtilage of 10 St Margarets Mead located along a residential road within the built-up settlement of Marlborough. The application site is washed over by the North Wessex Downs Area of Outstanding Natural Beauty.

The proposal seeks permission to demolish the existing garage and sunroom (to the side/rear of the existing dwelling) and the erection of a new dwelling attached to 10 St Margarets Mead. The property would be three bedroomed and would have two parking spaces to the front (in a tandem style) which would utilise the existing access point onto the highway and a new access point is proposed for the existing dwelling of 10 St Margarets Mead with new hardstanding at the front to serve as a parking area. The proposed materials of the new dwelling are outlined to match No. 10.

During the course of the application the dwelling was reduced in width slightly at the request of the Case Officer.

ASSESSMENT

Principle of Development

- Wiltshire Core Strategy

The application site is located within the identified limits of development of Marlborough. Marlborough under Core Policy 1 of the Local Plan is a Market Town which are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. As outlined within Core Policy 2 of the Local Plan there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

As such given the Marlborough settlement siting the principle of a dwelling in this location is considered acceptable, however is also subject to assessing the physical impacts of the development proposed, having regard to other relevant policies of the Development Plan.

Design and Visual Impacts

The application site is located along a residential road which comprises dwellings of similar construction. It is noted that several extensions have been permitted and implemented along this road, however the character is still that of semi-detached or terraced properties with spaces afforded between the sets of dwellings.

The previous application that was refused planning permission was a detached dwelling which was considered to give rise to unacceptable impacts upon the character and appearance of the street scene, being cramped development which was out of keeping with the area. The current application it is seeking an attached dwelling whereby from the public realm it would appear as an end-of-terrace property (albeit it is known that at ground floor level there is a covered path being proposed).

It has been acknowledged that several two storey extensions have been permitted in the locality, including the adjacent 8 St Margarets Mead (K/53571/F) and there is also a new dwelling formed through extending an existing property at 5/5A St Margarets Mead (K/59784/F). The loss of space between dwellings is considered undesirable however, given the current appearance of the street scene (including the extensions/dwelling mentioned above) it is considered that the principle of extending the building to form a new dwelling would not result in demonstrable harm to the character and appearance of St Margarets Mead. The proposed subdivision of land is considered undesirable, however it is acknowledged that there is a similar arrangement at No. 5A and therefore the size of the plot is not unacceptable.

The form of the new dwelling would be appropriately similar to the existing dwelling it would be attached to and would have a very slight subservient appearance due to the ridge height proposed. As a result of the existing extension to 8 St Margarets Mead near the boundary, it is acknowledged that there would be a level of ‘terracing effect’ that would be visible from the public realm. Although there would be a level of harmful terracing effect, the dwelling is set back from the front elevation of the adjacent 8 St Margarets Mead to provide some visual break along the street scene. Furthermore, there would be a 1.2m gap between the dwelling and the shared boundary which would provide a small gap between the dwellings (noting as well that the adjacent dwelling is also not immediate on the boundary). Given this minimal gap and arrangement where the dwelling is set back from the front elevation of the adjacent 8 St Margarets Mead there would not a significantly adverse terracing effect that would warrant refusal of planning permission in this instance. The materials of the new dwelling are proposed to match No. 10 which is considered acceptable and will be controlled by way of condition.

The parking arrangements at the front for the proposed dwelling would utilise an existing hardstanding area which raises no objection. It is acknowledged that a new parking area and access would also be formed at the front of the existing dwelling of No. 10 which would result in more hardstanding on site. The additional hardstanding and loss of soft landscaping in this area is considered undesirable, however it is acknowledged that hardstanding in this location could likely occur under permitted development rights in any instance. Soft landscaping is also still demonstrated on the proposed ground floor plan (marked as grass) and therefore although undesirable, the hardstanding in front of No. 10 is not considered so harmful as to justify refusal of planning permission. The Town Council also raised an objection due to the loss of soft landscaping and biodiversity, in this regard, as the hardstanding could be undertaken through permitted development rights and a soft landscaping area is proposed (as demonstrated on the ground floor plan) it is not considered that this arrangement is unacceptable.

It is also acknowledged that the application site is located within the North Wessex Downs Area of Outstanding Natural Beauty. In this regard the new dwelling would be constructed in the built-up area of Marlborough, and as above would not give rise to any unacceptable impacts upon the character and appearance of the area. As such the proposal is considered not to give rise to any harm towards the special rural characteristics of the AONB.

Residential Amenity

Consideration has first been afforded towards 8 St Margarets Mead to the north. The proposed new dwelling would be in close proximity to the boundary (1.2 metre) and would extend circa 3.6 metres beyond the existing rear elevation of this neighbouring property. As noted on the site visit as well this neighbouring property is also set at a lower ground level than the application site.

As demonstrated on the site visit this neighbouring property has no windows on the side elevation that would be impacted from this development. The proposal would however extend further west than the existing rear elevation of this dwelling and therefore would impact the outlook from the rear elevation windows as well as the private amenity space. There would also be some overshadowing and loss of light afforded within parts of the day, however given the limited part of the day impacted and remaining garden space, this overshadowing is also not deemed of demonstrable harm. It is considered that the proposal would give rise to some undesirable overbearing effect on the amenities of this neighbouring property. Although noted, given the design and depth, the proposal is not considered to give rise to such unacceptable overbearing effect that would warrant refusal of planning permission. In comparison to the previous application (which had a refusal reason regarding impact upon neighbouring amenities) the dwelling has been reduced in depth and is also sited slightly further away from the shared boundary. Although there would be some level of oppressive and overbearing effect to the private amenity space and windows of the neighbouring property, the revisions under this application have resulted in an acceptable arrangement that would not be of demonstrable harm as to justify refusing planning permission.

Secondly consideration has been afforded to the amenities of the existing dwelling of No. 10, whilst is within the red line, this dwelling could be sold off at any time etc. so there is still a need to protect the amenities of any occupiers of this dwelling. The dwelling would be in line with the front elevation of this property however would project circa 2.5 metres beyond the existing two storey rear elevation of this dwelling. As demonstrated on the ground floor plan submitted the proposed two storey bulk would not adversely impact the ground floor window serving the kitchen (and the bedroom window at first-floor level is further south than this window so would also not be adversely impacted). Whilst there would be some two-storey bulk immediately on the proposed shared boundary (and would be adjacent to the private amenity area) given the 2.5m depth (reduced in depth from the previous refused scheme) the development would not give rise to such unacceptable overbearing effect that would justify an objection in this regard. Noting as well that the two-storey bulk would be north of this existing plot and therefore would not give rise to any unacceptable overshadowing or loss of light to the occupants of 10 St Margarets Mead.

Consideration has also been afforded towards the impact from the proposed windows. The first-floor rear elevation and front elevation windows would have an outlook into the neighbouring plots however views would be oblique in nature and is similar to the existing arrangements and is therefore considered acceptable.

Highways

The additional vehicle movements (namely from one dwelling) would not lead to a significant detrimental effect on the public highway as assessed by the Local Highway Officer.

The development is proposing a new three bedroomed unit whereby under the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy it is expected that 2 parking spaces are allocated on site. The number of bedrooms for the existing dwelling have not been provided however by looking at the general area and online sales information, the semi-detached properties along St Margarets Mead are generally three bedroomed in nature.

As demonstrated on the submitted plans, parking for two vehicles is proposed for the new dwelling (in tandem) and two parking spaces would be made for the existing dwelling of number 10 at the front (noting that the proposal seeks to erect the new dwelling on the existing garage area).

The amount of parking spaces demonstrated on the submitted plans are considered acceptable for both dwellings, and the arrangement within the curtilage itself is also deemed acceptable. The Local Highway Officer also raised no objection to this provision.

In comparison with the previous application, which had a refusal reason in relation to parking as the parking spaces outlined for the existing dwelling could not be accessed, a new access point is proposed for the new parking area for 10 St Margarets Mead from the public highway. In this regard, the Highway Officer has raised no objections to the new access point however has noted that this would require a dropped kerb to be provided. As such the parking and new access is considered acceptable, subject to the condition and informative recommended by the Highway Officer (a condition requiring the first 5m of the access to be consolidated and surfaced and an informative regarding works to the highway and permission being required from the Highway Authority).

Trees

The application site is located in proximity to a mature tree to the west which is covered by Tree Preservation Order (E/397). No arboricultural report has been submitted to support the application to fully understand the impact of the proposed development upon this tree to understand if the works (including demolition) would be within the root protection area of this tree).

Under the previous application for a dwelling in this location, a refusal reason was based on the fact that insufficient information was submitted regarding the impacts of the development upon this TPO protected tree. Under the current application, no arboricultural report has been submitted still; however, the applicant has acknowledged the siting of the tree as it is shown on the submitted block plan. Although the block plan is noted, this has been drawn by the agent and does not clearly demonstrate the impacts towards the protected tree. In particular the block plan drawing was not undertaken by an arboriculturist and it is not known if the diagram is to show the canopy area or the root protection area.

Although there is a lack of understanding on the impact upon the protected tree, it must be acknowledged that the dwelling is to be located on an area that is already disturbed by development as would mainly be sited where the existing garage is. There is only a very limited section not covered by development to the rear. Due to the existing arrangement and siting, and also noting that the tree has been acknowledged within the current submission, it is deemed that the proposal would unlikely give rise to unacceptable impacts upon this TPO protected tree, subject to a condition requiring a tree report and tree protection plan being submitted to and approved by the Local Planning Authority prior to commencement of the works (which has been agreed with the agent as a pre-commencement

condition). With this condition, it is considered that the TPO protected tree would be satisfactorily safeguarded from the development.

Drainage and Flood Risk

The site is located within Flood Risk Zone 1 and thus no Flood Risk Assessment is required. In relation to foul drainage this is stated to use the main sewers which is considered acceptable. Surface water would be disposed of by a soakaway.

It is acknowledged that in the Thames Water comments it has stated that the catchment is subject to high infiltration flows during certain groundwater conditions and a sequential approach should be taken. The Drainage Officer at Wiltshire Council has also raised an objection due to insufficient information being submitted regarding a surface water drainage strategy by noting that the site is located within a higher groundwater area.

In this regard, the approach taken by the Local Planning Authority (at the time of this report) is that sequential tests for groundwater are only required when groundwater levels are between 0.025m and 0.5m below the ground surface or groundwater levels are either at or very near (within 0.025m) of the ground surface (as outlined within the Strategic Flood Risk Assessment. This application site does not fall within these areas and therefore a sequential test is not considered a requirement in this instance.

It is furthermore noted that the Drainage Officer has raised concerns with the use of a soakaway for drainage of the site, as this might not be possible due to high groundwater. Although this is noted, a soakaway is what is being applied for and if it is not achievable and found to be so at a later stage, the application would need to be varied in this regard. It furthermore must also be noted that the built footprint is very similar to the garage/sunroom being demolished and the additional hardstanding at the front of the dwellings could also be laid under permitted development rights. As such it is not considered that the proposal is unacceptable in terms of drainage and flood risk.

S106 contributions/CIL

The property will be CIL liable charged at the standard council rate.

Conclusion/Planning Balance

The principle of the erection of a new dwelling within the limits of development of Marlborough, is allowed for within the development plan, as per Policies 1, 2 and 14 of the Core Strategy. Whilst it is considered that the principle of development does comply with the policies contained within the development plan, as set out above, the council cannot currently demonstrate a deliverable five-year supply of housing. The housing policies are therefore out of date as it relates to the supply of housing. The application must therefore be considered in accordance with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed site is located within a protected area (as outlined within paragraph 11 d) i) and footnote 6 of the NPPF) however the proposal would not result in any unacceptable harm to this designation. As considered above within the report there are also no adverse impacts generated that would

significantly and demonstrably outweigh the benefits when assessing against the policies of the NPPF taken a whole. Therefore, the proposal accords with Paragraph 11 d) ii) of the NPPF and is being recommended as granted.

RECOMMENDATION:

Approve subject to conditions and informative.

Conditions: (7)

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 and documents:

Application Form
Existing Elevations and Plans - Drawing No. 1319-10 Rev A
Proposed Elevations and Plans - Drawing No. 1319-11 Rev D

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 used in the existing building of 10 St Margarets Mead.

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

4 No development including site clearance, ground preparation, material storage or construction works shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how trees will be protected during the development and shall include a tree protection plan. No development or other operations shall take place other than in complete accordance with the approved method statement and plan.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

5 The approved dwelling shall not be occupied until the parking spaces together with the approved access have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

6 The development hereby permitted shall not be first brought into use/occupied until the first five metres of the access, measured from the edge of the carriageway and/or 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.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Class A and E shall take place on the dwelling hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area, in the interest of trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

Informatives: (1)

8 The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license 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 the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.