CASE OFFICER'S REPORT

Application Reference:	PL/2023/08192
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	09 November 2023
Case officer:	Stefan Galyas

Site Address:	12 CRAB TREE CLOSE, MALMESBURY, SN16 0AF
Proposal:	Rear single storey extension, installation of side elevation window and covered area for improved side access. Proposed outdoor store positioned to side of car port. Installation of solar panels, solar thermal and air source heat pump for sourcing sustainable energy.
Recommendation:	Approve with Conditions

Site Description

The site constitutes a two-storey, end of terrace dwelling positioned on the northern side of the highway known as Bristol Street and to the eastern side of the residential cul-de-sac, Crab Tree Close. The dwelling uses a pitched roof and is afforded garden amenity space to both the front and rear of the dwelling. External materials are comprised of reconstituted stone walls and Cotswold render to the garden walls, artificial slate roof tiles and timber windows.

With regard to the site's surroundings, No.12s roof pitch is set below the other two properties within the terrace. Additionally, to the rear boundary of the site, a pitched roof car port is positioned at a higher finished floor level to the rear garden amenity space. The land also slopes up gradually to the north-east where large buildings such as Westport Manor are positioned. The sites locality is residential in character whereby light stone exterior walls form the primary vernacular of the area.

The site is located within the Malmesbury Settlement Boundary, which is identified as a Market Town by the Wiltshire Core Strategy.

With regard to policy constraints, the site is not directly set within but adjoins the Malmesbury Conservation Area to the east.

Proposal

The application seeks planning permission for a rear elevation, single storey extension with a mono-pitched roof. As part of the development proposal, solar panels would be added to the principal (southern) roof pitch of the dwelling and the southern roof pitch of the car port. A store area would be created to the east of the existing car port which would also include solar panels. External materials would constitute vertical timber cladding and Cotswold render, a standing seam lead coloured roof, aluminium clad timber windows.

Policies

Wiltshire Core Strategy (WCS) Adopted 2015

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 13 – Malmesbury Community Area

Core Policy 41 - Sustainable Construction and Low-Carbon Energy
Core Policy 51 – Landscape
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core Policy 58 – Ensuring Conservation of the Historic Environment

Malmesbury Neighbourhood Plan – Made February 2015 Volume I
Policy 13 – The Neighbourhood Plan Design Guide should be taken into consideration in all developments to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area.

Volume II
Task 8.1, 8.2 and 8.3.

National Planning Policy Framework (NPPF) Adopted 2023
Paragraph 2 – Compliance with the Development Plan
Paragraphs 7 and 8 – Sustainable Development
Paragraph 11 – Presumption in Favour of Sustainable Development
Paragraph 38 – Proactive Approach to Decisions
Paragraph 47 – Determination in Accordance with the Development Plan
Paragraph 110 – Consideration of Development Proposals
Paragraph 130 – Function and Form of Development
Paragraph 155 – Renewable Energy
Paragraph 176 – Conserving and Enhancing Landscape and Scenic Beauty
Paragraphs 195, 197 and 199-202 – Impact Upon Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66(1) – Special regard to be had to the preservation of a listed building or its setting.
Section 72(1) – Special Attention to be Paid Towards the Preservation and Enhancement of a Conservation Area

Malmesbury Conservation Area Appraisal (2007)

Malmesbury Conservation Area Management Plan – Adopted 22 February 2010

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 be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990 states within Section 66(1) that ‘special regard’ be given to the desirability of preserving a listed building, it setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, in considering whether to grant planning permission to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

In having ‘special regard’ in regard to listed buildings and paying special attention to conservation areas, the NPPF states that the assessment must identify whether the proposal causes substantial harm, less than substantial harm or no harm to the heritage asset.

Key Issues

Principle of Development
Impact on the Character and Appearance of the Area, Including Heritage Assets
Impact on Residential Amenity

Relevant Planning History

N/11/00453/FUL – Single Storey Extension. Approved with Conditions 22/04/11.

19/02739/FUL – Single Storey Rear Extension. Side Porch. Approved with Conditions 03/06/19.

Consultation Responses

Malmesbury Town Council: No objection.

Representations

There was one letter received in response to the proposed development which raised an objection. The following points were raised within the response:

• The proposed eastern elevation windows having the potential to overlook Westport Manor thus resulting in a detrimental impact on the properties privacy.
• The proposed solar panels positioned on the outdoor store being inappropriate to the locality.

Principle of Development

The principle of extending or altering an existing dwellinghouse located within the defined settlement framework is considered to be acceptable and in accordance with Core Policies 1, 2, 13 and 57 of the WCS.

Impact on the Character and Appearance of the Area, Including Heritage Assets

Paragraphs 194-202 of the NPPF deal with proposals affecting heritage assets and considering potential impacts. In determining applications, the local planning authority is required to take account of:

a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) The positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic vitality, and
c) The desirability of new development making a positive contribution to local character and distinctiveness.

Core Policy 57 of the WCS seeks to secure a high standard of design in all new developments, including extensions, alterations and changing the use of existing buildings. Among other matters, it requires proposals to be sympathetic to and conserve historic buildings and historic landscapes (iv). Core Policy 58 (iii) states that designated heritage assets, including buildings and structures

of special architectural or historic interest, and their settings, will be conserved and where appropriate enhanced in a manner appropriate to their significance.
The promotion of high-quality design is encouraged through the planning system and is reflected in Core Policy 57(iii) of the WCS, requiring design to relate closely to the existing pattern of development regarding size, scale, massing, materials, elevational design, roofline and the layout of the proposal.
Core Policy 41 of the WCS encourages new development, refurbishments and extensions to incorporate design measures to reduce energy demand. Developments should take full advantage of natural light and improve energy efficiency. Additionally, developments should use renewable or low-carbon energy from a local source. Paragraph 152 of the NPPF also required the planning system to support renewable and low carbon energy and associated infrastructure.
The Malmesbury conservation area by virtue of its designation is significant in heritage terms and this significance is likely to arise from its aesthetic (fortuitous) value and historical (illustrative) value.
The proposed rear extension would be conspicuous when viewed from a distance along Crab Tree Close to the north. While the proposed development would not entirely utilise matching materials, the proposed size and scale of the extension would ensure that the development remains subservient to the existing dwelling. The use of solar panels on the principal elevation of the dwelling have previously been approved under application 19/02739/FUL where since there has been no material change to the local development plan. Additionally, the use of solar panels on the outdoor stores roof is not considered to give rise to an unacceptable impact on the character and appearance of the area due to its discrete position with regard to the public domain.
The original scheme was revised in order to offset the built form from the rear garden boundary wall. It is considered that this offset from the rear boundary wall helps relate the proposal better to its surroundings, such as at No. 10 and 11 where a degree of separation and breathing room can be seen between the built form and the rear boundary wall.
In summary, the proposed development is considered to result in a neutral impact on the setting of the Conservation Area. The proposal is considered to accord with the provisions of Core Policies 57 and 58 of the WCS, Policy 13 of the Malmesbury Neighbourhood Plan and Paragraphs 130, 194, 195 and 197 of the NPPF.

Impact on Residential Amenity

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 proposed rear extension would decrease the current provision of rear garden amenity space. Revised plans demonstrate that a relative amount of garden amenity space would remain to the north and east of the extension. It is therefore considered that the remaining garden amenity space would be sufficient in meeting the needs of the properties current and future occupiers.
There would be three window openings created on the eastern elevation which would look towards Westport Manor. There are numerous west facing windows at both ground and first floor level at Westport Manor that would face back towards the site. The existing eastern boundary wall and fence between the two sites is considered to act as a barrier for visibility both looking out and towards the proposal. Additionally, it is considered that these obscured views from the garden amenity space would offer less visibility towards Westport Manor than from the public domain. Westport Manor is set at a higher finished floor level when compared to the sites garden amenity

area and it is considered that a substantial degree of separation would remain between the two buildings to ensure that there wouldn't be a significant overlooking impact.
As part of the proposal, a boundary wall would be constructed next to the existing western boundary fence which serves to separate the garden amenity spaces between No.12 and 11. The proposed boundary wall is considered to be of a single storey height and would not give rise to an unacceptable overshadowing impact.
In light of the above, the proposed development is considered to have an acceptable impact on the residential amenities of the adjacent neighbouring occupiers and would not give rise to overbearing, overshadowing or a significant loss of outlook.

Conclusion

The proposed development is considered acceptable and in accordance with Core Policies 1, 2, 13, 41, 51, 57 and 58 of the Wiltshire Core Strategy, Policy 13 and tasks 8.1 and 8.2 of the Malmesbury Neighbourhood Plan and relevant paragraphs of the NPPF.

Recommendation

That planning permission be GRANTED subject to the following conditions:

Conditions: (3)

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:

2327 AP(0) 030C Proposed Elevations
2327 AP(0)010B Proposed Plans Ground and Site
All received 06/11/23

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 to those detailed on the application form and approved plans.

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

Informatives: (3)

5 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.

6 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.

7 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.