CASE OFFICER'S REPORT

Application Reference:	PL/2023/07070
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	26 September 2023
Case officer:	Stefan Galyas

Site Address:	Westport Studio, 90 Gloucester Road, Malmesbury, SN16 0AL
Proposal:	Replace the white painted timber framed Gable End window with a similar styled, high-quality, thermally efficient triple glazed Alitherm 400 aluminium framed window, which will include solar glass.
Recommendation:	Approve with Conditions

Site Description

The application relates to No.90 Gloucester Road, otherwise known as Westport Studio, a two-storey linear property orientated east west with gable end onto Gloucester Road to the east and to the west end onto a rear yard area of St Marys Hall, St Mary Lane. The dwelling is closely flanked by St Marys Hall to its side (southwestern) elevation whereby a small courtyard area sets the two buildings apart. The existing property is constructed with rubble stone walls, clay roof tiles and a timber gable. The dwelling immediately fronts Gloucester Road and generally presents a high-quality front elevation to the narrow, historic street.

The sites locality is of a high-quality appearance whereby a plethora of building materials can be viewed along Gloucester Road. There is a variety of buildings and building styles rather than a homogenous collection of buildings of any particular historical period.

The property is located within the defined settlement boundary of Malmesbury, identified as a Market Town by the Wiltshire Core Strategy.

In regard to policy constraints, the property is not listed, but the site is located within the Malmesbury Conservation Area. Additionally, there is a high density of primarily grade II listed buildings within a close vicinity of the property.

Proposal

The application seeks planning permission for the replacement of the rear (north-western) elevation gable end window with a thermally efficient triple glazed aluminium framed window.

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 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 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

Historic England Advice Note 2 - Making Changes to Heritage Assets

Historic England Guidance - Traditional Windows: The Care, Repair and Upgrade Windows

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 (Conservation Area and the setting of nearby listed buildings)
Impact on Residential Amenity

Relevant Planning History

N/08/00673/FUL - Replacement of Existing Window, Door and Panels, with New Joinery Including Metal Railings on First Floor Elevation. Approved with conditions 08/05/08.
18/05857/FUL - Replacement Windows to North and South Elevations of The Property. Replacement French Door to The South Elevation. Approved with conditions 31/08/18.

Consultation Responses

Malmesbury Town Council – No objection.
Wiltshire Council's Conservation Officer – No objection.

Representations

There were no representations received in response to the application.

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 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 proposal, being within the designated Conservation Area must have regard to the Malmesbury Conservation Area Appraisal, April 2007. The Malmesbury Conservation Area Management Plan February 2010 is an adopted SPD and, therefore, also a material consideration. The guidelines within that document contain recommendations for control of development that are specific to each character area and also medium and long-term schemes for enhancement that aim to make a positive impact on the quality and interest of the character area.

The application site is located within Character Area 10: Gloucester Road within the Conservation Area appraisal. Gloucester Road is described as a road running in a northerly direction down a relatively steep hill meandering to the left and then right. The application building No. 90 Gloucester Road makes a positive contribution to the character and appearance of the Conservation Area and the setting of neighbouring listed buildings.

Among the general proposals for the entire Conservation Area, the Conservation Area Management Plan requires the following to be taken into account:
• The relationship of the proposal to its site;
• The relationship of the proposal to its wider setting;
• The impact in close view;
• What materials are used? How do they relate to the surrounding buildings?
• In the wider setting, has the impact of the proposal in views and distance been considered? Does it make a positive or negative impact?

Additionally, in setting out development guidelines for Character Area 10, the Conservation Area Management Plan states that it should be ensured that development within the locality should use good design when replacing windows and doors.

The proposed windows would be set to the dwellings rear (north-western) elevation and would not be set in a prominent position with regard to the street scene. The existing rear gable window can be viewed from a distance along St Marys Road when looking in a south-easterly direction.

Upon consultation with Wiltshire Councils Conservation Officer, it was considered that views towards the proposal from the public domain and the Conservation Area would be obscured. Westport Studio is set back from St Marys Street by a small electrical sub-station and views are further concealed by the existing Pyrathanca hedge and boundary fence to the site's rear boundary. The proposal would replace an existing poor quality gable window frame consisting of timber materials, whereby the unit seal has failed and let to wet rot over time. The aluminium frame is therefore considered appropriate in this instance with the triangular gable window opening, and this is concurred with by the Conservation Officer. Thus, it is considered that the

proposal would result in a neutral impact to he character and appearance of the Conservation Area and the setting of the adjacent listed buildings.

In light of the above, the proposal would accord with 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 proposal would partially face towards St Marys Hall and would mirror the existing triangular gable window on the dwellings rear elevation. It is therefore considered that the proposed window would not give rise to an unacceptable overlooking impact on adjacent neighbouring occupiers.

Conclusion

The proposed development is considered acceptable and in accordance with Core Policies 1, 2, 13, 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:
Location Plan
Received 21/08/23

SG-003 Existing and Proposed West Facing Elevations
Block Plan
Received 29/08/23

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

3 The proposed window hereby approved shall match in material and colour those detailed on the application form and approved drawings.

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

Informatives: (3)

4 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.

5 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.

6 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.