DELEGATED REPORT

Application Reference:	PL/2023/05911
Application Type:	Planning Permission
Site Address:	24 Nuthatch Road, Calne, SN11 9SB
Proposal:	Alteration to boundary walls, with new installed. New garden room installed.
Recommendation:	That Planning Permission is GRANTED with Conditions

PROPOSAL

This application seeks Planning Permission for a single storey detached outbuilding and the erection of a new boundary wall on the north boundary of the plot.

The applications set out the following components for which permission and consent are sought:

- Erection of detached outbuilding
- Erection of 1.5m wall on northern boundary
- Removal of hedge to be replaced by new hedge
- Removal of wall to rear garden

The development and works are intended for purposes associated with the occupation and use of 24 Nuthatch Road as a single residential dwellinghouse.

During the life of the application, revised plans were submitted by the applicant, received on 16th October 2023. Those revised plans indicate the reduction in height with regards to the side and rear proposed boundary wall and the change of hedge species proposed along the boundary. The application has been determined in relation to these revised plans.

DESCRIPTION/CONTEXT

The site consists of a modern, detached dwellinghouse situated on the corner of Nuthatch Road and Grouse Road. The property is situated on a residential estate built in 2006 and located on the northern edge within the boundary settlement of Calne. The dwelling can perhaps be described as having dual frontage, but its front elevation/front door faces Grouse Road. A semi-private space is formed between that elevation and Grouse Road with a grassed area set behind a substantial hedge. Parking to the site is located to the rear of the dwelling with their private garden space situated on the side (south) elevation.

The area is characterised by a mix of detached, semi-detached and terraced dwellings with a mix of white render and reconstituted stone materials.

The dwelling is located within the Countryside Character Area of Avon Vale but is not covered by any archaeological or ecological designations.

PLANNING HISTORY

No history on the site that is considered relevant to this application.

POLICIES

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).

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Calne Neighbourhood Plan:
Policy BE2: Design Principles for Local Distinctiveness

Wiltshire Core Strategy Policies 2015 (WCS):

Core Policy 57: Ensuring High Quality Design and Place Shaping

National Planning Policy Framework 2023 (NPPF)

ISSUES

The main issues in the consideration of this application are:

- Principle Of Development
- Design and appearance
- Residential Amenity

CONSULTATION

Calne Town Council: No objection, but make following comment:

> *Resolved to make no objection. The Planning, Licensing and Highways Consultative Committee has approved a Sustainability Statement as part of the Climate Emergency & Climate and Environmental Pledge which we would ask is considered when determining this application.*

REPRESENTATIONS

Consultation has been carried out and two local residents from the same household have objected to the proposal. No additional comments have been received.

The neighbouring residents objected to the removal of the wall and hedge as it was connected to their boundary, had concerns over the proposed hedge species as they are allergic to that type, and that the proposal would block light to the front of their dwelling.

ASSESSMENT

Principle of Development

Extensions, additions and alternations to existing properties across the plan area are acceptable in principle subject to consideration of any site-specific impacts and conformity with the relevant policies of the plan and national guidance, in particular the criteria set out in CP57 of the WCS.

The application form used by the applicant is for "householder" development, and there is nothing within the description of development or the submission documents that suggests the outbuilding would be used for any purposes other than ancillary to the occupation of no.24 Nuthatch Road as a single dwellinghouse. Nevertheless, the outbuilding is substantial relative to the garden size and is situated in amongst a reasonably high density residential setting, and a use that is not ancillary to the dwelling it purports to relate (and in particular, any commercial use that may present demands of on street parking that is already a premium in the locality) may not be appropriate. For these reasons, it is considered necessary and reasonable to make use of a planning condition which prohibits the ability to make use of the building for any purposes which are not domestic and ancillary to the use and occupation of no.24 as a single dwellinghouse.

Notwithstanding the principle of development, the detail and other site-specific impacts must also be considered against other relevant policies within the development plan and other material considerations, including national policy set out in the National Planning Policy Framework.

Design and appearance

Core Policy 57 requires a high standard of design in all new developments; of particular relevance to householder developments is paragraph (iii) which require development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape, and rooflines to effectively integrate the building into its setting.

Good design helps to provide a sense of place, creates, or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; the layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard of poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality. A high

standard of design is required in all new developments, including extensions, alterations, and changes of use of an existing building.

The application site is a detached dwelling located on the corner of Nuthatch Road and Grouse Road. It is considered that the proposed outbuilding adopts a relatively simple design approach that will allow them to integrate sufficiently. The proposal is modest in size and scale and remains subservient to the property and easily accommodated within the plot. The use of timber cladding whilst not a material seen widely in the area, is a material commonly seen in outbuildings. Spruce timber in a medium oak colour is being proposed and is not considered unacceptable in materials and appearance. The proposal will not appear prominent within the street scene as it will be further screened from Grouse Road with a 1.5m tall masonry wall with replacement hedging planting in front.

With regards to the proposed wall, whilst the rendered wall (to match colour of host dwelling) may appear prominent initially, the applicant has indicated on the plans that they will replant a new species of hedging to soften its appearance and thereby reduce its impact on the street scene (which is currently nicely planted in a relatively high-density estate). It is noted that the surrounding residential estate is of a relatively built-up and high density with several instances of brick/masonry walls placed hard up against footpaths, and in this instance, a approx.2.7m gap (complete with existing trees/grass with new hedge infront) between the wall and the footpath would be retained thereby being significantly *softer* in appearance and not unacceptably diluting the nicely landscaped area in front of the no.24. Accordingly, but only subject to the imposition of a condition which compels the delivery of the new hedging so as to provide the softening of the appearance of the wall, the erection of a new wall is considered to be acceptable.

In terms of design and materials used, the proposal is considered to broadly reflect and respond to the character of the building and is largely sympathetic to the appearance of the host dwelling and the wider area. The height, scale and mass of the proposal would therefore not be considered to create an incongruous or unduly prominent feature in this location.

Subject to the imposition of conditions compelling the planting of the replacement hedge, the scale and design of the proposals are considered to be acceptable and comply with Core Policy 57 of the WCS and Policy BE2 of the Calne Neighbourhood Plan.

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.

In respect of the residential amenity, the proposed development would not present an unacceptable impact upon the living conditions of the neighbouring resident through unacceptable overlooking or oppressiveness. During public consultation, the neighbouring residents at No.34 Grouse Road raised an objection over the impact upon their lighting to the front of the dwelling. Whilst their comments have been taken into consideration, it has been determined that the detached outbuilding

would not unacceptably impact upon the light to No.34. The proposed outbuilding will be situated approx. 3.5m from the side (south) elevation wall of No.34. Additionally, the outbuilding is also being proposed with a lean-to roof which declines in height from approx. 2.5m to 2.2m in a southerly direction.

Given the limited scale, mass, and position, the proposal would not result in unacceptable harm, unacceptable loss of daylight or sunlight and would not be unacceptably intrusive to neighbour amenity that would warrant a refusal in this case.

In the context of the nature and layout of the development, there is no significant detrimental impact upon the amenities and living conditions of the neighbouring properties, thereby complying with the relevant provision of CP57 of the WCS.

Other Matters

The comment of the Calne Town Council regarding their recently made Climate Emergency & Climate and Environmental Pledge is noted. In this instance, the proposal is for ancillary domestic development and is not considered to constitute any implications for climate change which would not be considered during the building regulations regime.

In this instance, it is clear that the proposed development is for ancillary use within a reasonably sized residential curtilage. There is no evidence that the development will allow for or somehow promote additional cars to be used or parked at the property and for that reason, there is no reason to believe the development will be unsustainable in the broader sense or adversely impact upon the environment beyond that which is associated with any kind of new building. Accordingly, there is nothing within the Pledge which should outweigh the acceptability of the proposed development when considered against adopted development plan policy.

Alongside the comments from Calne Town Council, it has been noted that concerns were raised from a neighbouring property regarding the removal of the wall and hedge which the neighbour feels it is a party wall. However, planning permission does not give the applicant the right to develop on land outside of their control. Concerns regarding party wall and boundaries are a separate element outside of the planning system, being covered by the Party Wall Act and more information can be found in the Party Wall Informative.

It has also been noted that concerns were raised with regards to the occupant at No.34 being allergic to the species of hedging being proposed. Although the applicant has submitted revised plans showing a change from an Evergreen hedge to a Western Red Cedar hedge, the suitability of the species in relation to the neighbours allergies would not be material to the consideration of the planning application. The species specified is considered suitable for the locality in landscaping terms.

CONCLUSION

The potential impacts of this development have been taken into consideration. In terms of the scale, design and materials and subject to conditions being imposed, the proposal would not unacceptably impact upon the character of the dwelling or the amenity and living conditions of surrounding neighbours. The proposal is in accordance with the aims of the NPPF, the objectives of the relevant

Core Policy in the WCS; CP57 and Policy BE2 of the Calne Neighbourhood Plan. It is therefore recommended that this application be approved with conditions.

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

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:

Proposed Garden Room Elevation: DWG No. 2315.03.07 Rev B; Received 16 October 2023
Location & Site Plan: DWG No. 2315.03.01 Rev D; Received 16 October 2023
Proposed 3D Plan: DWG No. 2315.03.08 Rev A; Received 16 October 2023
Proposed Elevations: DWG No. 2315.03.06 Rev B; Received 16 October 2023
Proposed Floor Plan & Sections: DWG No. 2315.03.05 Rev B; Received 16 October 2023
Existing 3D Plan: DWG No. 2315.03.04; Received 17 July 2023
Existing Ground Floor Plan & Sections: DWG No. 2315.03.02; Received 17 July 2023
Existing Elevations: DWG No. 2315.03.03; Received 17 July 2023
Material Confirmation Document: Received 20 October 2023

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

3 The timber cladding and materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match in material, colour and texture those detailed on the application form, approved drawings, and Material Confirmation document received 20th October 2023.

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

4 The materials to be used in the construction of the external surfaces of the boundary wall hereby permitted shall match in colour of those used on the external walls of the existing host dwelling.

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

5 The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 24 Nuthatch Road, Calne and for no commercial or business purposes whatsoever.

REASON: The outbuilding is located where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, parking availability and other

planning policies pertaining to the area, would wish to consider whether a non-ancillary or non-domestic use of the building would be appropriate.

6 The proposed replacement hedge (Western Red Cedar) shown in the approved plans (Location and Site Plan: DWG No. 2315.03.01 Rev D and Proposed Elevations: DWG No. 2315.03.06 Rev B) shall be carried out in the first planting and seeding season following the removal of the hedge; The hedge planting shall be maintained free from weeds and shall be protected from damage by vermin. Should the replaced hedge within a period of five years, die, be removed, or become seriously damaged or diseased, it shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and so as to avoid the visual loss of this important green, landscaped area in the context of a relatively built-up and high density residential estate.

INFORMATIVES:

7 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

8 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.

9 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.