CASE OFFICER'S REPORT

Application Reference:	PL/2023/06520
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	03 October 2023
Case officer:	Stefan Galyas

Site Address:	WEAVERS, WORTHIES LANE, MALMESBURY, SN16 9JX
Proposal:	Erection of a temporary structure for use as an outdoor office.
Recommendation:	Approve with Conditions

Site Description

The application relates to a dwelling which adjoins the northern side of Worthies Lane where two additional dwellings are also located. The dwelling is accessed by a small front driveway which rises sharply up from the roadside. Worthies Lane itself also rises at a shallower incline when moving from the south-west towards the north-east.

The proposal site is afforded ample garden amenity space and adjoins the Malmesbury Cricket Clubs ground to its northern boundary. The site is set within a close proximity to Malmesbury's historic core where a range of services and provisions can be obtained.

The application is located within the settlement framework for Malmesbury, identified by the Wiltshire Core Strategy as a Market Town.

In regard to policy constraints, the site is located within the Malmesbury Conservation Area There is also a public right of way that runs along Worthies Lane under the reference number MALM3.

Proposal

The application seeks planning permission for the erection of a temporary structure which would accommodate an outdoor office. The outbuilding would be set to the sites south-eastern boundary and would be 3.84m in length, 3.14m in width and would have a ridge height of 2.45m. External materials would constitute spruce wood walls, roofing felt and uPVC double glazed 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 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 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.

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
There is no recent history of planning applications relating to the site.

Consultation Responses
Malmesbury Town Council – No objection

Representations
There were no letters of representation received in response to the proposal.

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 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.
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?

The existing dwelling is set back from the roadside by a small driveway and approximately a 4m wide bank. Views towards the site from the public domain are further obscured by mature boundary treatment along the bank, although these views would likely be more prevalent during winter months.

While the proposed development is not considered to use materials that would match the existing dwelling they would have an appearance of a shed which is considered to be commonplace within residential gardens. It is considered that due to the size and design the proposal would appear ancillary and subservient to the host dwelling. It is therefore considered that the proposal would result in a neutral impact on the significance of the Conservation Area.

Accordingly, the proposal would meet 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 outbuilding would be set to the sites south-eastern corner and would be positioned around 2m from the neighbouring site at Abbey Lea. It is noted that the only window openings would be positioned to the outbuildings front (southwestern) elevation. These windows would likely look out to the existing driveway and garden amenity space and would not give rise to an unacceptable overlooking impact on the neighbouring occupiers. The proposal would have a ridge height of 2.45m and would be limited in size and scale, therefore it is considered that the proposed outbuilding would not likely result in an overbearing impact.

The proposal is therefore not considered to result in harm to residential amenities through overlooking, overshadowing or a noise impact.

Other Matters

It is noted that the proposal would have a relatively strong relationship with the host dwelling, being separated by approximately 3.8m. However, a condition ensuring that the outbuilding remains ancillary and within the same planning unit as the existing dwelling is considered reasonable and necessary in this instance. It is also noted that the description of development refers to a temporary structure, however, officer's consider that a permanent structure of this nature would be acceptable therefore it is unnecessary to condition the removal of the structure after a certain period of time.

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: (4)

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:

Site Location Plan
Received 14/08/23

Existing Site Block Plan
Received 16/08/23

Proposed Site Plan
Proposed Elevations
Received 04/09/23

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 those detailed on the application form and approved plans.

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

4 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Weavers, Worthies Lane, Malmesbury, SN16 9JX and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

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.