CASE OFFICER'S REPORT

Application Reference:	PL/2023/07566
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	07 November 2023
Case officer:	Stefan Galyas

Site Address:	CHESTNUTS, BACK STREET, ASHTON KEYNES, SWINDON, SN6 6PD
Proposal:	Proposed Outbuilding
Recommendation:	Approve with Conditions

Site Description

The application relates to Chestnuts, a detached two storey dwelling with a cross pitched roof, situated to the north of Back Street on the edge of the settlement of Ashton Keynes. The dwelling is composed of Cotswold stone block walls, plain concrete roof tiles and black timber windows and doors. The roof uses a high pitch with gable ends facing the south and east. A small existing porch area infills this area between the two gables and ground floor level. The dwelling is afforded a large plot with a spacious front and rear garden.

Part of the site is located within the defined settlement framework for Ashton Keynes, identified by the Wiltshire Core Strategy as a large village.

The site is located within the Ashton Keynes Conservation Area and the is susceptible to ground water flooding, being located within a flood zone two.

Proposal

Planning permission is sought for the erection of a single storey, pitched roof outbuilding, set within the dwellings rear garden amenity space. External materials would constitute timber boarding to the walls and corrugated metal for the roof. The proposed outbuilding would measure at 6.7m in length, 4m in width, have an eaves height of 2.1m and a ridge height of 3.3m.

Policies

Local Context:

Wiltshire Core Strategy (WCS) Adopted 2015

Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 13 – Malmesbury Community Area
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core Policy 58 – Ensuring Conservation of the Historic Environment

Ashton Keynes Neighbourhood Plan Made 2017

Policy HCP1 - Local Character

Ashton Keynes Conservation Area Statement Made 1998

National Context:
National Planning Policy Framework (NPPF) 2023
Paragraph 2: Achieving Sustainable Development
Paragraph 47: Determination in Accordance with the Development Plan
Paragraphs 110-112: Consideration of Development Proposals
Paragraph 126: Good Design
Paragraph 130: Function and Form of Development
Paragraph 194: Description of Heritage Assets Affected
Paragraph 195: Identification of the Heritage Assets Significance
Paragraph 197: Conservation Areas Determination

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

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

Sections 66 and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the local planning authority, in considering whether to grant planning permission and listed building consent respectively, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area in which the building and land are situated.

Key Issues

Principle of Development
Impact on the Character and Appearance of the Locality, Including Heritage Assets
Impact on Adjacent Neighbouring Occupiers

Relevant Planning History

N/01/02527/FUL - Single Storey Rear Extension. Approved with conditions 18/12/01.

N/07/01442/CLE - Change of Use of Land from Paddock to Rear Garden. Approved with conditions 20/08/12.

N/08/02004/FUL - Extend North Elevation to Create First Floor and Create Single Storey Extension to the West Elevation. Approved with conditions 23/12/08.

PL/2023/07565 - Erection of a Front Porch. Approved with conditions 02/11/23.

Consultation Responses

Ashton Keynes Parish Council – No objection.

Wiltshire Councils Arboricultural Officer – No objection to the proposal was raised, however, it was commented that the proposal is within the root protection area for the neighbouring tree. Some concern was raised with regard to the impact that the proposal would have on the adjacent trees, however, it was acknowledged that the application was part retrospective and no objection was raised.

Representations

There were two letters of representation received in response to the proposal which both raised objections. The following reasons formed the basis of each objection:

- The proposal being located outside of the settlement boundary.
- The potential for the proposed development to set a precedent among the neighbouring properties.
- The outbuildings siting within a close proximity to the northern boundary of the adjacent site at The Pightle.
- The structure being unreasonably large with the gable structure creating a dominant and oppressive effect.
- The height of the eaves and the ridge being unreasonable and thus should be reduced to meet the guidance set out within the GDPO.

Principle of Development

The principle of developing an outbuilding within the established residential curtilage is generally considered acceptable in principle and in accordance with Core Policy 1, Core Policy 2, Core Policy 13 and Core Policy 57 of the WCS, subject to a range of site-specific considerations and compliance with policies found within the development plan.

The proposed development is considered to be set within the Ashton Keynes settlement boundary as shown in the figure below. Thus, the proposal is not considered to be located within the open countryside nor outside of the defined Ashton Keynes settlement framework.



It is noted that part of the application site is situated within flood zone two. Were this application for additional dwellings it would be in contravention of both Wiltshire and Environment Agency policies and as such would be declined. However, as this is an ancillary building to an existing residential dwelling and the floors are proposed to be no lower than the existing ones and, therefore, would not increase any levels of “vulnerability” for residents. All other aspects relating to drainage and flooding would be handled at the building control stage.

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

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.

Policy HCP1 of the Ashton Keynes neighbourhood plan requires new builds and conversions to use styles, proportions, materials and finishes to be in harmony with their surroundings.
The Ashton Keynes Conservation Statement sets out an appraisal of the Conservation Area. The Conservation Area is described as having an irregular grid of ancient streets without any village green but with a clear focus on the River Thames. The Conservation Area by virtue of its designation, is significant in heritage terms and this significance is likely to arise from its aesthetic and historical value.

The Conservation Area Statement goes on to describe the settlement of Ashton Keynes in separate character areas. The site is located within the character area 3.6 known as ‘Back Street’. The area is described as having a mix of styles and building styles from different periods of history, with many houses being developed since the 1950s.

It is commented within the Statement that Chestnuts is set further back in its plot in contrast to the dwellings to the west. It is commented that due to Chestnuts, Melton Lodge and Vine Views positioned away from the roadside, a more spacious feel is offered along that stretch of the street.
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 proposed outbuilding would be set to the dwellings rear garden amenity space and to the north of the shared boundary with the site at The Pightle. There is an existing outbuilding with a pitched roof to The Pightle's northern boundary, part of which appears to form the boundary itself alongside timber boarded fencing.

It is noted that the proposal is part retrospective, whereby hardstanding has been laid and timber beams have been erected. The proposal is not considered to be conspicuous from the public domain and views from the roadside are obstructed by mature boundary foliage and vegetation on site.
The proposal is not considered to be permitted development within the Conservation Area, failing to meet the requirements of Schedule 2, Part 1, Class E of the GDPO as the outbuilding is sited 0.5m away from the sites western boundary as well as being sited 0.5m away from The Pightles northern boundary. Additionally, the proposal would not meet the 2.5m ridge height requirement when within 2m of the site's boundary. However, the outbuildings eaves would be set lower than the quoted 2.5m within E.1(f) at 2.3m high. Additionally, the proposal would be set 0.7m below the 4m dual pitched ridge height requirement set out within E.1(e). The proposal would be limited in footprint and would not exceed 50% of the curtilage's total area. Accordingly, the proposal is considered to be limited in size and scale while remaining subservient to the existing dwelling.

The proposal would be located within a discrete position with regard to the Conservation Area and is thus considered to result in a neutral impact.

Some concern was raised in response to the proposed development for the outbuilding to create an example within the locality which future development could follow and even replicate. However, each planning application is considered on its own merit and should this present application be approved, the outbuilding is not considered to set a precedent.

Accordingly, the proposed development would meet the requirements pf Core Policy 57 and 58 of the WCS, Policy HCP1 of the Ashton Keynes Neighbourhood Plan and Paragraphs 130, 194, 195 and 197 of the NPPF.

Impact on Residential Amenities
Core Policy 57(vii) of the WCS stipulates that new development must regard the compatibility of itself to adjoining buildings. The development must regard the impact on amenities to existing occupants and ensure appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing and pollution.

The proposed outbuilding would be set approximately 12m away from the rear elevation of the neighbouring dwelling at The Pightle where an existing outbuilding, mature tree and boundary treatment restrict the relationship between the two buildings. The existing outbuilding to the south-

west of the proposal is not considered to be used for habitable accommodation. Therefore, a substantial degree of separation is considered to remain between the proposal and the neighbouring dwelling and would not give rise to an unacceptable overbearing impact.

Accordingly, the impact upon the amenities of the occupiers of relevant neighbouring dwellings and upon the host dwelling have been assessed and found to be acceptable.

Conclusion

It is concluded that the proposed development is acceptable in principle and in design and amenity terms, in accordance with Wiltshire Core Strategy Core Policies 1, 2, 13, 57 and 58, Policy HCP1 of the Ashton Keynes Neighbourhood Plan and the relevant paragraphs of the NPPF.
The proposal accords with the adopted development plan and as such, should be granted permission.

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:

CS-23066 10 P0 Site Block and Location Plan
CS-23066 11 P0 Proposed Floor Plans and Elevations
Received 12/09/23

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.

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.