DELEGATED REPORT

Application Reference:	PL/2023/05553
Application Type:	Householder Planning permission
Site Address:	33 Hawthorn Road, Chippenham, SN15 1BU
Proposal:	Single storey rear infill extension to existing terraced property, internal alterations and re-roofing of existing single storey rear extension.
Recommendation:	Planning Permission be GRANTED

PROPOSAL

The application seeks planning permission for a single storey, mono-pitched roof extension as well as the reroofing and cladding of an existing single storey flat roof extension to an existing terraced dwellinghouse. The extensions are located to the rear of the property.

The new extension is to be finished with a buff-coloured brick and concrete tiled roof, with three rooflights. The existing flat roofed element will be re-finished in timber cladding, together with a change to the fenestration. The existing element remains unchanged in terms of depth. The new extension is located immediately adjacent to the existing boundary treatment (an approximately 1.8m high fence).

Also shown on the submitted plans are various internal alterations to the dwelling, the creation of an extended terrace area and relocation of a garden gate. Although not referenced within the description of development, the new terrace is considered to be a *de minimus* element.

SITE DESCRIPTION

The application property is a mid-terraced property located wholly within the Chippenham Conservation Area (CCA).

The property is a typical early C20th mid-terraced property of coursed natural stone construction and clay tile roof. The terrace is part of a series of properties of similar vintage and a variation in design and construction. All properties display a close relationship with he road, but benefit from reasonably sized rear gardens.

In the more recent past, no.33 and its neighbour no.32 have been extended to the rear with a flat roof single storey rear reconstituted stone addition. No.34 has also been extended in the more recent past with a single storey lean-to extension, also using a form of reconstituted stone.

There are no additional conservation, heritage, ecological or flooding policy designations covering the application site.

POLICIES

Wiltshire Core Strategy 2015 (WCS)
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Historic Environment

MAIN ISSUES

- Principle of Development
- Heritage
- Scale and design
- Residential amenity
- Parking provision
- Other matters

CONSULTATION

Chippenham Town Council: No objection.

Council Highway Officer: No objection:

> *The proposal will result in three bedrooms but the property currently does not have any off street parking and regardless of that I am mindful that the number of spaces required would remain the same between a 2 bed and a 3 bed.*
>
> *Therefore based on the information provided I am happy to raise no highway objection.*

REPRESENTATIONS

Two representations received raising comments and concerns about the proposal. Main issues raised:

- Roof lights to be fixed shut due to proximity to the boundary, which would result in increased noise and odours from the neighbouring property.
- Privacy glass should be installed in the rooflights as they are below the bedroom windows of no 34 and views from No 34 and 33 could be possible.
- Concern over access, with a claim that No 33 only has the ability to access their rear garden through the garden of no.34 via a pedestrian gate, thereby causing noise, disturbance and loss of privacy during construction. No permission will be givewn to move the garden gate as is suggested within the proposal.

- The existing South elevation drawing has the neighbouring properties labelled incorrectly and may lead to a false impression.
- the proposal has little impact apart from the pitched roof with preference for a flat roof which ties in with the current properties.
- Concerns about damage to neighbours property and who should pay for repairs during construction phase

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. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Principle of Development

Decisions on planning applications are made in accordance with the policies contained in the Wiltshire Core Strategy and government guidance.

The principle of domestic extensions, alterations and/or outbuildings within the curtilage of existing dwellings is established as acceptable. However, the detail of the proposals must also be considered against other policies within the development plan.

Heritage

The proposal is entirely within the CCA, albeit in close proximity to the edge of the CCA. As such due consideration is given to the requirements of CP58 of the WCS and the need to ensure that proposed development is appropriate for the heritage asset, in this instance the CCA. The significance of the CCA lies in the interplay between the residential properties predominantly (late 19th century and early 20th century) surrounding the older historic core of Chippenham.

The proposal will see the delivery of a new single storey, pitched roof extension with three rooflights, the existing single storey element is to be reclad in timber. The proposal may be visible from the properties on Tugela Road which face the application site, the distance separating them is approximately 45m. The extensions would be at the rear of the property and would therefore not be overtly visible from Hawthorn Road itself.

The terrace of properties have all been extended in one form or another to the rear and the proposal will take place that context.

Accordingly, while the extensions may be visible from some vantage points, they will be int eh context of other additions and built form and are not considered to result in an impact upon the character and appearance of the Conservation Area or cause harm to its significance as a heritage asset. As such the proposal is considered to comply with the requirements of CP58 of the WCS.

Scale, design and external appearance

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design, materials amongst other things. Sections 12 of the NPPF expects a good standard of design.

The proposal in this instance will see the delivery of a single-storey rear extension in immediate proximity to the boundary with No 34 Hawthorn Road (No.34). The proposal will have an approximate ridge height of 3.9m, width of approximately 2.3m and a depth of 5.4m. The extension is positioned so as to effectively infills the space left between the existing flat roof single storey extension (finished in reconstituted stone) and the boundary fence. The proposal has a mono-pitch type roof, incorporating three rooflights.

The proposal is to be conjoined to the existing property which has a cumulative depth (including the original building and the existing single storey element) of approximately 15m. The building minus the single storey element has an approximate depth of 9m. The plot has a total depth of approximately 28m.

Although of a somewhat low profile, the proposed extension is both long and relatively expansive in terms of its footprint, relative to the dwelling it serves – that footprint effectively rendering built form across the entire width of the plot, in a place where currently it does not. Whilst the filling of the width of the plot via rear extensions is not unprecedented with properties along Hawthorn Road, in this case, the increase is substantial in this instance, but not excessively so in the context of the relatively long plot, despite an outbuilding at the bottom end.

Turning to the design, the relatively steep mono-pitch roof does define its appearance by exceeding the eaves height of the adjoining existing single storey extension. Such an exceedance is not considered to be inappropriate in this instance, in large part because of the also proposed timber cladding to be applied to the flat roof element, which provides for a perception of a deliberate differential in appearance being sought, rather than using similar materials which could accentuate the awkward relationship in eaves height. The somewhat modern design of fenestration in both elements is also considered to effect a suitable architectural contrast to the main, original dwelling.

In terms of external facing materials, the extension is to be finished in buff brickwork. This could match the tone of the existing natural stone of the original dwelling and to that extent is considered to be acceptable. In the context of the existing flat roof extension which uses a reconstituted stone, and the relatively discreet positioning to the rear of the property, there is not considered to be any reason to compel samples of the materials to be provided prior to development taking place.

When assessed against the requirements of policy CP57 to the Wiltshire Core Strategy, the scale, design and external finish of the proposed extension and other alterations continue to be acceptable in the context of its discreet position to the rear of the dwelling and reasonably large garden.

Residential 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.

The submitted plans suggest the extension to have an approximate height of 2.2m to the eaves and an approximate length of 5.4m. The proposal is approximately 1.5m from the windows/French door serving a courtyard area to the rear of No 34. The boundary treatment between No 33 and No 34 is a timber fence of approximately 1.8m-2.0m in height, with proposed plans suggesting that the facing eaves of the extension would be above that height with a masonry wall. The plans show that the new extension would be set back from the boundary fence so as to keep all guttering within land under the applicant's control, but still remaining in close proximity to that common boundary.

Due to the proposed extension running parallel to no.34 at a height above the c.2.0m boundary fence, it likely that the extension could lead to a sense of enclosure to the neighbours courtyard area. That courtyard is served by a French door to the main dwelling, as well as a window to the later extension, and is clearly capable of being used for outdoor, garden activities where there a degree of privacy and welcoming environment is reasonably expected.

However, it is evident that the courtyard area is already subject to a degree of enclosure by reason of the boundary fence and the neighbours own extensions. Whilst the masonry wall and slope of the roof of the new extension extending above the fence may cause a further impact, the courtyard is south facing and leads to a larger garden area which is unimpeded by further development close to the rear boundary. Indeed, and in the above context, the height of the facing eaves and design of the roof of the extension (such that the bulk of the built form is positioned away from the boundary) is such that there is not considered to be an unacceptable reduction or impact upon the level of light reaching the rear courtyard, or the perceived oppression of the courtyards environment, when compared to the present situation. Similarly, for the same reasons, the outlook from and levels of light reaching the rooms accessing the courtyard are also unlikely to be affected to such a degree that the proposal would fail the requirements policy CP57(vii) to the Wiltshire Core Strategy.

In terms of overlooking and loss of privacy, the comments from the neighbour No 34 are noted. The first floor closest to the proposed extension has an approximate height of 3.9m (just slightly lower the apex of the ridge of the proposed extension) it is understood that this window serves a bedroom. There is no first-floor window on the side elevation of No 34. As a result of the interplay between the applicant's proposed rooflights and the neighbour's window at first floor level, it is considered that there is indeed the potential for intrusive levels of overlooking in both directions and from both properties.

As such and due to the orientation and proximity of these rooflights it is considered that the attachment of conditions controlling the opening of the rooflights, in this instance requiring them to be fixed shut. A further condition will be attached which requires the rooflights to be obscure glazed. This is not considered to result in a deleterious impact upon the amenity of the occupants of the proposed extension as sufficient light will be obtained via the glazed doors and windows on the rear elevation.

As such it is considered that the proposal would not result in unacceptable impacts upon the amenity or living conditions of surrounding residential occupiers when assessed against policy CP57 of the Wiltshire Core Strategy.

Parking provision

As is noted within the Highway Officer comment, the proposal will result in three bedrooms but the property currently does not have any off street parking. In that context, the Highway Officer concludes that the increase in bedrooms could not be accompanied by an increase in the number of off-street parking spaces, as would ordinarily be the case.

Although the Highway Officer does not expressly assess the adequacy of Hawthorn Road to accommodate any theoretical increase in the demand for on-street parking as a result of development taking place, it is assumed that assessment is implicit in their conclusion to raise no objections. Nevertheless, whilst it does appear parking is at a premium along Hawthorn Road, it is not subject to parking restrictions along its entire length and, in any event, is located in a town centre location close to a railway station, where reliance upon the private car is perhaps reduced. IN the above context, the conclusions of the Council Highway Officer are agreed with.

Other matters

The comment regarding labelling of the plans is noted. While the annotations for the property numbers on the south elevation drawings (both existing and proposed) are incorrect. However, the submitted plans do allow for adequate understanding of the existing situation and the development being proposed. As such it is not considered that any party has been disenfranchised as a result.

The comments regarding damage during construction and access are noted. However, damage caused to a third-party property is a matter for the applicant and the affected party to resolve, with no role for the planning system to adjudicate.

It is noted that there is a garden gate between the application site and its neighbour, no.34, with representations from that neighbour suggesting that there is no other ability or right of the applicant to gain access to their rear garden other than through the neighbour's rear garden and the pedestrian gate. Given the application site being part of a terrace and appearing not to have a rear access, it would indeed appear to be the case that construction would need to be via third party land. Whilst the contractual arrangements or rights to cross land between the applicant and the third party are not a material consideration to the determination of this planning application, in this case (and as is identified within the representation), the construction phase could result in an impact on the amenity and living conditions of the neighbour, whose land must be crossed to gain access to the site. For that reason, it is considered reasonable to make use of a planning condition which compels the submission and agreement of a construction management plan, which will take account of the intimate relationship with surrounding neighbours, and particularly no.34. An accompanying informative should advise the fact that using or encroaching on land not under the control of the applicant is a private matter, with no role for the Council to adjudicate or resolve.

The movement of the garden gate shown on the proposed plans is considered to be inconsequential when assessed against planning policy and scope of the planning regime in England and Wales,

but of course the ability to actually effect that repositioning will be a private contractual matter between the applicant and the immediate neighbour.

CONCLUSION

The proposal is considered to be acceptable in respect of size, scale and design, with no change to parking arrangements being considered necessary. Further, the development is not considered to impact unacceptably upon the character of the property and surrounding area and, subject to the imposition of planning conditions, is not considered to have an unacceptable impact upon the amenity or living conditions of the adjoining occupiers. The proposal is therefore in accordance with Core Policy 57 and 58 of the Wiltshire Core Strategy and relevant sections of the National Planning Policy Framework (2023).

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

See decision notice.