CASE OFFICER'S REPORT

Application Reference:	PL/2023/05579
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	20 October 2023
Case officer:	Hilary Baldwin

Site Address:	SHADES BARN, ASHTON ROAD, MINETY, MALMESBURY, SN16 9QP
Proposal:	Single storey extension
Recommendation:	Approve with Conditions

Proposal and Site Description

Proposal

The application seeks planning permission for the removal of an existing conservatory to the rear of this detached, two-storey dwelling and the erection of a single-storey, brick-built projection.

The extension would be sited on the location of the existing conservatory structure and incorporate a flat roof with a pyramidal roof lantern and glazed walling on the northern side elevation. Measuring approximately 4.8m deep and 5m wide, the structure would have matching face brickwork to the elevations, a grey coloured GRP roof and aluminium glazing.

The development would provide for enhanced ground floor accommodation only.

During the course of the assessment, it was noticed that the residential curtilage of the property was not accurately shown. Revised plans were submitted which correctly denotes that area. Due to the type of revision, it was not considered necessary to reconsult and it is these plans upon which the report is based.

Site Description

The site is located on the eastern side of the highway which runs between Minety and Ashton Keynes. There are adjacent farm buildings and barns with some equestrian use and albeit in a rural area, there is a small enclave of built form.

The site is not located within a defined settlement boundary and there are no heritage assets within the vicinity of the site. The whole site lies within Flood Zone 2.

Policies

National Context:

National Planning Policy Framework (NPPF) 2023
Paragraph 11 – Presumption in favour of sustainable development
Paragraph 130 - Function and form of Development
Paragraph 165 & 174 – Flood Risk

Planning Practice Guidance (PPG)

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 13 - Spatial Strategy for the Malmesbury Community Area
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 60 - Sustainable Transport
Core Policy 67 - Flood Risk

Wiltshire Local Transport Plan 2011-2026
Car Parking Strategy

Key Issues
Principle of Development
Impact on the character and appearance of the area
Impact on adjacent neighbouring occupiers
Flood Risk

Relevant Planning History
The planning history on the site, confirms that the original property was consented for holiday accommodation with Permitted Development Rights removed by that consent in order to enable the LPA to consider individually whether planning permission should be granted for extensions and external alterations.

00/00816/COU – Change of Use of Agricultural Building to Holiday Let
Approved with Conditions

Consultation Responses
Minety Parish Council – No Objection or comment to make.

Representations
No letters of representation were received in relation to the proposed development.

Planning Considerations and 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.

Principle of Development:
The principle of providing and extending facilities in association with existing residential accommodation is considered acceptable in principle and in accordance with policies CP1, CP2

and CP57 of the adopted Wiltshire Core Strategy, subject to site specific assessment and related policy consideration and compliance with other policies contained within the development plan.

Impact on the Character and Appearance of the Area

The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable mixed communities. Good design should be indivisible from good planning and recognised principles of good design seek to create a high-quality built environment for all types of development.

In this case, the proposed development comprises works to extend the property to the rear only by replacing an original conservatory style structure. The matching brick elevations and discrete glazed walling of the proposed development would provide for a unified construction and assist the assimilation of the extension into the host structure.

There are no public views, the development, being wholly to the rear of the dwelling and albeit a side wall would be lengthened, this would be seen as an accretive extension to the host property and only visible from within the site.

The scale and bulk and design are considered acceptable and the matching brick elevations are considered to result in visual betterment over that which currently exists.

A condition to ensure that the works are carried out in accordance with the submitted plans and materials can be appended to any grant of permission.

It is noted that the Parish Council has no objection to make on the design of proposed works.

In this instance, due to the size and location of the development, and the use of appropriate material detailing, the proposal is considered in compliance with CP57 and the guidance and provision as contained within the NPPF.

Impact on Adjacent Neighbouring Occupiers

The proposal is not considered to result in significant impact upon nearby residential occupiers by way of overlooking, overshadowing, loss of privacy or increase in noise impact. It is noted that no letters of representation have been received.

Flood Risk

The siting of the proposed extension would be located in Flood Zone 2 as shown on the Environment Agency's Flood Map for Planning which means it has a medium probability of flooding.

Paragraph 170 and footnote 60of the NPPF require applications in these locations to be supported by a site-specific flood risk assessment. The paragraph states that development should only be allowed in areas at risk of flooding, where in the light of assessment, it can be demonstrated that, among other matters, the development is appropriately resistant and resilient such, that in the event of a flood, it could be quickly brought back into use without significant refurbishment. Paragraph 168 and footnote 56 states that applications for minor development should not be subject to the sequential or exemption test but should still meet the requirements for site-specific flood risk assessments as set out in footnote 55.

The application has been supported by a Flood Risk Statement whilst there is limited information with regard to measures to prevent flooding of the development there are recommendations for incorporation into the extension. The dwelling and an extension (albeit a conservatory) in this location are already in existence and it is considered that a pragmatic approach must be taken.

The additional ground floor area would not contain bedrooms and is an extension to a kitchen and dining area. There would be no change to the first-floor accommodation which contains three bedrooms and which would provide for safe refuge in the event of a flood event within the extended dwelling.

Furthermore, the small area of proposed additional roofing is not considered to be a significant contributor to flooding on the site or elsewhere, result in significant loss of flood storage or is considered to result in significant impact upon flood drainage or defence due to the minimal increase in built form. The development would be subject of Building Regulation Approval which would assess and require flood resistance and resilience measures and require incorporation of suitable surface water drainage and flood performance.

Conclusion
As such, the proposals would not conflict with the statutory requirements, as well as the national and local planning policies and can be supported. It is therefore recommended that the application should be permitted subject to relevant conditions to ensure the works are carried out in accordance with the submitted specification.

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 and documents:

KL02 Site Location Plan. Received on 02 August 2023
KL06 Block Plan. Received on 02 August 2023
KL04 Rev A. Existing Plans, Elevations and Existing Site Plan. Received on 11 December 2023
KL05 Rev A. Proposed Plans, Elevations and Proposed Site Plan. Received on 11 December 2023

Flood Risk Assessment. FloodSmart Plus Dated 2023-09-21 Geosmart. Received on 21 September 2023

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 be as stated on the approved plans, application form and submitted statements.

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

Informatives: (4)

4 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.

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.