CASE OFFICER'S REPORT

Application Reference:	PL/2023/09378
Application Type:	Householder planning permission
Site Inspection:	12 December 2023
Consultation ends:	11 December 2023
Case officer:	Brook Bishop

Site Address:	2 Niebull Close, Malmesbury, SN16 9TX
Proposal:	Demolition of existing uPVC conservatory, utility room and rear porch, and replacement with a new single storey tiled roof / velux window conservatory, utility room and downstairs toilet, with minor increase to existing footprint.
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The application site comprises a two-storey, detached dwelling house which fronts onto Niebull Close. It has rendered walls with brick details and there is a central half-timbered porch. There is a car port adjoining to its east and an brick-built garage set back and adjoining to its west. The rear elevation has a brick-built single-storey utility outshot and a uPVC conservatory.

The site enjoys a corner plot close to the beginning of Niebull Close, an area predominantly composed of two-storey, detached dwellings but with some variation in their forms and finishes, giving it an eclectic character. It lies within the settlement boundary of Malmesbury and is set in a residential area but it is outside the designated Conservation Area.

There are adjacent dwellings, but the rear of the site is enclosed by approximately 2m high fencing and overlooked partly by No.1 (from the East) and Nos 4 and 6 (from the West) at first floor window level. The rear elevation is visible on approach along Webbs Way.

PROPOSAL:
The application seeks planning permission for the demolition of the existing utility outshot and uPVC conservatory to the rear elevation and its replacement with a single-storey extension comprised of a garden room with a WC and utility unit.

The extension will project approximately 3m from the house with a width of approximately 8.8m and have a height of approximately 4m to the ridge and 3m to the eaves of its lean-to style roof. The original proposal included a short parapet at the eaves of the extension; however, the plans have been revised to omit this detail and instead brick kneelers have been added.

The extension is to be rendered with brick detailing to some of the openings, whilst the roof is to be covered with grey concrete tiles. It will have a variety of window openings and glazed doors and topped with three rooflights.

POLICIES:
Legislation:

Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) (England) Order 2015
- Part 1: Development within the curtilage of a dwellinghouse

National Policy:
National Planning Policy Framework - December 2023 (NPPF)
- Paragraphs 11, 131 and 135.
National Planning Practice Guidance (NPPG)
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019 (NDG)

Local Policy:
Wiltshire Core Strategy (WCS)
- Core Policy 1: Settlement Strategy (CP1)
- Core Policy 2: Delivery Strategy (CP2)
- Core Policy 13: Spatial Strategy for Malmesbury Community Area (CP13)
- Core Policy 57: Ensuring High Quality Design and Place Shaping (CP57)

Neighbourhood Plan:
Malmesbury Neighbourhood Plan Volume I – Main Body (Made 2015) (MNP1)
Malmesbury Neighbourhood Plan Volume II – Design Guide (Made 2015) (MNP2)
- Tasks 8.1 and 8.2

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.

RELEVANT PLANNING HISTORY:
N/84/0966/F – Erection of 257 dwellings and garages.
- Conditions 3, 4 and 5
16/05374/FUL – Front entrance porch

ISSUES:
The main considerations which are material to the determination of this application are listed below:
• Principle
• Impact on Local Character and Appearance
• Impact on Neighbouring Amenities

CONSULTEE RESPONSES:
Malmesbury Town Council – no comments received.

REPRESENTATIONS:

No letters of representation were received related to this proposal.

PLANNING ASSESSMENT:

Principle:

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 assessment of site-specific impacts, related policy considerations and compliance with the other policies contained within the development plan and the guidance and provisions as contained within the National Planning Policy Framework.

Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 states that the enlargement, improvement or other alteration of a dwellinghouse is permitted development subject to conditions and parameters, such as height, projection etc.

It is considered that this proposed would constitute permitted development, subject to the conditions. However, as the site's planning history has shown, permitted development rights providing for external extension or alteration have been removed by virtue of Condition 3 of N/84/0966/F:

Condition 3 – Notwithstanding the provisions of the Town and Country Planning (General Development) Order, 1977, there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without prior grant of planning permission in that behalf.

Thus, an application for planning permission is required in this instance, but the principle of altering or extending facilities in association with existing residential accommodation is considered acceptable in principle subject to assessment of site-specific impacts.

Impact on Local Character and Appearance:

CP57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality and that "high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings". MNP2 (Task 8.1) states that "development must make a positive contribution towards the distinctive character and form of the town as a whole and relate well to its site and its surroundings" and (Task 8.2) that its "style must be appropriate to the context".

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 as no two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions.

The demolition of the existing utility unit and a uPVC conservatory to the rear of the building is not considered to unduly impact on the character of the host dwelling or area. The replacement single-storey extension spans the full width of the rear elevation with the ridge rising to just below the first-floor windows. It is of an appropriate scale with only a minor increase in the footprint versus the existing utility unit and conservatory. The extension is to be rendered, with some London brick details to window openings, and a grey concrete tiled roof which matches those materials used in the host dwelling.

The original design included a short parapet at the eaves which, it was considered, would disrupt the roofscape visible from Webbs Way. The plans were revised to omit this detail and it is now considered there will be no harm to the character of the area. Furthermore, it is noted that brick kneelers were added to the revised plans, a well-considered detail which references the dwelling's other walls and unifies its architectural style.

Overall, the design of the extension is not out of character with the area and integrates well with the host dwelling. It is compliant with CP57 and the MNP2 and is acceptable. However, a condition is recommended to ensure that the proposed materials are as stated and can be added to any approval notice. Such a condition is considered appropriate and necessary in this instance and to meet the relevant tests.

Impact on Neighbouring Amenities:
CP57 requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and “ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)”.

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

While the site is overlooked, to an extent, from East and West, it is felt that the proposal is unlikely to result in a significant loss of privacy for existing or future occupants of the application site. Furthermore, the height and scale of the proposed extension are not thought to overshadow neighbours.

No letters of representation were received from neighbours that would affect consideration of the proposal and the proposed extension is not considered to impact on residential amenity. The proposal is therefore in compliance with CP57 and is acceptable.

CONCLUSION:
The proposal is not considered to conflict with the statutory requirements, the national and local planning policies nor the Malmesbury Neighbourhood Plan. The proposal would not result in harmful impacts to the residential character of the locality or to residential amenity. The proposal can be supported.

It is therefore recommended that the application should be permitted subject to relevant conditions.

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 and documents:

Location Plan. Received 31 October 2023
Proposed Elevations, Floor Plans and Site Plan. Received 22 December 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 match in material, colour and texture those used in the existing building.

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 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.

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.