CASE OFFICER'S REPORT

Application Reference:	PL/2023/09114
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	12 December 2023
Case officer:	Stefan Galyas

Site Address:	Long Cottage, Silver Street, MInety, Malmesbury, Wilts, SN16 9QU
Proposal:	Part Retrospective Proposal for a front Driveway and Dropped Kerb
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The site relates to Long Cottage, a detached two storey dwelling that adjoins Silver Street to the south-west. The locality is primarily residential whereby properties are afforded varying plot sizes and built footprints. Long Cottage displays a pitched roof and tiled pitched dormer windows to the front elevation. The property is sited on the south-eastern corner of the junction between Oakleaze and Silver Street.

The proposal site is located within Mintey, identified by the Wiltshire Local Plan as a Small Village. Minety does not have an identified settlement boundary and the site is considered to be located within the open countryside for planning purposes.

With regard to policy constraints, the site is not located within any designated area.

PROPOSAL:
The application seeks planning permission for the installation of a dropped kerb which would adjoin Silver Street to the south-west. The dropped kerb would serve a retrospective driveway which has altered a previously grassed permeable surface to a hardstanding surface.

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 60 – Sustainable Transport
Core Policy 62 – Development Impacts on the Transport Network
Core Policy 64 – Demand Management

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy

National Policy:
National Planning Policy Framework (NPPF) December 2023

Paragraphs 2, 11, 12, 47, 114-116, 131 and 135

North Wiltshire Local Plan (2006)
NE14 – Trees and the Control of New Development

National Design Guide 2021

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.

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

RELEVANT PLANNING HISTORY:
PL/2023/00344 - A two storey rear extension. Approved with conditions 31/03/23.

REPRESENTATIONS:
Minety Parish Council – No response received.

Wiltshire Councils Highways Department – No objection. It was noted that the dropped kerb would have to be completed under a license.

Letters – There was one letter of representation received in response to the proposal. The letter supported the development 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 Character and Design:
Core Policy 57 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. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts.

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. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

The proposed driveway would be located on a previously grassed, front garden area with a small pathway leading to the dwelling's front door. Additionally, the property was previously partially screened from the roads view by mature boundary foliage. The proposed driveway has removed this boundary treatment and part of the existing boundary wall. Part of the front garden has been retained and views towards the site from the roadside have been improved following the removal of the boundary hedge. It is noted that other dwellings within the site's locality are served access through front driveways egressing from the site onto Silver Street. Thus, it is considered that the proposal would not appear incongruous when viewed in connection with the site's locality.

In light of the above, the proposal would conflict with the provisions of Core Policy 57 of the WCS, saved policy NE14 of the North Wiltshire Local Plan and Paragraph 135 of the NPPF.

Neighbouring Amenities:
WCS policy CP57 (Ensuring High Quality Design & Space Shaping) 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. The NPPF includes that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". 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.

The proposal is not considered to result in an overbearing, overlooking, loss of privacy or polluting impact on the adjacent neighbouring occupiers.

Highways and Access:
Core Policy 62 of the WCS states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Furthermore, Core Policy 64 sets out measures for car parking management through development meeting the residential parking standards as set out within The Wiltshire Local Transport Plan.

The existing property is served offroad parking spaces by the rear access towards the north-eastern boundary. It is not indicated whether this access would be removed, however, the proposed driveway would be located to the existing dwellings front elevation and offer additional

off road parking space. This would allow access and egress to Silver Street as opposed to the previous arrangement along Oakleaze.

In response to the proposal, Wiltshire Council's Highways department offered no objection to the scheme. It was noted that in order to facilitate a dropped kerb, a licence from Wiltshire's Highways authority would be required in addition to any permission that may be granted.

CONCLUSION
The proposed development is considered acceptable and in accordance with Core Policies 1, 2, 13, 51, 57, 60, 62 and 64 of the Wiltshire Core Strategy and the relevant paragraphs of the NPPF.

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:

2523/05/2022 (A) Site and Location Plans
Received 14/11/23.

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: (4)

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.

7 The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.