CASE OFFICER'S REPORT

Application Reference:	PL/2023/08494
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	16 November 2023
Case officer:	Hilary Baldwin

Site Address:	Annexe, Old Coach House, Rodbourne, Wilts, SN16 0ES
Proposal:	Retrospective application for conversion of garage to annexe for ancillary use to the host dwelling
Recommendation:	Approve with Conditions

Proposal and Site Description

Proposal

The application seeks planning permission for the conversion of a detached garage to that of ancillary annexe accommodation.

The structure would have grey coloured timber framed fenestration, a rubble stone front (west) elevation with the other elevations being painted render. Stone quoin corners would match the stone lintels of the host dwelling. Marching roof tiles to the host dwelling would be installed above a pitched roof which would include three small roof lights.

The works have already been completed and therefore the application is retrospective in nature.

Site Description

The application site comprises a detached dwelling which is accessed via a long driveway. Whilst there are adjacent properties, the site is located outside of any settlement boundary and therefore in the open countryside for the purposes of planning policy. The garage building is set to the eastern side of the site and to the east of the main dwelling.

Albeit a small hamlet with no other designation within the Local Plan, this small cluster of properties is covered by a designated Conservation Area and there is a Grade II listed building to the west of the site known as Rodbourne House.

Policies

National Context:

National Planning Policy Framework (NPPF) 2023

Paragraph 11 – Presumption in favour of sustainable development

Paragraphs 131, 135 - Achieving well designed places

Para 195 to 197 - Proposals affecting heritage assets

Para 200 to 203 - Considering potential impacts upon heritage assets

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' 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.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

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 58 - Ensuring the Conservation of the Historic Environment
Core Policy 60- Sustainable Transport

Wiltshire Local Transport Plan 2011-2026

Malmesbury Neighbourhood Plan – Made February 2015
Objective 2.1.3 – Ensure housing responds to the identifiable need of the changing population.

Key Issues
Principle of Development
Appearance of the Area
Impact on Neighbouring Occupiers
Access, Parking and Highway Safety
Other Considerations – Ancillary Accommodation

Relevant Planning History
The planning history on the site reveals that similar development was permitted in 2020 and then a further application was submitted in early 2023 for conversion to a holiday let. The original application for conversion to annexe accommodation was granted but the development was not carried out in accordance with the approved plans, hence the requirement for the current proposal. The application for a holiday let was withdrawn.

20/04106/FUL - Proposed garage conversion to annex including external alterations to cladding, window and door fenestration.
Approved with Conditions

PL/2023/01429 - Change of use from Annex to Holiday Let
Withdrawn

Consultation Responses

St Paul, Malmesbury Without Parish Council – Object

The council resolved to object to this application because a lack of clarity in some of the information provided. Assuming the revised use of the annexe remains ancillary to the main dwelling then there might be a case for the provision of another car parking space as it was not clear how many bedrooms are in the main house. Also the council believes the term 'incidental' needs some clarification as it could cover a wide range of uses, many of which might not be covered by residential use. For example, if the use of this annexe is for holiday lets/AirB&B would it need a change of use application?

Highways – No Objection.

The site is substantial enough to afford further vehicle parking and if the officer is satisfied that there is sufficient space then no further plans or detailing required. The vehicle trips associated with ancillary annexe accommodation would not be considered to have any detrimental effect on the highway network or safety.

Conservation - No Objection

The conversion works and recladding will provide a better appearance for the garage and therefore will preserve the setting of the Old Coach House as a non-designated heritage asset and the adjacent listed Rodbourne House.

Representations

1 Letter of Representation was received in relation to the proposed development

Main Reason for Comment in relation to planning

• Prior to planning permission being granted, the council should check that a sewage containment tank has been installed and is being used. The old system would not cope with suspected extra usage.

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.

<u>Principle of Development:</u>

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.

<u>Impact on the Setting and Significance of Heritage Assets and the Character and Appearance of the Area.</u>

Paragraphs 195 - 205 of the NPPF, advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and within Para 203, that the local planning authority should take account of:

a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and:
c) The desirability of new development making a positive contribution to local character and distinctiveness.

In this instance, the development relates to a change in elevational materials to an existing garage with the addition of a pitched roof and its change of use to annexe accommodation. There is no objection from the Conservation Officer who has stated that the conversion works will provide a better appearance for the garage which will preserve the setting of the Old Coach House and the listed Rodbourne House.

It is noted that the works have been carried out and are considered a visual improvement to that which originally existed on the site and albeit different to that which was originally approved is visually acceptable in terms of the character and appearance of the site.

Due to the scale of the development and distance to adjacent listed buildings, the works are considered to lead to a neutral impact on the setting and significance of the relevant heritage assets.

It is noted that the Town Council has raised no objections to the design of the proposal or made reference to the Made Neighbourhood Plan.

In this instance, due to the size and location of the development, and the use of appropriate quality material detailing to match the existing dwelling on the site, the proposal is considered to be in compliance with CP57, CP58, the Made Malmesbury Neighbourhood Plan and the guidance and provision of the NPPF.

Impact on Adjacent Neighbouring Occupiers.
The development is not considered to result in any significant impact on other properties near to the site and would not result in any significant overbearing impact, such as loss of light, overshadowing, noise impact or loss of privacy to the nearest adjacent dwelling to the west.

It is noted that a letter of representation has been received in relation to the proposal but the comments made relate to sewage output and capacity. Such matters would be appropriately dealt with by way of Building Regulation legislation and in this instance are not a matter for consideration under planning regulations.

Access, Parking and Highway Safety
The site benefits from a large residential garden and there is parking to meet the needs of the existing dwelling. The Council's Highway Engineers were consulted on the proposal and as there is sufficient off-road parking to meet the needs of the dwelling and any additional annexe

accommodation in this instance no further information or conditions are considered to be required.

Other Considerations

The Parish Council has raised an objection in relation to the use of the building and that they consider there are some anomalies between what is being applied for and the intended use. There is also concern regarding parking provision.

In relation to their concern over parking provision, this has been addressed within the preceding section of this report.

In relation to their concern over use, the application is specific in that the Description of Development references an annexe for ancillary use to the host dwelling. As such, the LPA can append a condition to any grant of permission that the building is used as an annexe in association with the host property and that it remains as one ancillary planning unit. Should the applicant then require use for other purposes, then this would be subject to further and separate consideration.

Conclusion

It is considered that the proposed development would lead to a neutral impact on the nearby Grade II Listed Buildings and the setting and significance of the designated Rodbourne Conservation Area. In accordance with the advice contained in the NPPF, this harm can be qualified as neutral. Paragraph 195 states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The principle of the aforementioned residential development in this location is considered acceptable, when taking into consideration the location of the site, its existing use and the criterion of both National and Locally adopted policies. As such, the proposal is considered to accord with Core Policies 2, 57, 58 and 60 of the Wiltshire Core Strategy, the Made Malmesbury Neighbourhood Plan and the guidance and provision as contained within the NPPF. It is therefore recommended that the application be approved.

Conditions: (3)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Revised Site Location Plan. Received on 19 January 2024
BDS-09-23. Block Plan. Received on 19 October 2023
BDS-09-23. As Built Floor Plan. Received on 08 November2023
BDS-09-23. As Built Elevations. Received on 19 October 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form and approved plans.

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

3 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as The Old Coach House, and it shall remain within the same planning unit as the main dwelling and not be leased or disposed of separetely to the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

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.