CASE OFFICER'S REPORT

Application Reference:	PL/2023/09025
Application Type:	Removal/variation of conditions
Consultation ends:	08 December 2023
Case officer:	Verity Giles-Franklin
Site Address:	The Old House, High Street, Sutton Veny, Warminster, Wilts, BA12 7AQ
Proposal:	Variation of application reference W/07/01673/FUL to regularise the use of the garage building as ancillary annexe accommodation with garaging on the ground floor (removal of Condition 4)
Recommendation:	Approve with Conditions

SITE DESCRIPTION AND PROPOSAL: This application relates to a garage outbuilding constructed within the grounds of The Old House, Sutton Veny, which is a Grade II listed building located within the Sutton Veny Conservation Area and the Cranborne Chase National Landscape (formerly known as an Area of Outstanding Natural Beauty).

This application seeks to retrospectively vary an original planning permission granted under application reference W/07/01673/FUL (issued on 19 February 2008) which permitted the construction of a detached garage and carport building and remove Condition 4, which restricted the use of the garage building, as detailed below:

4. Notwithstanding the provisions of the Town & County Planning (General Permitted Development) Order 1995, or any other revoking and re-enacting that Order with or without modification, the building shall at all times remain available for domestic storage and the garaging of cars, and shall not be converted for use as living accommodation.

REASON: To ensure that adequate provision is made for the parking and storage that formed the justification for the proposal and because the conversion to living accommodation would be tantamount to the creation of a new dwelling unit in this area contrary to development plan policy.

From reviewing the officers report associated with W/07/01673/FUL, prior to the determination of the application, the proposal was amended following officers assessment to reduce the overall size of the garage building, including removing the storage area within the roof space and lowering the roof ridge. Furthermore, the revisions omitted two dormer windows and an external staircase that originally formed part of the initial proposal.

This application has been submitted with a supporting Planning Statement, which confirms that due to the applicants having a relative who was suffering from ill health, they proceeded to partially convert the garage building into an annex of the relative to live in, so that the relative would retain some independence but be close enough for the applicants to care for her. The Planning Statement confirms that the works to convert the building were carried without the relevant planning consent and were completed in 2009. The authorised works to the garage building include the provision of first floor accommodation, alterations to the elevations and the

construction of dormer windows. The submitted statement continues stating that the relative has since passed away and the annex is now used by the applicants extended family when they are visiting. That Planning Statement confirms that there has been no separation of the garage building from The Old House and the building continues to remain associated with the host dwelling (The Old House).

POLICIES

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG)

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP31 - Spatial Strategy for the Warminster Community Area; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP60 - Sustainable Transport; CP61 - Transport and New Development; CP64 - Demand Management

Wiltshire Council's Local Transport Plan 2011-2026

RELEVENT PLANNING HISTORY

W/07/01673/FUL - Garage/carport - Approved with conditions
W/08/01804/FUL - Proposed boundary wall - Approved with conditions

KEY ISSUES: Principle of the development; design and impact on the National Landscape; impact on the setting of the listed building and character and appearance of the conservation area; neighbouring amenity; highway matters

CONSULTATION RESPONSES

Sutton Veny Parish Council: No objection

Wiltshire Council Highways Department: No objection subject to a planning condition being imposed requiring the garage to remain ancillary to The Old House.

Wiltshire Council Conservation: No comment

REPRESENTATIONS

Third-party Representations: One representation was submitted, providing the following comments and concerns:

1. In 2008 (15 years ago) permission was granted for domestic storage and garaging. The permission granted expressly stated that the building shall not be converted for use as living accommodation;
2. We note that in breach of this restriction, living accommodation was built in 2009;
3. That the applicant is now (14 years after building a 2 bedroom property) seeking permission for living accommodation;
4. The applicant is currently selling his property without a field upon which he has told us he will be seeking planning permission;
5. That field is outside the village planning envelope. We will be objecting to that application and our reservation to the removal of condition 4 is that it creates a precedent to building homes outside the village envelope;
6. In the event that the applicant is successful in having this restriction removed then we ask it is replaced with one that would not allow the property to be rented to tenants on a short or long term basis so that it would not become an Air B&B. Not be used as a business or office.

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 the Development: This application is seeking retrospective planning permission of the use of the garage building permitted under application reference W/07/01673/FUL to be used as ancillary annexe accommodation with garaging on the ground floor. Officers are cognisant that if approved, the use of a building would in part be regularised as a two-bed annex.

It is well-established that an annex should have a direct, functional and dependent relationship with the main dwelling. Officers also acknowledged that the annex is located outside the defined settlement boundary and is therefore located in open countryside, where the construction of new residential development is not permitted except in certain circumstances where proposals satisfy policies CP1 and CP2 of the adopted WCS and where the relevant exemption policies listed within paragraph 4.25 apply.

However, in this instance this application is seeking to regularised unauthorised works to the garage and the use of the garage building as ancillary annex accommodation and garaging through varying the original consent. The submitted Planning Statement confirms that the garage building is used as an annex by the applicant's extended family, with there being no intention to subdivide the plot to form a separate dwelling. On this basis, the principle of the development is regarded acceptable in this instance, subject to a planning condition being imposed on the revised planning permission ensuring that this building remains used as ancillary accommodation and garaging only, tied to the established residential unit known as The Old House.

It is noted that concerns have been raised within the submitted representation relating to the creation of a new residential unit. The council must consider the planning merits of the application put forward as part of this submission, which in this instance are seeking to regularise the use and alterations to the garage building. The council does consider it necessary and reasonable to

impose a planning condition to tie the annex accommodation to the main dwelling to prevent the annex from being sold, rented or used independently as a separate residential dwelling.

This application seeks to vary the original planning consent granted under application reference W/07/01673/FUL and seeks the removal of Condition 4 which restricted the use of the building for domestic storage and garaging of cars only. Whilst it is appreciated that the garage has been altered and used for living accommodation in the absence of planning permission and in breach of this original planning consent, the council is satisfied that Condition 4 can be removed in this instance, as on-site car parking would remain within the building, with there also being adequate space within the wider site to accommodate the parking of vehicles. However, this is subject to a separate planning condition being imposed relating to the annex use, to ensure that this remains tied to the host dwelling.

Design and Impact on the National Landscape: The garage building subject to this application is located entirely within the Cranborne Chase National Landscape. Paragraph 182 of the Framework is clear that "*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*".

Policy CP51 of the adopted WCS also requires development to "*protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures*"

In addition to the abovementioned policies, this application must also be assessed against CP57 of the adopted WCS which requires a "*high standard of design*" for all new developments including extensions and alterations to existing buildings.

This policy requires development to "*create a strong sense of place through drawing on the local context and being complementary to the locality*" with applications being accompanied by appropriate information to demonstrate how the proposal would "*make a positive contribution to the character of Wiltshire*".

Criterion iii of CP57 requires proposals to respond "*positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting*".

The latest iteration of the Framework has a greater focus on delivering high-quality design and sets out in paragraph 131 that the "*creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*".

Paragraph 135 moreover sets out a series of six criteria to ensure development is of high quality over the lifetime of the development, is visually attractive and sympathetic to the local character and history, and creates a strong sense of place.

It is noted that the garage building that was approved as part of W/07/01673/FUL has not been constructed in accordance with the plans that were appraised and consulted upon prior to its

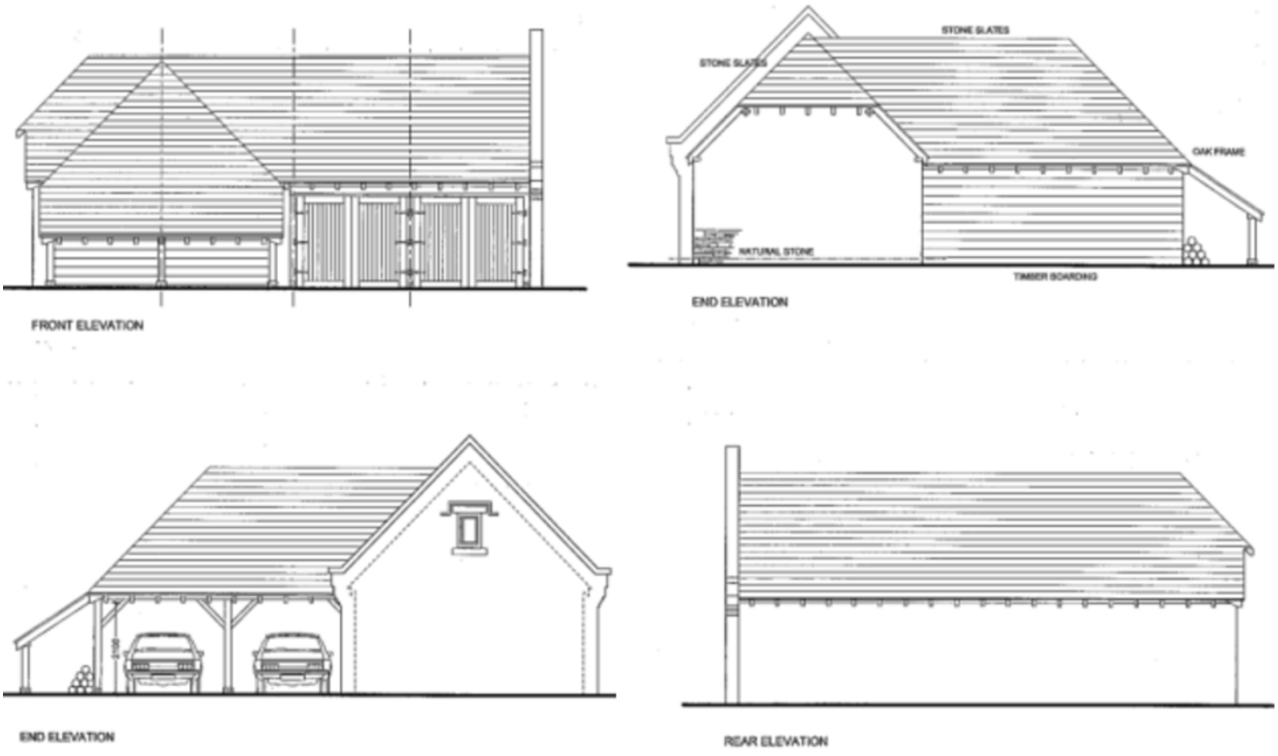
determination , and therefore a fresh assessment in terms of aplying the policies within the adopted WCS and the December 2023 issued Framework.

The garage building that has been constructed contains the following (which did not form part of the original consent granted as part of W/07/01673/FUL):

a dormer windows on the east and south elevations; rooflights on the south and north roof slopes; a patio door and window have been introduced on the north elevation; the footprint of the building has been extended on the ground floor creating a catslide style roof; and following the grant of planning permission for the boundary wall under application reference W/08/01804/FUL, a single storey lobby/hall has been constructed.

Therefore, the garage building that has been constructed is unauthorised and the full regularisation of the building is sought as part of this variation application.

The following extracts show the approved elevations pursuant to W/07/01673/FUL and those relating to the building that has been constructed, for comparison:



Drawings approved as part of W/07/01673/FUL



Drawings of the building as built

Whilst it is appreciated that the garage building that has been constructed on site differs from what was approved under application reference W/07/01673/FUL, it is not considered that the alterations to the elevations, inclusion of pitched roof dormers and the construction of two minor extensions to the garage building have caused harm to the wider character and appearance of the area or has had a harmful impact on the landscape character of this designated National Landscape.

The building has been constructed within the existing grounds of the host dwelling and has been completed in a combination of a render finish with brick quoin detailing and timber cladding to the north, the use of such materials are considered to be acceptable. As such, the proposed variation to the original consent approved under application reference W/07/01673/FUL is considered acceptable.

Impact on the Setting of the Listed Building and Character and Appearance of the Conservation Area: As detailed above, the application site is located within the grounds of a Grade II listed building, The Old House, and within the Sutton Veny Conservation Area. As such, this proposal needs to be assessed against the relevant legislation and policies which protects such designations.

In terms of the historic environment, the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest that they possess. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 meanwhile also requires the council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas.

The Framework also requires that 'great weight' be given to the conservation of heritage assets and advises a balanced approach with the public benefits which may result from proposals being weighed against any harm caused. In particular, paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 leads on to require that any harm or loss of significance should require a clear and convincing justification.

Criterion iv of CP57 of the adopted WCS requires new development to be "*sympathetic to and conserve historic buildings and historic landscapes*". CP58 of the adopted WCS similarly sets that the new development "s*hould protect, conserve and where possible enhance the historic environment" and that designated heritage assets and their settings should be "conserved, and where appropriate enhanced in a manner appropriate to their significance*".

It is duly acknowledged that the garage building subject to the application has been located within the curtilage of a Grade II listed building which is located within a designated conservation area boundary. However, with due regard to the scale and extent of the alterations to the building following the grant of planning permission under reference W/07/01673/FUL, it is not considered that the unauthorised works have caused harm to the special significance or setting of The Old House and the alterations to the building are considered to preserve the character and appearance of the conservation area.

Neighbour Amenity: Core policy CP57 requires in criteria vii for developments to 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, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*".

Criterion f) of paragraph 135 of the Framework meanwhile requires the creation of "*places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*".

The alterations to the garage building, including the addition of dormer windows and ground floor fenestration are not considered to introduce any harmful overlooking to neighbouring properties, due to the distance in separation. Therefore, the alterations to the garage building elevations are not considered to have had an adverse impact on the amenity of neighbouring properties, due to its location and design.

Highways Safety: Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be "*located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives*". CP61 also requires in criterion ii that proposals would be "*capable of being served by safe access to the highway network*". In addition, CP64 requires adherence to the council's adopted residential parking standards.

The wider site contains ample space for the parking of multiple vehicles and this application does not propose any alterations to the existing vehicular access. The councils' highways department raised no objection to varying the original consent due to there being adequate car parking on site following the conversion of part of the garage into a 2-bedroom annex. This is however subject to the annexe accommodation remaining ancillary to the host dwelling, which for the reasons discussed above in this report, officers would be imposing on any variation consent granted.

CONCLUSION: Approve with conditions

Conditions: (4)

1 The retrospective development hereby approved has been based on the following approved plans and documents:

Site and Location Plan, as received on 17 October 2023; and Proposed Garage/Annex Elevations and Floor Plans, Rev A, as received on 8 November 2023

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

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the use of the garage building hereby permitted shall be limited to the domestic or private needs of the occupier and shall not be used for any business purposes.

REASON: To safeguard neighbour amenity, the setting of the Listed Building and character and appearance of the Conservation Area; and in the interests of highway safety

3 The accommodation 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 House and it shall remain within the same planning unit as 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.

4 The building is subject to a previously approved extant Arboricultural Survey, produced by Alderwood Consulting Ltd, dated 1 October 2007 (reference D747AIAL1, and all extant protection and maintenance requirements shall remain in force.

REASON: To prevent trees on site from being damaged during construction works.

Informatives: (1)

6 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.