DELEGATED REPORT

Application Reference:	PL/2023/06970
Application Type:	Householder Planning Permission
Site Address:	34 Tugela Road, Chippenham, SN15 1JF
Proposal:	Single story rear extension to replace existing single story rear extension (Part Retrospective).
Recommendation:	Planning Permission be REFUSED.

PROPOSAL

The proposal seeks retrospective planning permission to retain a single storey rear extension, which has started without consent. The application form states that work was started 01/03/2023 and not completed. From a visual assessment the external works of the proposal appear to have been substantially completed.

The “householder” application form has been completed by the applicant and there is no suggestion that the single storey extension would be for any other purpose than that associated with the occupation of no.34 Tugela Road, as a domestic dwellinghouse.

DESCRIPTION/CONTEXT

The application relates to a mid-terraced property, located within an established urban area of Chippenham, just north of the town centre. The property is constructed of red brick with a tiled roof and UPVC fenestration. The property sits on the east side of Tugela Road, which is characterised by a row of terraced properties, typically with single storey annexes to the rear. To the south and east of the residential properties is Hathaway Retail Park which contains mixed retail and employment uses.

This application is located within the northern periphery of the Chippenham Conservation Area but is not covered by any landscape or ecological designations.

PLANNING HISTORY

No relevant planning history pertinent to this application.

POLICIES

- National Planning Policy Framework (NPPF)
- Wiltshire Core Strategy Policies (WCS): CP57 and CP58

ISSUES

- Principle of Development
- Design, Scale and Materials
- Heritage
- Residential Amenity
- Other Matters

CONSULTATION

Chippenham Town Council: No objection.

REPRESENTATIONS

Consultation has been carried out and individual neighbour letters to adjoining properties and one representation letter has been received.

Main issues raised:

- *Concerns raised in relation to damage caused to neighbouring property during construction and safety.*
- *No consideration was shown to how the height of extension would impact on loss of light received by ground floor rooms downstairs at rear of neighbours house.*

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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of Development

The principle of domestic extensions and alterations within the curtilage of existing dwellings is established as acceptable. However, the detail of such development also needs to be considered against relevant policies within the development plan. Those considerations are set out below.

Design, Scale and Materials

Core Policy 57 of the WCS requires new development to respond positively to existing landscapes in terms of building layout, built form, height, mass, scale, building line and materials in order to effectively integrate the building into its setting.

34 Tugela Road is a terraced property located in an established residential area of Chippenham. The property is located in an area with very similar external vernacular and a prevailing architectural theme, with visual narrative of traditional stone and brick fronted properties with stone cill detailing to fenestration. The proposal seeks retrospective planning permission for the demolition of a rear lean-to conservatory roof, pre-existing annex projection and the construction of a single storey rear extension. The rear extension is of a bold contemporary design and has been cladded in black composite boarding with bifold doors and two porthole style windows.

The choice of a black colour for the external materials is considered to overwhelm the prevailing character of the traditionally designed dwelling and neighbouring properties. Properties in this location have typically been extended simply with red brick and pitched tiled roofs, which complement and reflect the original style of the terraced properties. The choice of a black finish, not only presents a harsh visual appearance over a large surface area, the very dark colour intensifies and increases the perception of the scale and bulk of the extension against the host dwelling and neighbouring properties. Therefore, the design and external finish of the proposal as built is incompatible with surrounding context.

In this instance the design is considered to be incongruous in this context as the pre-existing grain of the terrace has been interrupted, being that the extension as built breaks up the established and traditional pattern of uniform terrace with the removal of one half of an projecting annex which is mirrored along the terrace. The extension as built measures approximately: 4.6m (d) x 3.05m (h) x 5.1m (w) at its widest and has been built hard up to the neighbouring boundaries. The scale and massing, particular the depth coupled with the flat roofed design (and consequent tall eaves height which extends across the entire width of the property) are considered to be alien and excessive, to such an extent that it overwhelms the rear elevation and is demonstrably not well designed in that context. The extension fails to integrate with the character and appearance of the existing property as well as the adjoining properties along Tegula Road, which are of a similarly simple and regular layout and design.

Indeed, the form, scale and design would be a departure from the typical, simple extensions seen in the immediate vicinity. Whilst varied approaches and contemporary additions could be supported in this location albeit at a much more lightweight design, the combination of the depth, width being hard up against the neighbouring boundary, dark colour of external materials and flat roof constitute a prominent and incongruous feature to the rear of the existing property.

It is considered that the proposed extension would create an oversized extension which would fail to respect the scale of the existing property. By reason of its built form, height, massing, scale and external materials would not respect the character and appearance of the existing property or those of its immediate neighbours. Indeed, for the same reasons, neither can the development be described as being of a high-quality or of a beautiful design. The applicant is not seeking to rely upon any so-called *fallback* position, which should somehow mitigate or alter the above conclusions. Accordingly, the proposal fails against the requirements of Core Policy 57 of the Wiltshire Core Strategy (Adopted) January 2015 and the provisions of the National Planning Policy Framework, Section 12, particularly paragraphs 131 and 139 which confirms that development should be refused planning permission where it is not well designed.

Heritage

Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

The proposal is wholly located within the northern periphery of Chippenham Conservation Area. The dwelling is set within a modest plot and the works have been constructed to the rear of the dwelling. Due to the location of the proposal to the rear of the dwelling, the single storey nature of the extension and relatively enclosed nature of the plot, it is considered that the proposed development would not compromise, impact or harm the identified heritage asset. Where views could be glimpsed, they would be read against existing residential form and sufficiently integrate with the dwelling.

Due to the nature of the proposal and established terraced residential built form, there is considered to be no harm to the identified heritage assets and in this regard, the proposal complies with the requirements of policy CP57 and CP58 to the Wiltshire Core Strategy.

Residential Amenity

Core Policy 57 states that development should 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. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The extension has been built hard up to the boundary line, given the very close proximity of the immediate neighbours (particularly No.33 Tugela Road), there is the potential for unacceptable levels overshadowing, overbearingness and loss of light. Concerns have understandably been raised within the representations to that effect.

During public consultation, concerns were raised in relation to the loss of light to the ground floor windows of the neighbouring property, due to the height of the extension. The extension has been built hard up to the boundary line, which is unneighbourly, making the addition clearly visible to both immediate neighbours, especially to no.33. Tugela Road. In terms of loss of light, with a depth of circa 4.6m coupled with the flat roof design and proximity of the neighbour's primary kitchen and dining room windows (the dining room only being served by one window on the rear elevation) there are concerns that the proposed extension would result in significant overbearing impact and loss of

light upon this neighbouring resident (no.33). Due to the depth and very close proximity, the extension would inevitably result in a loss of daylight to the neighbouring properties kitchen and dining room, which would be at an unacceptable level.

Given the extensions depth combined with the dark external materials, flat roofed design and the proximity to the neighbour's rear downstairs windows, it is considered that the extension result in an unacceptable overbearing impact and loss of natural light to no.33. Properties and subsequent alterations in this location have been predominantly constructed in a complementary matching and prevailing materials (red brick, stone detailing, clay tiles) which blend coherently with the established form, the proposal as constructed has been finished externally with very dark materials (cladded in black composite boarding). The use of dark materials in this particular location is considered to absorb light and create a dark, overshadowed space to the most private and likely used part of the neighbours garden, which exacerbates the negative impact on neighbouring amenity.

By reason of its height, design, use of external materials and massing hard up against the common boundary, the proposed development is considered to be overbearing and to unacceptably impact upon the amenity and living conditions of the immediate neighbouring residential occupiers. Accordingly, the proposed development cannot be considered to meet with the relevant requirements of policy CP57 to the Wiltshire Core Strategy. For the same reasons, neither does the proposal promote the health and well-being of existing or future users or a high standard of amenity as is required by section 12 to the NPPF.

Other Matters

During public consultation, concerns were also raised in relation to damage which is claimed to have been caused to the neighbouring property during construction. If any potential damage to neighbouring properties that has occurred or may occur during the finalising of the construction phase of the development, this would be outside of the planning remit and would be a private legal matter between the respective land owners. In this instance, it would not be for consideration under this planning application.

As the extension has been built hard up to the boundary, with regards to the potential future maintenance of the extension, this would be outside of the planning remit and would be a private legal matter between the respective land owners. The plans demonstrate that the proposed extension is not stepped in from the common boundary and any concerns with regards to foundations, rainwater goods and damp proofing falls under building regulation legislation. In this instance, it would not be for consideration under this planning application.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

It is considered thar the extensions as built massing, scale, height, massing, scale and external materials, the proposed development is not considered to respect or integrate with the character

and appearance of the existing property or those properties which adjoin the application site and would cause unacceptable harm to neighbouring amenity. On the basis of the assessment set out above, it is considered that the proposed development would fail to reach the high standard of design and site planning by virtue of its depth and scale and impacts to immediate neighbour no.33 Tugela Road.

The proposal therefore would be contrary to Core Policy 57 of the Wiltshire Core Strategy (Adopted) January 2015 and the provisions of the National Planning Policy Framework, Section 12. It is recommended that planning permission be refused.

RECOMMENDATION: That Planning Permission be REFUSED for the following reasons (2):

1. By reason of its design, massing, scale, height and choice of external material finish, the proposed development does not respect or integrate with the character and appearance of the existing property or surrounding context. For the same reasons, neither can the proposed development be said to be well-designed or of a high quality. Accordingly, the proposal is contrary to the requirements of policy CP57(iii) to the Wiltshire Core Strategy and the policy set out in section 12 to the NPPF in respect of achieving well-designed and beautiful places.

2. By reason of its design, height and depth, use of external materials and massing hard up against the common boundary, the proposed development is considered to be overbearing and unacceptably impacts upon the residential amenity of the neighbouring property. Accordingly, the proposal is contrary to the requirements of policy CP57(vii) to the Wiltshire Core Strategy.