CASE OFFICER'S REPORT

Application Reference:	PL/2023/08690
Application Type:	Removal/variation of conditions
Site Inspection:	
Consultation ends:	29 January 2024
Case officer:	Lucy Rutter-Dowd

Site Address:	55 London Road, Marlborough, SN8 2AJ
Proposal:	Variation of condition 2 relating to PL/2022/08286 to amend drawings to show window in first floor gable end.
Recommendation:	Approve with Conditions

Proposal and Site Description

The application site comprises a large detached dwelling house and surrounding gardens. The site benefits from a recently built carport structure which replaced a single bay garage. The carport has been the subject of two previous planning applications, the latter securing an increase in height to the structure to enable use of the loft space as a studio accessed via an external staircase. The structure has been built, however further alterations to the approved scheme have been made, namely a very minor alternation to the height of the roof lights and provision of a window in the principal gable end of the structure. The property lies within the defined limits of development of the town of Marlborough and lies adjacent to a PROW (ref: MARL25). The site is well-bounded by mature trees, hedging and fencing. The property is accessed by a shared driveway.

The current application seeks only to alter the approved plans condition of the previous scheme in order to regularise the alterations to windows within the structure.

Policies

National Context:

National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG)

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015

- Core Policy 51 – Landscape
- Core Policy 57 - Ensuring high quality design and place shaping

Constraints

- North Wessex Downs Area of Outstanding Natural Beauty
- Adjacent to PROW (Ref: MARL25)

Key Issues

• Impact on neighbour amenity
• Design and visual impact

Relevant Planning History

PL/2021/03213 - Demolition of existing garage, and erection of new car port - Approved with conditions - 18/06/2021
PL/2022/08286 - Demolition of existing garage, and erection of new car port - Approved with conditions - 12/01/2023

Consultation Responses

Marlborough Town Council - No objections.

Representations

One letter received in objection and making the following comments:

'This is the second variation to the original application. The first variation(PL/2022/08286) , was not notified to us in any form and requested a change from a 2 bay car port (approx 4.2m high with no windows) to a 2 bay garage with first floor (Approx 5.7m high with side windows) We have written to the planning department concerning this lack of consultation for PL/2022/08286 on 15th & 17th Aug. If given the opportunity we would have objected then, on the grounds of 'effect on daylight & privacy'. This, the second variation concerning an additional window results in an additional impact on privacy. We would be directly overlooked by three windows at short distance into kitchen, sitting room, bedroom & garden. The lack of consultation for the first application remains an issue.

A second round of consultation was carried out on receipt of revised plans securing obscure glazing, however, no further comments were received.

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.

Design and Visual Impact:

As the application only seeks to vary the approved plans condition, the assessment will not seek to readdress the scheme in its entirety, but will however seek to address the alternations to the scheme only. The roof lights have been slightly moved, however the adjustment here is insignificant in terms of design as the impact will be entirely the same as previously assessed. The main alteration to consider in the provision of an addition window in the gable end of the

structure. This addition does not raise any concerns in design terms since the window is of a design that reflects the character of the host building. It is considered that the main impact to assess in this instance is the impact on neighbour amenity.

Neighbour Amenity:

In response to the concerns raised relating to publicity, the councils records indicate that both previous applications were appropriately publicised by writing directly to surrounding neighbours. In any event, the impact on neighbour amenity from the structure as a whole, including the provision of skylights and external staircase was considered as part of the previous assessment. The very minor alterations to the skylights does not warrant readdressing this impact in the current submission. The provision of a additional window ought however to be considered. In light of the concerns raised, and not wishing to further exacerbate any impacts caused by the building, revised plans have been sought to show obscure glazing to the additional window which will eliminate any potential for overlooking or loss of privacy which would otherwise occur from the opening. As any impact can be suitably mitigated by way of a condition, a refusal in this instance would not be warranted.

In conclusion, the proposed application seems fitting with regard to scale, design, and materials. The proposal is considered acceptable in the context of its surroundings and is in accordance with the general criteria set out in the aforementioned policies of the local development plan.

Conditions: (3)

1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission (ref: PL/2022/08286 - 12/01/2023).

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:

Doc Title: Application Form.
Drg Title: Proposed Site Plan inc Roof Plan. Drg No: 2023/03_101. Rev: A.
Drg Title: Location Plan, Existing Site Plan inc Roof Plan. Drg No: 2023/03_100.
Drg Title: Existing & Proposed Site Section & Proposed Car Port First Floor Plan. Drg No: 2023/03_103. Rev: C.
Drg Title: Elevations. Drg No: CJ.5933.F1.02.

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

3 The first floor window in the southern elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut prior to the first use of the first floor of the building hereby permitted and shall be permanently maintained as such for the lifetime of the development.

REASON: In the interests of residential amenity and privacy.