CASE OFFICER'S REPORT

Application Reference:	PL/2023/10579
Application Type:	Householder planning permission
Site Inspection:	12 December 2023
Consultation ends:	25 January 2024
Case officer:	Brook Bishop

Site Address:	Highfield, Minety, Malmesbury, SN16 9QG
Proposal:	Roof alterations and side extension to existing single-storey dwelling to create a chalet-style bungalow
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The application site is a single-storey pitched roof dwelling with a flat-roof porch on the east elevation. It occupies a plot approximately 65m long and 15m wide and the dwelling is situated along the eastern side and set back from the access.

The site is bounded by an approximately 1.8m high fence on the west side, a post and rail fence along the end and east side, and foliage to the southern edge from which the site is accessed. There is a timber clad shed within the curtilage a few meters northeast of the dwelling and landscaping for vehicular access to the front of the curtilage.

The site is situated down a public footpath (MINE44) lined on both sides by a mix of two-storey and single-storey dwellings. To the west, the application site is neighboured by a two-storey dwelling (qv The Willow) and to the east by a chalet-style bungalow (qv Glazen Wood). There is no consistent architectural style in the area, giving it a diverse character with a rural backdrop.

The site lies within the small village of Minety, which does not have a defined settlement boundary. As such, the site is in open countryside for planning purposes. The site is not subject to any sensitive or special land-use designations.

PROPOSAL:
The application seeks planning permission for roof alterations and an extension to the east side elevation of the existing dwelling to create a chalet-style bungalow.

The proposed extension is approximately 7.4m wide to the front with a gable end and is approximately 10.7m deep terminating flush with the rear elevation of the existing dwelling. The roof alterations involve reorientating the gable end to the west elevation so that the ridge meets perpendicular to the ridge of the side extension. There will be a porch created in the centre of the front elevation, glazed bifold doors at ground floor level on the rear elevation, and a full-height window at first-floor level on the rear elevation gable end. The are alterations to other window openings and landscaping works associated with the existing access and driveway.

Initially, the application proposed a two-storey side extension which had a roughly M-shaped roof form. This was considered to not relate well to local context nor suggest its subservience to the

existing dwelling. Revised plans were provided, following officer feedback, and are as described above.

Additionally, as a result, the description of development was changed from 'Alterations and Two Storey and Single Storey Extension to Existing Bungalow' to 'Roof alterations and side extension to existing single-storey dwelling to create a chalet-style bungalow', which was felt to better describe the revised proposed. As a result of the revisions to the scheme and description of development a second round of public consultation to the development was carried out.

POLICIES:

Legislation:

Town and Country Planning Act 1990

National Policy:

National Planning Policy Framework – December 2023 (NPPF)

• Paragraphs 11, 131, 135,

National Planning Practice Guidance (NPPG)

National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019 (NDG)

Local Policy:

Wiltshire Core Strategy (WCS):

• Core Policy 1: Settlement Strategy (CP1)
• Core Policy 2: Delivery Strategy (CP2)
• Core Policy 13: Spatial Strategy for Malmesbury Community Area (CP13)
• Core Policy 57: Ensuring High Quality Design & Space Shaping (CP57)
• Core Policy 60: Sustainable Transport (CP60)
• Core Policy 62: Development Impacts on the Transport Network (CP62)
• Core Policy 64: Demand Management (CP64)

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.

RELEVANT PLANNING HISTORY:

N/06/02200/FUL - Raising of Roof Ridge to Create Living Accommodation and One and a Half Storey Side Extension (Approved with Conditions 11/10/2006)

ISSUES:

The main considerations which are material to the determination of this application are listed below:

• Principle
• Impact on Local Character and Appearance
• Impact on Neighbouring Amenities

• Access, Parking and Rights of Way

CONSULTEE RESPONSES:
The Parish Council, Wiltshire Council's Highways Department and Public Rights of Way team were consulted on this application.
• Public Rights of Way – no objection subject to suggested informatives.
• Highways – no objection subject to a pre-commencement condition. The comments are considered in the Access and Parking part of the assessment.

RESPRESENTATIONS:
One letter of representation was received, providing the following comments:

The access to the proposed property development is on a public footpath. It is unadopted, residents have had to come together and at great expense pay for repairs. Any damage to the lane, as a result of construction vehicles or similar, to the development of the said property should be reinstated / fixed at development owners cost.

Due to proximity of the development to our home it is requested that noise be kept to a reasonable level, but in any event works to be limited to weekdays between 08.00-17.00.

Due to proximity of the development to our home it is requested that dust and debris is controlled and contained within the boundaries of the site.

This comment is considered in the Access, Parking and Rights of Way part of the assessment.

PLANNING ASSESSMENT:
Principle:
The site is in Minety, a small village in the Malmesbury Community Area. There is no defined settlement boundary for Minety, therefore the site is within open countryside for planning purposes.

CP1, 2 and 13 of the WCS set out a settlement and a delivery strategy for the Malmesbury Community Area and confirm that within small villages in the open countryside, which do not have defined limits of development, new housing development will be restricted to infilling, the replacement of existing dwellings or the re-use of existing buildings or the redevelopment of existing buildings provided that the development:

- Is within the existing built-up area of the village;
- Does not consolidate an existing sporadic, loose-knit area of development; and
- The development is in harmony with the village in terms of its scale and character.

The principle of providing and extending facilities in association with existing residential accommodation in the open countryside is considered acceptable in principle, subject to assessment of site-specific impacts, related policy considerations and compliance with the other

policies contained within the development plan and the guidance and provisions as contained within the National Planning Policy Framework.

In this case, the application site is an existing dwellinghouse and therefore the principle of providing and extending facilities in association with its residential use is acceptable, subject to assessment of other material considerations.

Impact on Local Character and Appearance:
CP57 requires a high standard of design for all new developments, including extensions, alterations, and changes of use of existing buildings. Well-designed development should create a strong sense of place, reinforce local distinctiveness, and promote community cohesiveness and social wellbeing. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features and so the design of new developments must draw on an understanding of the site itself and the local context, seeking to maximise the benefits of those characteristics and enhance the overall character of the locality. New development should integrate into its surroundings, but the proximity of poor quality or indistinct development is not a justification for standard or poor design proposals.

The initial design for the proposed extension of the dwelling was considered unacceptable, as it did not relate to the host dwelling, the surrounding context or area. Revised plans were provided by the applicant's agent following officer feedback.

The revised proposal seeks roof alterations and a side extension to create a chalet-style bungalow from the existing bungalow. This represents a substantial addition and alteration to the existing bungalow, which will result in the existing bungalow being subsumed by the new additions. Extension would not normally be supported where they do not appear subservient to the host dwelling, particularly where they project forward of the principle elevation.

However, the existing bungalow lacks any particular architectural interest. The site presents an opportunity to create something which relates better to its surroundings and enhances the local character and appearance.

The initial design for the proposed extension of the dwelling would not have achieve this and was considered unacceptable. That design would have essentially seen a two-storey dwelling appended to the existing bungalow. Its scale and roof form did not relate well to the existing dwelling, the surrounding context or area. Revised plans were sought and were provided by the applicant's agent.

The revised design sought to create a chalet-style bungalow from the existing rectangular-plan bungalow, a style of dwelling already found at the adjacent neighbouring dwelling (qv Glazen Wood). This revised proposed design for Highfield therefore relates well to its context by paying homage to its neighbours' form, creating an attractive pairing of smaller dwellings amongst the mixed development seen along this lane. The roof form is a far simpler and familiar shape and will integrate the existing dwelling and the extension together into a structure and architectural unity. Materially, Highfield will appear different from its neighbour, because it is proposed to be rendered; there are a diverse range of textures, colours and finishes found in the locality and render would not be out of character.

Although the proposal is substantial change to the overall appearance of the existing bungalow, it is considered to improve it. Well-designed development should be based on an understanding of the specific qualities of the site and its surroundings, and this proposal is considered to achieve this. Highfield will continue to be recognised as a bungalow, will relate better to its context, and continue to contribute to the diversity of forms, heights, textures and colours which currently make up the character of this area of Minety.

The proposal is found in accordance with CP57 and can be supported. However, a condition is recommended to ensure that the proposed materials are as stated and can be added to any approval notice. Such a condition is considered appropriate and necessary in this instance and to meet the relevant tests.

Impact on Neighbouring Amenities:
CP57 requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensures 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). 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 application site has neighbours to the west and to the east. There are other dwellings in the area, but the site does not directly face another dwelling to the south.

In terms of overshadowing, there will be a degree of overshadowing to the west as a result of the roof alteration creating a gable end on this side. However, there are no window openings on the east elevation of The Willow and there will remain a gap between the two. The roof form on the east side of the proposed extension will minimise any overshadowing to Glazen Wood. It is considered that the proposal will not result in unacceptable levels of overshadowing.

In terms of privacy, only the window on the east elevation and the first-floor level full-height window on the rear elevation are considered to have an impact on privacy. The east elevation window will be at ground floor level and be frosted glazed, serving what is proposed as a dining area. The rear elevation window will overlook the rear residential amenity areas of The Willow and Glazen Wood. The impact on The Willow is likely to be minimised to a degree by the additional distance and the presence of the boarded fence. The impact on Glazen Wood is greater, but, currently, their rear amenity space is enclosed only by a post and rail fence and is easily visible by occupants of the site. The rear elevation of the application site is roughly flush with the rear elevation of Glazen Wood, however, and so the impact of overlooking is more likely to affect what are considered to be less sensitive areas of the neighbour’s amenity space. The impact on privacy is not, therefore, considered to be unacceptable.

Only one letter of representation was made by members of the public and the content of the comments has not raised overlooking or overshadowing as a concern. Instead, noise and pollution generated by the development’s construction was raised. This comment is discussed further in the Access, Parking and Rights of Way part of this assessment, but the agreed pre-commencement condition recommended by the Council's Highways Authority will give the Council

the opportunity to assess the impact of noise and pollution, during the construction phases, on residential amenity at the point of discharging the condition.

The proposal is not considered to have significant harmful impacts on residential amenity. It is therefore in accordance with CP57 and can be supported.

Access, Parking and Rights of Way:
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. CP64 states that the provision of car parking associated with well-designed new residential development will be based on minimum parking standards, as set out in the LTP CPS. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe (NPPF 115).

The proposal includes hard landscaping to the front area of the residential curtilage, retaining existing access arrangements. There will be sufficient car parking provision within the residential curtilage to accommodate two or three vehicles per its three bedrooms.

The site is situated along, and has existing access via, the public footpath MINE44 which is not recorded as a public vehicular highway, and it is assumed that the dwelling has the required private vehicular right over the footpath. This was a point raised by the Council Rights of Way Officer, who has no objection subject to relevant informatives to remind the applicant of the laws and rights pertaining to public rights of way, with recommendations that they seek their advice during any construction phase of the development.

Further to the points and informatives raised by the Rights of Way Officer, the Council's Highways Engineer commented on the public right of way and raised no objection subject to a pre-commencement condition that a Construction Management Statement be submitted and approved in writing by the Council prior to any commencement of the development, if we were minded to grant permission. Such a condition was agreed to in writing by the applicant's agent and will be added to any approval notice.

A letter of representation was made by a member of the public, a neighbour, who raised concerns about the impact of noise, dust and waste, from the construction of the proposed development; on them. Their comments suggest that the Council might condition measures to restrict the hours of construction works and control dust and waste. While these concerns are valid, the control of nuisance or pollution caused by works of construction is governed by legislation separate to planning and a condition to that effect is not considered to be reasonable or to meet the relevant tests. However, it is noted that the aforementioned pre-commencement condition will provide an opportunity for the Council's Public Protection Team to consider those points when considering to discharge the condition.

The proposal is considered in accordance with CP62 and CP64 and can be supported subject to the agreed pre-commencement condition and relevant informatives.

CONCLUSION:

The proposal is not considered to conflict with the statutory requirements, the national and local planning policies. The proposal would not result in harmful impacts to the residential character of the locality nor to residential amenity. The proposal can be supported.

It is therefore recommended that the application should be permitted subject to relevant conditions.

Conditions: (4)

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 and documents:

Location Plan. SKM_C284e23120412400. Received: 5 December 2023.
Application Form. Received: 5 December 2023.
Proposed Block Plan. 9592-10E. Received: 3 January 2024.
Proposed Elevations and Floor Plans. 9592-04H. Received: 26 January 2024.

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 stated in the approved plans.

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

4 No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. Number and size of delivery vehicles/ construction vehicles
3. loading and unloading of plant and materials;
4. storage of plant and materials used in constructing the development;
5. wheel washing facilities;

6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Informatives: (6)

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 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 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.

8 The applicant should note that in order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take legal advice to ensure they have a right of access.

9 The applicant should note that no construction / demolition vehicle access may be taken along footpath MINE44 without prior consultation with the Rights of way Countryside Access Officer (rightsofway@wiltshire.gov.uk). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

10 The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way MINE44 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.