# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/09322 |
| **Application Type:** | Householder planning permission |
| **Site Inspection:** | 08 December 2023 |
| **Consultation ends:** | 06 December 2023 |
| **Case officer:** | Joe Leesam |

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| **Site Address:** | South Farm House, West Overton, Marlborough, SN8 4ER |
| **Proposal:** | To create a new driveway to service houses at nos 1 & 2 Wilts End, West Overton, Marlborough |
| **Recommendation:** | Approve with Conditions |

**POLICIES**

Wiltshire Core Strategy (adopted January 2015):
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design & Place Shaping

The National Planning Policy Framework (NPPF) 2023

Planning Practice Guidance (PPG)

Sections 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ???

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024

**REPRESENTATIONS**

Fyfield and West Overton Parish Council – No Objections.

“The Council has no objection in principle. As the design of the new drive progresses the applicant and the neighbours should be encouraged to ensure that the environmentally sensitive wall is affected as little as possible and the 30mph sign relocated to the south to the satisfaction of as many people as possible.”

Highways Department – No Objections subject to informative.

Third party representations – One response received.

Summary of Comment:

- The proposed entrance is to the north of the existing entrance, not the east as stated in the design and access statement.
- There is no real need to change the access as 1&2 already enjoy unfettered access.

- Questions the land ownership and how this will impact the maintenance of wall.
- Object to the relocation of a speed limit sign to be relocated 2m to the north; request that it is relocated 9m to the south to avoid the disturbance of a water stop cock and the neighbouring listed boundary wall.

**ASSESSMENT**

The application relates to South Farm House, West Overton and 1 Witts End. Both properties currently share a driveway which is accessed via an unclassified Road with a 30 mph speed limit.

Proposals:
The application seeks consent for the creation of a new driveway to service houses at nos. 1 & 2 Wilts End, West End, Marlborough.

Impact upon the amenity of occupiers of neighbouring properties:
Due to the application's nature as a new driveway, there are no concerns raised regarding residential amenity. There is no risk of any overlooking, light blocking or the creation of an oppressive environment occurring as a result of the proposed plans. The proposed plans are therefore considered acceptable on residential amenity grounds.

Scale, design and materials:
The proposed works will involve the removal of three trees and their replacement with a new cherry tree. The trees proposed for removal do not have tree protection orders and are not particularly mature or important for the aesthetic quality of the street so their replacement with a cherry tree is considered to have a neutral impact upon visual amenity.

The creation of the new driveway will involve the removal of a section of sarsen stone wall; while the wall does offer an aesthetically pleasing boundary treatment as it currently stands, the removal of the proposed section would not have a materially harmful impact upon the visual amenity of the street. There are many driveway openings along the street so this would not be breaking up any distinct characteristic of the local area and the applicant site is not located within a conservation area.

The driveway will have setts in the closest few metres from the road, with the rest of the driveway consisting of gravel like the existing driveway. A new privet hedge and fence will be added to create a boundary between 1 & 2 Witts End and South Farm House, this is considered a positive addition for the visual amenity of the street as it will offer a good amount of new green foliage.

In regard to the above, the proposed plans are considered acceptable on visual amenity grounds.

Highways:
The proposal involves the creation of a new point of access, this will be in a similar position to an existing point of access on an unclassified road with a speed limit of 30 mph. There will be no material changes to the parking arrangements.

Highways have been consulted on the application and have responded with no objections, stating; "Given the geometry of the adjacent carriageway I am happy to accept a new access at this location.

I note that the drawing shows sets at the front of the access and I am happy with that proposal. The adjacent wall is of a height which should not restrict visibility and the verge to the front is highway and as such can be maintained by either the applicant or the LHA. As such I am happy to offer no highway objection" An informative has also been suggested regarding the requirement for highways consent to undertake the works involved with dropping the kerb, this has been included as part of the approval.

A speed limit sign was originally proposed to be relocated a few metres to the north, concerns were raised by neighbouring residents regarding the impact this may have upon their stop cock and the parish council mirrored these concerns; revised plans were requested, and the speed limit sign will now be relocated a few metres to the south. Highways have been re-consulted and have responded saying "I am minded to note the change of location of the repeater speed limit signage. As this is a repeater sign and it is not being moved a great distance as LHA I am happy to accept the change." The speed limit sign is located on highways owned land so notice has been served to highways to notify them of the proposed works. Therefore, the proposed re-location of the speed limit sign is considered acceptable.

In regard to the above, the proposed plans are considered acceptable on highways grounds.

Other Matters:
Concerns were raised by a neighbouring resident regarding an error in the design and access statement; in the statement the driveway is said to be located to the East of the existing entrance, but it is actually proposed to the north of the existing entrance. This error is not a cause for concern as the design and access statement will not be included in the approved plans list.

The need for the driveway has been questioned by a neighbouring resident. While the design and access statement may be somewhat overstating the need for the driveway, it is understandable for both parties to desire a separate driveway and whether the proposal is for a need or a want makes no material difference to the acceptability of the plans.

The questions regarding the ownership of the land and the consequences this will have upon the maintenance of the party wall are not a material consideration for this application. whichever party takes over the ownership of the land associated with the party wall will have the same obligations for maintenance as the previous owner.

Impact upon the North Wessex Downs National Landscape (formerly Area of Outstanding Natural Beauty):
The proposed extension will be read in context with the host dwelling and as there will be no encroachment into the open countryside, no harm will be caused to the special qualities of the designated National Landscape.

Conclusion:
There will be no negative impact to neighbour or visual amenity as a result of the proposed development. The proposal is therefore 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 and that of the NPPF (2023).

**RECOMMENDATION:**

Approve with conditions.

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**Conditions:** (2)

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:

- Proposed Driveway Proposed Block Survey Plan *10-23-02* (Received 20/12/2023)
- Location Plan *10-23-03*
- Application Form

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

**Informatives:** (1)

3 The application involves an extension to the creation of a new vehicle access with dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent. Please contact the Drainage Team at Drainage@wiltshire.gov.uk