CASE OFFICER'S REPORT

Application Reference:	PL/2023/08418
Application Type:	Removal/variation of conditions
Site Inspection:	18 December 2023
Consultation ends:	12 January 2024
Case officer:	Olivia Tresise

Site Address:	Plot 6 Follyfield, Hankerton, Malmesbury, Wilts, SN16 9LA
Proposal:	Variation of condition 1 of 71/UH/201/O relating to the siting of the approved dwelling, change in materials and alterations to the fenestration, and the installation of solar panels on the roof of the south elevation.
Recommendation:	Approve with Conditions

THE PROPOSAL

This application seeks planning permission for the variation of condition 1 of 71/UH/201/O relating to the siting of the approved dwelling on Plot 6 Follyfield, Hankerton, in order to change materials and alterations to the fenestration, and the installation of solar panels on the roof of the south elevation.

During the course of the application, a revised proposal was submitted to address concerns relating to the potential overlooking, design and building materials. In addition, an installation of solar panel was proposed as part of this application. The site address on the application form was originally referred to No. 5 Follyfield, however, since the grant of the Certificate of Lawfulness in 2023, it came to light that the plots, No. 5 Follyfield and plot 6, have been sold to different owners. Therefore, to avoid any confusion, the site address for this application has been updated to reflect this change, as such, Plot 6 has been used for this application. Further clarification was sought regarding the ownership boundary of the site, and an updated plan was submitted.

SITE DESCRIPTION

The application relates to plot 6 Follyfield, which is one of the plots on this established residential estate within Hankerton, which features no settlement boundary and as such the proposal is situated within the open countryside. The application site is positioned on the northern side of Follyfield, a circular shaped residential cul-de-sac characterised by predominantly detached dwellings constructed from Cotswolds natural stone work and light-coloured render with concrete roof tiles. The site is susceptible to ground water flooding, however it is not subject to any sensitive or special land-use designations.

POLICIES

Wiltshire Core Strategy adopted Jan 2015

CP1 Settlement strategy
CP2 Delivery strategy
CP42 Standalone renewable energy installation
CP50 Biodiversity and geodiversity
CP51 Landscape

CP57 Ensuring high quality design and place shaping
CP60 Sustainable Transport
CP64 Demand management
CP67 Flood risk

National Planning Policy Framework December 2023
National Planning Practice Guidance

ISSUES
Principle of development
Design and visual amenity
Residential amenity
Highway and parking

CONSULTATIONS
Hankerton Parish Council: Objection to both original and amended schemes:

Original scheme
The area permitted for car parking on the property has been impacted by the resiting of the house on the plot and the reduction of the garage size, therefore rendering the available parking space as insufficient. Inadequate parking space on the property will lead to parking on the road. The road narrows by 0.7metre at this end of Follyfield and we are concerned that this will impact on access for the surrounding residents. We ask that you consult Highways on this issue and revert to the original siting of the house to re-establish sufficient parking space.

All houses in Follyfield are built of Cotswold stone (among other materials) and the change of construction materials from stone to composite is out of keeping with the rest of the houses. Composite cannot look the same and we ask that you ensure the applicant reverts to Cotswold stone.

Amended scheme
Hankerton Parish Council notes with approval the amendment to natural stone but continues to object to the proposed position on the grounds of the resulting likelihood of the need to park cars on the street, which in this area, where the road is narrower than in the main part of Follyfield, should not happen.

REPRESENTATIONS

Public Consultation: six letters of representation received, and the residents' concerns are summarised as follows:

Design / Amenity / Environmental matters concerns
- on-going drainage issue in Hankerton
- providing private drainage for this property should be considered
- the footings on site is considerable different from the approved plan
- impact upon No. 8

- Cotswold stone is a feature of all the designs of houses on Follyfield, so Cotswold stone to be used in line with the original plans.
- Based on Planning Guidelines, that the proposed property will be built too close to mine.
- It appears that there are a number of principal windows on the proposed elevations overlooking my property which are also too close. Some of these windows are as close as 7 meters to my closest windows, and within 15 meters to my lounge and bedroom window.
- The grey window frames and reconstituted stonework (if not an irregular shape) are not in keeping with the original plans and visually will look out of place with the other properties.

Highway concerns

- When the correct boundary is instated it will mean that No. 5 will gain at least a metre of additional land. This will therefore be a loss to the proposed driveway of No. 6 making it difficult to park more than one car.
- the garage for No. 6 will be positioned close to the road with no driveway parking in front and has the potential to hamper access to No. 8 Follyfield if cars are parked on the road outside the garage of No 6.
- Vehicles are much larger in 2023 than they were in 1972. The current layout of the garage is too small to house the average vehicle and so it may be the intention is not to use the garage at all.
- All other properties on Follyfield have single drop driveway access so this development should match every other property.
- otherwise cars will be parked on the roadside obstructing access for refuse lorries etc.
- I question the proposed boundary line between the properties. The title documents for both my property and that of the proposed development site are identical. However, the proposed site plan within the application shows a boundary line in excess of 3 meters to my side of the boundary. The proposed site plan on the application, illustrating the drive and parking, is inaccurate and cannot be achieved.
- There is not the space for a vehicle to park in front of or within the garage as the internal wall has been altered to create an additional room.
- While a space for a single car is shown by altering the driveway to the south of the proposed house we strongly feel that room for at least 2 vehicles is required. Extending the parking spaces from an initial 3 vehicles was stipulated by Wiltshire Council during recent alterations to our similar sized property. The siting of the current foundations may not allow this.

Other concerns

- on-going boundary dispute (including the position of the existing boundary fence), the correct boundary between No. 5 and No. 6 should be valid and amended in line with all original plans.
- The current footings make no sense, why would the house not be built skewed in to the correct position instead of how the footings are set now ? There are all the advantages of space and access in the correct siting rather than in what now exists.
- It is important that the owners of the site No. 6, the developer and the builder keep all their neighbours informed and operate in a way that does not cause unnecessary stress to anyone in the neighbourhood.
- The amendments to this application do not address the issues of the incorrect positioning of the footings, the extended drop kerb or the issue of car parking. Therefore our comments of the 9/11/2023 still stand.
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PLANNING HISTORY

The outline planning permission, No. 857, was granted on 31st March 1959 for a residential development at part O.S. No. 262, Eastcourt Road, Hankerton, and the application site is located within the approved development, subject to two planning conditions:

a. That detailed plans and particulars of the buildings proposed to be erected and of the means of access proposed to be formed shall be submitted to and approved by the Planning Authority before any development is commenced.
Reason: To conform with regulations on an outline application.

b. The land shall be developed at a density of not more than 4 dwelling houses to the acre.
Reason: In the absence of main drainage a higher density would create drainage problems.

The reserved matters application, No. 71/UH/201/O, was approved, in conjunction with the outline planning permission, on 27 March 1972, for revised layout and house types at Follyfield Estate, Hankerton, subject one condition, which states ' *This permission shall relate to the following submitted plans: 647/8B (block plan), 647/17, 647/18, 647/28, 647/31, 647/32 (House Type C), 647/34, 647/35 and 647/37 Reason: To ensure there is no doubt as to the development hereby permitted.*

Most of the approved dwellings under this planning decision were built. However, the approved dwelling subject to this application site, known as 'plot 6' has not been built yet.

PL/2022/02752 Certificate of Lawfulness for an erection of one dwelling to accord with the approved site layout plan drawing no. 647/8-B dated 14th February 1972 and the approved elevations and floor plans 'House Type C' drawing no. 647/32 dated 19th April 1969 of the planning decision Ref.: 71/UH/201/O dated 27th March 1972 on land associated with the garden area of No. 5 Follyfield, Hankerton, also known as Plot 6. Granted 19 December 2022

The wider site is also subject to other planning application
Planning Ref. No. 1968- Layout and Erect 3 dwellings. Approved 28.06.65

ASSESSMENT

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined 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 proposal is solely to vary the approved condition 1 of 71/UH/201/O relating to the siting of the approved dwelling, change in materials and alterations to the fenestration and the installation of solar panels on the front of the south elevation. Condition 1 of 71/UH/201/O states
'This permission shall relate to the following submitted plans: 647/8B, 647/17, 647/18, 647/28, 647/31, 647/32, 647/34, 647/35, 647/37. Reasons: To reason there is no doubt as to the development hereby permitted.'

The principle of the development has been established by the approval of planning applications, 71/UH/201/O dated 27th March 1972, and this permission has been implemented, therefore there is no objection in principle for the proposed dwelling at this location.

Design and Visual Amenity

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses. This is reflective of paragraph 127 and section 12 of the Framework, in addition to securing a good standard of amenity for current and future land occupants.

Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

Concerns from residents and the Parish Council are noted.

The proposal is to vary condition 1 of the 1971 planning permission to allow changes to the position / siting of the approved dwelling. No changes are proposed to the scale and the form of the approved dwelling. The revised proposal has been submitted to show Cotswolds natural stone and off white render would be used for the proposed dwelling, and the bedroom window on the first floor south elevation has been removed from the proposal. A chimney was also included to reflect the character of the site.

The site is well contained by the established boundary treatment of mature hedges. The proposed changes to the approved drawings are considered acceptable as the resulting dwelling would still retain the main character of the approved dwelling and respect the character of the locality. The proposal would include the installation of solar panels, and they would likely to be visible from public realm. However, solar panels are commonly used in residential properties and the site is not subject to special landscape designation. Further, the adopted Core Strategy does support renewable energy installation to tackle climate changes. As such, it is considered that the proposal would not result in significant harm to the locality or visual amenity of the wider context. Therefore, the proposed alterations are considered to be in accordance with core policy CP51 & CP57 of the WCS.

Residential Amenity

The National Planning Policy Framework (December 2023) and CP57 of the WCS (Jan 2015) seek to secure high quality design and a good standard of amenity for current and future land occupants. In respect of residential amenity, residents' concerns are noted.

The proposed dwelling would still be two-storey in height. In terms of overlooking issues, changes have been made on the first floor window on the southwest elevation, the window in bedroom 1 has been removed to minimise direct overlooking. The extant permission presents a level of overlooking between properties, although the proposed dwelling would orientate differently from the original approved plan and may result in a slightly different degree of in-direct overlooking, the change of orientation would not be so significant to be detrimental to the amenity of the neighbouring property.

In terms of overbearing, given that the mass, density, scale and form would remain unchanged, therefore, the proposed dwelling would not result in material harm above the situation which was originally approved.

Highway and parking

Concerns relating to highway and parking are noted. In terms of parking provision, the proposed dwelling would have 3 bedrooms, therefore 2 parking spaces need to be provided within the curtilage of the site.

The proposed ground floor shows an integral garage, which is approximately 4 metres long and 2.9 metres deep. However, due to its restricted depth, the proposed garage cannot be counted as a parking space.

The revised block plan shows a driveway / hardstanding area measuring approximately 5.4 metres by 9.9 metres metres to provide 2 no. parallel car parking spaces. It is noted the width of the hardstanding area can be restricted, however, the area to the south of the host dwelling would still large enough to provide 2 parking spaces in tandem position, it is therefore considered that site would be able to provide required parking spaces for this dwelling to meet the Council's parking requirement. Subject to a planning condition securing the provision of 2 parking spaces prior to the occupation of the approved dwelling, there is no highway objection in this regard.

In terms of access, the proposal would involve an extension to the existing/creation of a new vehicle access/dropped kerb. The applicant will require a licence from the Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Given that it is unclassified estate road, although the proposal would result in a loss of on-site parking, the proposed extended dropped kerb would not result severe highway safety issues given its residential nature of the scheme.

In summary, there are no highway objections to the proposal.

Other matters

The site is also susceptible to ground water flooding. Although the application has not been accompanied by any drainage details, there is an extant permission for a dwelling on the site therefore it is considered that any necessary drainage provision can be addressed through approval of Building Regulations.

Adjacent residents raise objections and disputes over the ownership of boundary. Further clarification was sought and the revised plan was submitted to update the red line boundary, which shows the southern (red line) boundary has been moved away from the adjacent property, No. 5 Follyfield. As ownership boundary dispute is a private civil matter between the applicant and the adjoining owners, and it is not planning material consideration, therefore, the application can be determined as it submitted.

CONCLUSION

The proposed alterations at plot 6 Follyfield are considered to be acceptable in relation to the approved dwelling, locality & open countryside in terms of scale, materials and design. Furthermore, it will not result material impact to be detrimental to the amenities enjoyed by the

occupants of the residents and it is therefore in accordance to CP51 & CP57 of the Wiltshire Core Strategy (Adopted) January 2015 and the National Planning Policy Framework December 2013.

RECOMMENDATION
That planning permission be GRANTED subject to the following conditions:

Conditions: (3)

1 This permission shall relate to the following submitted plans: 647/8B, 647/17, 647/18, 647/28, 647/31, 647/32, 647/34, 647/35, and 647/37, and the following drawings for the dwelling known now as plot 6:

Drawing No. 293/101 Rev C, Site location plan, Proposed Block Plan, Proposed Elevations and Floor Plans, and
Drawing No. 293/103 Height comparison, both received by the Council on the 1st February 2024

Drawing No. 293-102 Revised Site Layout Plan, received by the Council on 28 December 2023.

REASON: To ensure there is no doubt as to the development hereby permitted.

2 The proposed dwelling hereby approved, identified as plot 6, shall not be occupied until 2 no. parking spaces together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

3 The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be as stated on Drawing No. 293/101 Rev C.

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

Informatives: (5)

4 CIL Informative

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

5 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.

6 Building Regulations
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.

7 Statutory Undertakers

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 consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may 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.