CASE OFFICER'S REPORT

Application Reference:	PL/2023/05382
Application Type:	Listed building consent (Alt/Ext)
Site Inspection:	11th August 2023
Consultation ends:	12th December 2023
Original Target Date:	23rd August 2023
Extended Target Date:	23rd February 2024
Case officer:	James Repper

Site Address:	Magna House, High Street, Berwick St James, Salisbury, SP3 4TS
Proposal:	Removal of side and rear extensions and construction of replacement single storey extensions with associated internal alterations. And the removal of existing outbuilding and extension of existing store to provide garaging and garden storage with associated external works and repositioning of access.
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The application site is a Detached residential dwelling that is designated Grade II Listed and located within the Berwick St James Conservation Area. The site is located in the heart of the established small village of Berwick St James, as defined by Wiltshire Cose Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 4 (spatial Strategy for the Amesbury Community Area). The property is surrounded, on three sides, by other residential units and their amenity/parking provisions, some of which have been subject to alterations and/or extensions over time, and open countryside to the rear beyond the paddock in the ownership of the applicants.

PROPOSAL:

This is both a householder and listed buildings consent application proposing the removal of, modern, side and rear extensions plus the removal of an outbuilding. Replacement single-storey extensions to the side and rear, the extension of an existing store to provide further storage and garaging. Associated internal alterations and repositioned access, plus all other associated works.

RELEVANT PLANNING HISTORY:
None

POLICIES:
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):
C6 (Special Landscape Caracter Area)
H31 (Extensions in the Countryside)
C24 (Extensions and Additions to Buildings in the Countryside)

Planning (Listed Building and Conservation Areas) Act 1990
S16 (Decisions on Application)
S66 (Special Considerations Affecting Planning Functions)
S72 (General Duties of Planning Authorities)

Wiltshire Core Strategy:
CP1 (Settlement Strategy)
CP2 (Delivery Strategy)
CP4 (Spatial Strategy for the Amesbury Community Area)
CP57 (Ensuring High Quality Design & Space Shaping)
CP58 (Ensuring the Conservation of the Historic Environment)

Supplementary Planning Documents:
Creating Places Design Guide SPG (April 2006)

REPRESENTATIONS:

Conservation – No Objection to the revised scheme subject to conditions
 The latest revision of the plans, 222002.02C,03C,04C, show rooflights instead of the dormers and address my outstanding concerns. Conditions are needed for window details and materials.

Ecology – No Objection subject to conditions
 We welcome the Protected Species Survey submitted in support of the application and note that the main building and outbuildings were assessed as having negligible potential to support roosting bats. Internal surveys were undertaken within the loft voids and no evidence of bats was found.

The ecology report notes that the site supports 'potentially suitable habitat' for common reptiles and given the small size of the area, no surveys were carried out but presence is assumed. We note that on completion of construction works the site will remain suitable to support reptiles and there will be no loss in habitat connectivity. Recommendations are included in the ecology report which will ensure works are carried out in a manner that will reduce impacts upon reptiles.

Conditions:

o The development will be carried out in strict accordance with the following documents:
• Extended Phase 1 Ecological Survey dated Sept 2023 by Stark Ecology
REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

Informative:
o Bats
There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Reptiles
o There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in (Extended Phase 1 Survey by Stark Ecology dated September 2022). If these

species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

Breeding Birds
o The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Berwick St James Parish Meeting – No Comment

Letters – Letters of representation have been received from three respondents, two in full support of the application and one raising concerns relating to the details proved, proximity to boundary, flooding and highways access.

ISSUES:
The main considerations which are material to the determination of this application are listed below:
- Principle
- Character & Design
- Neighbouring Amenities
- Flooding

PLANNING ASSESSMENT:

Principle:
The application site is located within the small village of Berwick St James, part of the Amesbury Community Area, which is defined as a small village by WCS core strategies 1 and 2. The housing policy boundaries have been removed from small villages effectively categorizing them as the countryside. Saved policies C24 and H31 from the previous Salisbury District Local Plan have been retained following the adoption of the WCS.

The WCS states that within small villages some modest development may be appropriate to contribute to the vitality of rural communities by ensuring better facilities and homes.

Saved policy C24 From the Salisbury District Local Plan 2003 states that:
Extensions and additions to buildings in the countryside will only be permitted if they are sympathetic in scale and character with the existing building and surroundings, and fall within the existing curtilage.

Saved policy H31 from the Salisbury District Local Plan 2003 states that: In the countryside extensions to existing dwellings will be permitted provided that:
a) The extension is subservient in size to the existing dwelling and house plot and does not substantially alter the character of the dwelling;
b) The design of the extension is in keeping with that of the existing dwelling and uses complementary materials;
c) The extension would not create, or be capable of creating, a separate dwelling.

Saved Policy C6 seeks to ensure that development proposals have regard to the high quality of the landscape:

Within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality of the landscape are acceptable, they will be subject to the following criteria;
i) the siting and scale of development to be sympathetic to the landscape; and
ii) high standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area.

Furthermore, the site is already in use for residential purposes and the principle of extensions or additions to be used in association with the residential use is accepted. These principle acceptabilities are, however, subject to the details, such as their implications for the character of the area and neighbouring amenities. These will, therefore, be addressed in more detail below.

Character & Design:
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires 'special regard' to be given to the desirability of preserving a listed building or its setting. In addition, Section 16 of the Act states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having 'special regard' (in relation to listed buildings) and/or in paying 'special attention' (in relation to conservation areas) the NPPF states that regard must be had as to whether the proposal causes 'substantial harm', 'less than substantial harm' or no harm to the asset.

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts. Core Policy 58 aims to ensure that Wiltshire's heritage assets such as the conservation area are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life.
Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

In this instance, it is considered that the proposed works are relatively minor in terms of scale and mass and where demolition is called for, relates to modern additions affixed to the listed building without consent in the past. The proposed works have been through multiple iterations and redesigns so as to preserve and enhance the character and setting of the listed building whilst also preserving and enhancing the conservation area. The removal of the lean-to conservatory to the rear, and its replacement with a single-storey pitched-roof rear extension, is considered to be a benefit to the character and setting of the listed building whilst relatively neutral on the conservation area, due to the location at the rear and its concealment from the public realm. The alterations to the entrance have been negotiated with the conservation officer and the replacement outbuilding to the south is considered to be a marked improvement to the setting of the building and whilst partially visible from the public realm is not deemed to harm the street scene. Overall it is considered that the proposed works are of an acceptable scale, mass and design to maintain the character of the application site, will remove unsightly modern additions to the building and will lead to an enhancement to the setting of the listed building. The works are not deemed to be harmful to the street scene and would preserve and enhance the character of the designated

conservation area. Whilst it is noted that some harm will be caused to the historic fabric of the building, it is considered to fall within the “less than substantial” range. Less than substantial harm can be justified if it is outweighed by public benefits, in this case, the removal of the unsightly and badly designed additions to the property alongside the updating to allow the property to function more suitably for modern living, securing the future viability of the site, are considered to be sufficient public benefits to outweigh these less than substantial harms.

Neighbouring Amenities:
WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. 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.

In this instance, it is considered that a large proportion of the works will take place to the rear of the main dwelling and to the south. These works will have no effects on neighbouring amenities due to their separation from the boundaries and neighbouring properties. The works to replace the outbuilding and create garaging and storage, however, are due to take place on the northern boundary, a boundary shared with 1 Henry’s Yard. These works will be higher than the existing structures and as such will cast a shadow larger than the existing buildings. These shadows are considered to still be relatively minor and will fall on the front amenity area of 1 Henry’s Yard and have no effect on the private rear amenity space. Overall it is considered that the effects of the proposed works would not be sufficiently harmful to warrant a refusal of planning permission. Overall it is, therefore, considered that the proposals would not cause significant changes to the environment of the occupiers of neighbouring properties including privacy, outlook, daylight and sunlight, and living areas within private gardens.

Flooding:
Concerns have been raised by the occupants of a neighbouring dwelling in relation to flooding within the immediate area and evidence has been provided. The site is not located within flood zones 2 or 3 but is within an area considered at risk of surface water flooding. However, the site is already in use as a residence and the works taking place in the area at risk are to be non-habitable and are not considered to have a significant effect.

CONCLUSION:
Overall, it is considered that the proposed works, having been redesigned during the process, are of an acceptable scale, mass, height and design to maintain the character of the application site and would not be detrimental to the street scene. Any less than substantial harm caused to the historic fabric is considered to be outweighed by the public benefits of the proposals. Similarly, due to its location and scale, it is considered that the proposal would be unlikely to have a significant impact on the amenities enjoyed by occupiers of adjacent dwellings.

The proposal would, therefore, accord with the aims and objectives of the Wiltshire Core Strategy and other Government guidance and is recommended that planning permission be granted for the proposal.

RECOMMENDATION:
Approves subject to the following conditions

Conditions: (5)

1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:

Application Form & Certificate Received 28th July 2023
Plans Ref:
Revised Site & Location Plans DWG: 222002.01B Received 20th November 2023
Revised Elevations as Proposed DWG: 222002.04C. Received 13th February 2024
Revised Groundfloor Plan and Rear Elevation as Proposed DWG: 222002.02C Received 13th February 2024
Revised First and Second Floor Plans as Proposed DWG: 222002.03C Received 13th February 2024

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

3 No development shall continue beyond slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development continues in order that the development is undertaken in an acceptable manner, in the interests of preserving the designated heritage assets, the visual amenity and the character and appearance of the area.

4 No works shall continue beyond slab level on site until details of all new external window and door joinery and/or metal-framed glazing has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development continues in order that the development is undertaken in an acceptable manner, in the interests of preserving the designated heritage assets, the visual amenity and the character and appearance of the area.

5 The development will be carried out in strict accordance with the following documents:
• Extended Phase 1 Ecological Survey dated Sept 2023 by Stark Ecology

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

Informatives: (1)

6 Bats

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Reptiles

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Party Wall Act

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.

Building Regs
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.