CASE OFFICER'S REPORT

Application Reference:	PL/2023/10246
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	13 February 2024
Case officer:	Brook Bishop

Site Address:	2 The Farm, Purton, Swindon, Wilts, SN5 4GF
Proposal:	Retrospective application for the installation of AC compressor unit to the side of property and erection of pergola to rear
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The application site is a modern, two-storey, detached dwelling house externally constructed from coursed artificial stone. It has an asymmetrical three-window front and two dormers atop a gable-ended roof. To the west and east there are driveways leading to garages and gates into the rear amenity areas of the application site and neighbours. The site enjoys a rear amenity area, including a patio close to the rear elevation. It is bounded on the west and east sides by the walls of the garages and to the north end by a fence, assumed to be approximately 1.8m tall.

The site is set within a modern residential area. There are a mix of dwelling sizes, external finishes and details, which creates an attractive and eclectic character. The site has immediate neighbours to the east, south and west, but there is some degree of separation and screening from northerly neighbours.

It lies in the Purton Neighbourhood Plan area but is outside the settlement boundary. The site is not subject to any sensitive or special land-use designations.

PROPOSAL:
The application seeks retrospective planning permission for erection of a timber-framed pergola, to the rear of the property, and the installation of an air conditioning (hereafter AC) unit on the external wall of the east side elevation.

The pergola is just short of the full width of the rear elevation and has a height of approximately 2.5m. It is supported by three knee-braced posts and has a shallow roof pitch topped with two flat rooflights. It is dark grey/black in colour.

The AC unit is approximately 60 x 50 x 55 cm and sits approximately 2.5m above the ground. Manufacturer technical specifications have been provided by the applicant.

POLICIES:
Legislation:
Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) (England) Order 2015:

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 19: Spatial Strategy for Royal Wootton Bassett and Cricklade Community Area (CP10)
• Core Policy 57: Ensuring High Quality Design and Place Shaping (CP57)

Neighbourhood Plan:
Purton Neighbourhood Plan – Made November 2018.

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:
14/10200/REM – Proposed Erection of 422 Residential Dwellings and Associated Drainage, Parking, Garages, Landscaping, Open Space and Roads Including Realignment of New Junction Proposals of the B4553. Discharge of Associated Outline Approval (N/10/04575/OUT) Planning Conditions for this Phase of Development – Condition Numbers 4, 5, 6, 7, 8, 10, 16, 25, 29, and 30.
• Condition 9: removing PD rights for outbuildings.
• Condition 10: removing PD rights for additions/extension or external alterations.
ENF/2023/00775 - Unauthorised air conditioning unit and pergola.

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

CONSULTEE RESPONSES:
Purton Parish Council - no objection.
Public Protection – no comment.

REPRESENTATIONS:
No letters of representation were received related to this proposal.

PLANNING ASSESSMENT:
Principle:
The principle of providing and extending facilities in association with existing residential accommodation is considered acceptable in principle and in accordance with policies CP1, CP2 and CP57 of the adopted Wiltshire Core Strategy, 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. Therefore, residential extensions/alterations such as the proposed are acceptable in principle subject to there being no adverse impacts.

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 AC unit is a relatively small, box shape with a white exterior casing. It is demonstrably modern, but its compact form suggests its domestic, rather than industrial, use and is not, therefore, considered to be out of character with the surrounding modern residential area. Furthermore, it is sited on the east elevation which forms a utility area where the dwelling's meter boxes, satellite dish and driveway are located. It is considered that one could reasonably expect to find an AC unit at this location, and it does not, therefore, look out of place.

The pergola is of a simple, timber framed design painted dark grey or black. It is tucked between two garages on both sides and is set at a low enough height so that it has no harmful impact on the street scene. Furthermore, its design communicates its use as a garden structure and does not appear out of place within the context of the host dwelling's private amenity space.

It is considered the AC unit and pergola have not significantly harmed the character of the locality or the appearance of the building and is therefore in accordance with CP57. However, a condition is recommended so that the AC unit is removed as soon as reasonably practicable when no longer needed. 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, ensuring 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 main harmful impact that the installation of an AC unit is likely to have on neighbouring amenity, is the noise generated by the compressor unit. In this case, the manufactures specifications suggest that a nominal noise level of around 60 dBA can be expected. It is considered that this is the approximate noise level generated by a normal conversation, but the exact noise level will be affected by other environmental factors and the distance from which one is experiencing it.

The AC unit is fitted to the east side elevation and there are the rear amenity areas of neighbouring dwellings immediately east of the site. It is considered that, when in operation, the noise generated would likely be audible from within these private amenity areas. It is noted, however, that there is approximately 7m gap between, formed by the driveway, and acoustic barriers created by the approximately 1.8m high walls and fences which enclose the neighbour's rear amenity areas. Nonetheless, during the summer months, when the neighbours are likely to have their windows open during the warmer evenings, if the AC unit were in operation there is the possibility it could be heard.

It is understood from the applicant that the AC unit was installed on 23 May 2023 and it will, therefore, have been in operation over the summer months which followed. The Council's Public Protection team were consulted on this application but did not comment.

It is noted that this retrospective application was made following a complaint and a subsequent planning enforcement investigation. The basis of the complaint was that the works undertaken were unauthorised. While noise is mentioned in the complaint, they describe the noise generated during the construction of the pergola only. Attention is not drawn to noise generated by the operation of the AC unit, nor has attention been drawn to other complaints which would affect consideration of this proposal.

It is considered that the AC unit has not caused significant harm to residential amenity and to therefore be considered unacceptable. It is therefore in accordance with CP57.

CONCLUSION:

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

It is recommended that planning permission be granted subject to relevant conditions.

Conditions: (2)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan. Received: 27 November 2023.
Block Plan. Received: 20 December 2023.
Pergola Photo. Received: 27 November 2023.
AC Unit Technical Details. Daikin, Split 2.5 Kw White Comfora (Ftxp25M9/Rxp25M). Received: 3 January 2024.

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

2 The air conditioning unit hereby approved is removed as soon as reasonably practicable when no longer needed.

REASON: To protect the long-term visual amenity of the area.