Objection to Retrospective Planning Application PL/2023/11045

I am writing on behalf of the owner of 4 Alma Place. 4 Alma Place, its garden and outhouse were purchased by the owner 50 years ago and they are located directly adjacent to 3 Alma Place.

The boundary of 4 Alma Place garden extends to the southern edge of its block built garden outhouse and across the full width of the low stone wall nearest the cottages. The owner has enjoyed undisputed access to the full width of their garden and exterior of the outhouse during their ownership.

Incorrect statements in application

On the submitted application form, the applicant has incorrectly indicated that they are the sole owner of the land to which the planning application relates and has incorrectly signed 'Certificate A'.

The applicant is not the sole owner of the land to which this application relates. Namely:

- The northern fence has been constructed in the garden of 4 Alma Place.
- Electricity and water feeds run across the garden of 4 Alma Place.
- The roof of the summerhouse, by design, crosses over the property boundary, extending over the top of the garden outhouse of 4 Alma Place.

Permission has not been given for any development or changes inside the boundary of 4 Alma Place, or its garden, to any owner of 3 Alma Place. We have written to the current owner of 3 Alma Place requesting that the above items are removed from our property.

The applicant does not own all the land to which the application relates. They should have signed 'Certificate C' on the application form and formally notified all land owners to which the application relates.

As the information on the application form is false, the application should be made invalid until the applicant has corrected this error by signing Certificate C and giving formal notice to all relevant land owners. Until this is done, the application cannot be lawfully determined.

Summerhouse extends outside the boundary of 3 Alma Place

The drawing ALMP001/05, published as "Proposed Elevations and Floor Plans, Proposed Site Plan", shows the site width is 3,200 mm. On drawing ALMP001/5, the front elevation of the summerhouse (Item A on the drawing) shows a width of 3,200 mm excluding the roof overhang at the sides of the structure.

This means that the summerhouse is designed to extend across the property boundary into the garden of 4 Alma Place. The roof overhang of the summerhouse has been measured and it overlaps the outhouse roof of 4 Alma Place by approximately 15cm. See Picture 1.

We ask Wiltshire Council to reject this application as the design and implementation of the summerhouse is partly outside the boundary of 3 Alma Place and in a location not wholly under the control of the applicant. If Wiltshire Council grants the application as submitted then it will be approving a boundary violation into 4 Alma Place, which we categorically do not agree with or approve of.

We ask Wiltshire Council to reject this application as the summerhouse by design and in implementation obstructs access to and maintenance of the outbuilding of 4 Alma Place, and restricts potential future developments in the garden of 4 Alma Place.



Picture 1 – Intrusion of the summerhouse roof (wooden structure left) into 4 Alma Place garden and overlapping above its outhouse.

Summerhouse impact on 4 Alma Place

According to Wiltshire Council Core Policy 57: Ensuring High Quality Design and Place Shaping, the proposal should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and 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).

The impact of the summerhouse on adjoining buildings has not been addressed in this application. This is evidenced by the complete omission of the outhouse of 4 Alma Place from the layout drawing ALMP001/05. This is relevant as the outhouse southern wall adjoins the garden of 3 Alma Place at the eastern end of the property, directly adjacent to the summerhouse requested in this application.

No consideration is given in this design to rainwater management with adjoining buildings of the summerhouse. In practice, waste rainwater for half of the summerhouse roof is directed by its overlapping roof onto the outhouse of 4 Alma Place. The rain water then flows back onto the wall of the summerhouse and into an area inaccessible for maintenance.

The lack of compatibility with, and overshadowing of the adjacent building is causing water damage to the outhouse of 4 Alma Place and the summerhouse itself. Water ingress into the summerhouse timber is already visible (Picture 1) and we understand from the current owner that it is not usable for its intended function due to excessive damp.

We ask that the application is rejected as the application is evidently not in accordance with Core Policy 57. This is not a high-quality design and compatibility of the development with the adjoining building is manifestly absent.

Fencing and utilities location

The fencing on the northern side of the garden of 3 Alma Place has been wholly installed in the garden of 4 Alma Place, and abuts the western face of the outhouse of 4 Alma Place. See Picture 2. Electric and water feeds are evident inside this fence.

By virtue of the height, scale and form of the opaque fencing proposal, together with its position, there is a significant negative impact on the amenities of 4 Alma Place, in regards to natural light, overshadowing and outlook.

We are also now unable to access the full width of the garden. Double panel fencing 150 mm deep now abuts the western face of our outhouse, preventing access for enjoyment and maintenance.

We ask Wiltshire Council to reject this application as elements of the fencing are installed, and utilities are laid without permission outside the boundary of 3 Alma Place and not under the applicant's control.

If Wiltshire Council grants the application as submitted then it will be approving a boundary violation into 4 Alma Place, which we categorically do not agree with or approve of.

We ask Wiltshire Council to reject this application as the fencing on the northern side of the development is designed and installed in such a way as to prevent complete enjoyment of, or maintenance of the garden and the outbuilding in the garden of 4 Alma Place. The fence construction and placement is therefore in contravention of Core Policy 57, which calls for a high quality design.



Picture 2

Impact of fencing and bin store in conservation area

We note that under the Planning (Listed Buildings and Conservation Areas) Act 1990, that in respect of listed buildings, the council must 'have special regard to the desirability of preserving the building or its setting'.

The fencing, proposed and installed, is a tall, modern style opaque double panel structure which is 150 mm thick. The rest of the row of cottages have low open trellis fencing. The bin store is similarly an intrusive structure, directly adjacent to the pavement.

The modern style fencing and storage structures detract from the character and appearance of this conservation area and the listed buildings of Alma Place. The fencing is highly intrusive, visible the length of Alma Place and from Marlborough High Street.

We ask Wiltshire Council to reject this application as the fencing and bin store denigrate and detract from the conservation area and the setting of the listed buildings.

Failure to submit a heritage statement

As the application property is Grade II listed and located within a conservation area, the property is defined as a heritage asset in the National Planning Policy Framework (NPPF). Paragraph 200 of the NPPF states that: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'

The applicant has failed to submit a heritage statement, contrary to national policy. This means that Wiltshire Council will not be able to make an informed decision on the impact of the proposal on designated heritage assets, and the application should be refused on these grounds alone.

Harm to heritage assets

As noted above, the property is Grade II listed and located within a conservation area. The Historic England Listing relates to 1-10 Alma Place as a group. The listing entry reads as follows:

> 'C18. Chequer brick (some colour washed). Pitched old tile roof. Brick stacks. 1 range each of cased sashes with glazing bars (No 1 has ground floor casement, Nos 3 and 8 modern casements). 1 planked door each, except for No 2 which is four-panelled, and Nos 1, 4, 7 & 8, which are modern. Later porches to Nos 2, 3, 4, 8 and 9. All the listed items in Alma Place form a group.'

It is key to note from the listing entry that a large part of the heritage value and significance of 1-10 Alma Place is the contribution they make as a group of properties rather than as individual houses. Therefore, by erecting the proposed fence around the front garden area, their legibility as a group is diminished, which would cause harm to the significance and appearance of the properties.

The proposed summerhouse in the context of the modest row of cottage is of an inappropriate scale and massing that would compete with the appearance of the existing property, detracting from its character and appearance.

Taken as whole, the proposed fencing, bin store and summerhouse, give the front garden area the appearance of a rear garden. This serves to confuse the narrative of this group of properties and reduces their legibility as a uniform row of cottages, from which they derive much of their heritage significance.

Insufficiently detailed application

The drawing ALMP001/05 details the height and length of the fencing. No dimension is listed for the width of the fence, which has been measured at 150 mm. The location of these substantial fences is not shown on the site plan drawing ALMP001/05 or detailed elsewhere in the application.

The erection of raised decking outside the summerhouse and installation of paving slabs is indicated on the proposed drawings, but not reflected in the description of development.

We ask Wiltshire Council to reject this application as substantial structures are missing from the application site plan and other elements are not reflected in the description of the development.

Inaccurate documentation

The site plan ALMP001/05 shows that the bin store and storage area show a design length of 240cm. The measured length of the installed structure is 205cm. The site plan also shows a straight southern edge to the garden boundary, whereas the actual fencing has a significant deviation along its length.

Given that this is a retrospective application, the site drawing should accurately represent what is installed on the ground, however it does not.

We ask Wiltshire Council to reject this application on the basis that the submitted planning documentation has significant deviations from the physical installation for which retrospective planning permission is being requested.

Changes to Grade II listed pavement

The pavement along Alma Place is Grade II listed. In front of 3 Alma Place the listed pavement has been replaced with modern cobbles.

We ask Wiltshire Council to reject this application as a Grade II listed pavement has been altered as part of this development without planning permission or requesting permission as part of this application.

Impact on owner of 4 Alma Place

The owner of 4 Alma Place is an elderly lady who has a very strong emotional attachment to her property, which she purchased with the assistance of her mother 50 years ago.

The changes to her cherished cottage are highly distressing for her, and we ask that Wiltshire Council takes into account the impact on her in having to deal with this unapproved and intrusive development.

James Hamblin
3rd March 2024