CASE OFFICER'S REPORT

Application Reference:	PL/2024/00396
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	22 February 2024
Case officer:	Jane Sanger

Site Address:	South Lawn, KIngs Road, Market Lavington, Devizes, Wilts, SN10 4QB
Proposal:	Erection of detached garage / studio annexe and proposed entrance gates and posts (Resubmission of PL/2023/09793)
Recommendation:	Approve with Conditions

POLICIES

The National Planning Policy Framework (NPPF) 2021:

Chapter 4 – Decision Making

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Effective Use of Land

Chapter 12 – Achieving Well Designed Places

Chapter 15 – Conserving and Enhancing the Natural Environment

The Wiltshire Core Strategy, Adopted January 2015:

Core Policy 51 – Landscape.

Core Policy 57 – Ensuring High Quality Design & Place Shaping

Planning Practice Guidance (PPG).

The Wiltshire Local Transport Plan 2016-2026: Car Parking Strategy (March 2015).

Market Lavington Neighbourhood Development Plan 2018 – 2026.

CONSULTATION RESPONSES

Easterton Parish Council – no objections.

Arboricultural Officer – no objections.

Highways Officer – no objections.

Rights of Way Officer – no objection subject to informatives, relating to private vehicular rights, safety/reinstatement works, and obstruction during construction from the development.

REPRESENTATIONS

No third party representations have been received.

KEY ISSUES:

• Relevant planning history.

• Impact upon neighbour amenity.

• Impact upon highway safety.

• Impact upon the open countryside.

• Impact upon the character and appearance of the area.

ASSESSMENT

The application site relates to South Lawn, Kings Road, Market Lavington. It is a detached, L-shaped, cream rendered bungalow, under tiled, hipped and gable roof alignments. Adjacent to the north-eastern side elevation there is a single storey flat roof extension, comprising a garage and a workshop, together with some living space. In the recess between the L-shape sections of the dwelling, presenting to the south-eastern front elevation and the north-eastern side elevation, there is a single storey, flat roof extension accommodating a WC.

There is an existing, gated parking area laid to tarmac and concrete to the north-western, rear of the dwelling. The property occupies a substantially sized, elongated plot and is enclosed with tall, dense, hedgerows along all the boundaries, except part of the north-eastern and north-western boundaries which have timber post and rail fencing. The fenced off area to the rear of the site with a pedestrian gated access, appears to be agricultural land, with a large, timber barn and a greenhouse in it. There is a timber 5-bar gate adjacent to the south-western, side elevation of the house which separates the front garden from the rear. Next to the side elevation of the flat roof garage, there is an oil tank and in the rear garden there is a timber constructed summerhouse. The topography of the site is flat.

The property was under construction at the time of the site visit, implementing extant approval PL/2023/01909.

The application site lies outside of the development boundary for Market Lavington and is therefore in the open countryside. Public Right of Way (PROW) MLAV9 (bridleway) runs along the north-eastern, side boundary, and also forms the vehicular access to the application site, which is an unclassified road.

The proposals:

The application proposes the erection of a single storey, detached garage/studio annexe, located forward of the front elevation of the dwelling, adjacent to the north-eastern side boundary. The garage/studio annexe will provide a single garage, with a separate WC and studio. A new hedgerow to replace the existing, will be planted along the north-eastern side boundary with the road, to the north-eastern side of the outbuilding.

The walls of the outbuilding will be clad in untreated, horizontal timber boarding, under a pitched roof, covered in plain tiles.

Further proposed, is the erection of double leaf, timber five bar gates, with timber posts, positioned forward of the principal elevation of the dwellinghouse, in the north-eastern, side boundary, with the road.

Relevant planning history:

PL/2023/09793 – Erection of detached garage with studio over – Refused – 08.01.2024.

PL/2023/01909 - Erection of 1.5 storey extension to dwelling; attic conversion with new dormer window; erection of balcony to rear including the construction of screens either side; and formation of new parking area. Cladding to elevations – Approved with conditions – 28.06.2023.

K/79/0087 – Extension to dwelling – Approved with conditions – 20.02.1979.

Impact upon neighbour amenity:

The proposed annexe meets the required physical and functional tests, as it will be located in close proximity to the dwelling; will be seen within its context, therefore reading as ancillary accommodation. As such, it will provide limited living accommodation and the occupier will be using the annexe in conjunction with the main dwellinghouse. A planning condition will ensure that the outbuilding is tied to the main dwellinghouse.

The proposed garage/studio annexe will not cause any harm to neighbour amenity, due to its position adjacent to the north-eastern side boundary of the property; its single storey design; with its windows and doors facing into the front garden; and as the outbuilding will be sufficiently separated from the nearest neighbouring property at Sandlewold, with the PROW providing vehicular access to the dwelling, further minimising any impact upon neighbour amenity.

The proposals, including the gates and posts, due to their position and low scale design are not considered to cause any harm to neighbour amenity in terms of having an overbearing impact; cause loss of light or cause any overshadowing to the private amenity space of the neighbours at Sandlewold and Ledge House, to the south-western side.

Impact upon highway safety:

The site is located on Kings Road, a section of unclassified public highway, with access over a PROW, bridleway, MLAV9. The Council's Highways Officer comments that the extant approval for an extension to the property is noted and that the proposed garage will provide a single car parking space, meeting the internal dimensions set out in the car parking standards of 3m x 6m. There is space beyond the proposed garage/office to allow a further 1-2 car parking spaces at the front of the property. Subject to the proposed office being in private use and tied to the dwellinghouse, there are no highway objections to the proposals. As such, the proposals will not cause any harm to highways safety.

Impact upon the open countryside:

The proposals will be contained to the application property, which is seen within the built form of properties along Kings Road, therefore, they are not considered to cause any harm to visual amenity in the open countryside.

Impact upon the character and appearance of the area:

The proposed single storey garage/studio annexe will introduce a sympathetic, single storey outbuilding, with an acceptable ridge height, scale and will present a simple pitched roof design, using appropriate traditional materials. The gates and posts as shown on the submitted plans are considered to blend in with the rural context of the site. Therefore, the proposals are not considered to cause any harm to the character and appearance of the immediate or wider area.

For completeness, the roof tiles over the garage/annexe will be conditioned to match those on the existing dwellinghouse.

RECOMMENDATION: Approve with conditions.

Conditions: (4)

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:

Application Form
Drawing Nos:
22527_1_Topo_A.dwg – Topographical Survey
OS _ 2044 – Location.dwg – Location Plan
S1-2044-Plan garage.dwg – House As Existing
Garage 2-2044-Plan garage.dwg – Proposed Detached Garage/Studio – Amended Design
All received on 16.01.2024.

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

3 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as South Lawn, Kings Road, Market Lavington SN10 4QB and it shall remain within the same planning unit as the main

dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

4 The roof tiles on the garage/studio annexe building hereby permitted, shall match those on the existing dwellinghouse in terms of their material and colour.

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

Informatives: (3)

5 The applicant should note that in order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway. The applicant is advised to take legal advice to ensure they have a right of access.

6 The applicant should note that no construction / demolition vehicle access may be taken along MLAV9 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

7 The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way [MLAV9] whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.