CASE OFFICER'S REPORT

Application Reference:	PL/2023/11222
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	13 March 2024
Case officer:	Hilary Baldwin

Site Address:	OAK LODGE, 2&2A BRISTOL ROAD, CHIPPENHAM, SN15 1NG
Proposal:	Interior alterations and partial removal of partitions and an interior staircase, demolition of old garden lean-to store, replacement of window where demolition is occurring and construction of hardstanding
Recommendation:	Approve with Conditions

Proposal and Site Description

Proposal

The application seeks planning permission and listed building consent for the removal of an existing, single-storey lean-to extension, the reinstatement of a window opening to match the timber casement windows and the construction of hard standing within the rear garden for vehicle parking and other internal works to this Grade II listed structure.

The works in summary are as follows:

• Creating an opening in the current party wall at ground floor down the side of the chimney breast to connect the two properties (i.e. from existing kitchen to living room)

• Opening a corridor to the rear east side of the house at ground and first floor to connect both properties

• Internal alterations to create new rooms with partitions and other divisions

• New bathroom locations on the rear ground and first floor

• Removing the existing single storey garden wall lean-to (now office) and reinstating a window to the house

• Construct a hardstanding yard to the west with a timber fence and access gate to divide that area from the garden

During the course of the assessment, it was determined that the property is currently divided into two separate residential units. To ensure the correct administrative procedure was undertaken, a revised application form and fee were received. No other changes to the plans were made or required.

Site Description

The application site is a Grade II listed property which at present is divided into two separate dwellings over three floors each. There are two vehicle access points from Bristol Road with the northern end of the structure forming the boundary wall directly adjacent to the highway.

The structure has a mix of rubble stone and blockwork elevations with a stone roof. The main element of the property has a mansard style roof with dormers on the eastern roof slope. There is vehicle parking to the eastern side of the site, with the private garden to the west. Vehicle access to the west is taken from Oak Lodge Close.

Located within the settlement of Chippenham, the site also falls within the designated Conservation Area of Chippenham with the boundary of the site forming the boundary of that heritage asset.

Policies

National Context:

National Planning Policy Framework (NPPF) 2023
Paragraph 11 – Presumption in favour of sustainable development
Paragraph 131, 135 - Function and form of development
Para 195 to 196 - Proposals affecting heritage assets
Para 200 to 208 - Considering potential impacts upon heritage assets

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to '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.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 10 - Chippenham Community Area
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 58 - Ensuring the Conservation of the Historic Environment
Core Policy 60 - Sustainable Transport

Wiltshire Local Transport Plan 2011-2026
Car Parking Strategy

Key Issues
Principle of Development
Impact on Setting and Significance of Heritage Assets and Character and Appearance of the area.
Impact on Adjacent Neighbouring Occupiers
Access, Parking and Highway Safety
Other Considerations - Arboriculture

Relevant Planning History
There is planning history on the site in relation to both properties , but none that is considered relevant to the current application.

20/04112/LBC - Proposed alterations to the kitchen and annex building: Introduce a new glazed opening to kitchen gable wall with timber frame French Doors. Removal of extension to annex and introduce a new side access with timber frame French Doors. Removal of green concrete outbuilding in courtyard. Re-landscape courtyard with flagstones. Replacement dormer window within eastern roof of kitchen range to match other windows on east elevation.
Approved with Conditions

19/06881/LBC - Retrospective planning permission for repairing stone roof and re-leaded the chimney.
Approved with Conditions

19/06882/LBC - Proposal to remove new combi-boiler flue and replace new in different location on same wall and to fill in hole where old flue exists
Approved with Conditions

17/02410/FUL - Removal of 2 foot high garden wall to allow for additional parking space & erection of alfresco dining area with roof cover on existing concrete base.
Approved with Conditions

N/13/01201/LBC - Internal Alterations Including Removal of Stud Wall between Kitchen and Dining Room, Replastering of Exposed Stone Internal Walls with Lime Plaster and Replacing of Flooring to Dining Room, Kitchen, Rear Hall and Cloakroom with Engineered Timber Boards and Installation of Underfloor Heating
Approved with Conditions

Consultation Responses
Chippenham Town Council - No Objection in principle
comments made re use of property, trees and subdivision of garden.

Conservation Officer - Support subject to conditions
Highway Officer - No Comment to make
Tree Officer - No Objection - No dig construction for hard standing

Representations
No letters of representation were received in relation to the development.

Planning Considerations and 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 must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:
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 site specific assessment and related policy consideration and compliance with other policies contained within the development plan.

Impact on the Area and Setting and Significance of a Listed Building
The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable mixed communities. Good design should be indivisible from good planning and recognised principles of good design seek to create a high-quality built environment for all types of development.

Paragraphs 200 - 201 of the NPPF, advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and within Para 203, that the local planning authority should take account of:

a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and:
c) The desirability of new development making a positive contribution to local character and distinctiveness.

In this instance, the submission relates to development and works to upgrade the property and re-instate it into one cohesive whole. The history of the building reveals that it was formerly three separate dwelling with stables, outbuildings and walled gardens. The whole complex was formerly a farmstead which was extended and remodelled in the 19th century.

The Council's Conservation Officer has commented extensively on the works and is in agreement with the submitted Heritage Statement in terms of the impact upon the heritage significance. As such, it is concurred that the proposed works impact upon the parts of the heritage asset which have a lesser impact and which have the benefit of undertaking repairs and improvements. It is concluded that there is less than substantial loss of some heritage fabric but that some of the internal works are partially reversible and some wholly reversible. As such, it is considered that the less than substantial loss is outweighed by the public heritage benefits of undertaking necessary repairs and removal of a poor modern extension which in itself has no heritage value.

NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). It
makes clear that any harm to a designated heritage asset requires clear and convincing justification. The proposals will result in harm to the building via minor loss of historic fabric and via change to its layout and original external form. The proposals involve only part of the building and could therefore be considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF, but they involve the loss of some historic fabric and should not be seen as being of lesser consequence. Indeed, the wording of the NPPF and the 'special regard' by Sections 16 and 66 of the Act requires that any level harm caused should be taken seriously.

Paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits. In this case an objective justification has been provided for the works and the public heritage benefits of undertaking the necessary repairs and removing a poor modern extension which would meet with the requirements of current conservation legislation, policy and guidance. As such, the Conservation Officer has no objection to the approval of the applications.

The Conservation Officer has recommended conditions for details of the internal joinery, lime plaster and details of pipe runs associated with new bathrooms, together with extractor flues and vents. Such pre-commencement conditions are considered appropriate and necessary in this instance and can be added to any grant of permission for the works. The applicant has formally agreed to these as pre-commencement conditions.

In terms of other works, the Conservation Officer has not made any comment on the proposed cobbled hard standing or fence and gate to subdivide the parking area from the rear of the garden. The Town Council has questioned this part of the application, but a timber fence in this location is not considered so out of keeping and would not be visible from the public realm due to the very high wall and fence on the Bristol Road boundary and is not considered to result in visual harm or impact to the setting of the listed building. Furthermore, such works are fully reversible.

The development is therefore considered to lead to less than substantial impact upon the setting and significance of the listed building but that this identified harm can be outweighed by the public heritage benefits of undertaking necessary repairs and the removal of a poor modern extension.

The conditions can be appended to any grant of permission that the development is constructed in accordance with the submitted drawings and supporting documentation. The development is therefore considered acceptable and in accordance with policies CP57 and 58, Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance and provision of the Framework.

Impact upon Adjacent Neighbouring Occupiers

The property is already in residential use and the works to the building, together with the formalised parking area are not considered to result in any significant increase in noise, loss of privacy or outlook to adjacent neighbouring occupiers. It is noted that no letters of representation were received in relation to the proposed development.

Access, Parking and Highway Safety

The existing properties benefit from driveway parking at both the eastern and western ends of the site with formalised access from Bristol Road. The eastern end would include access from Oak Lodge Close, and whilst the works comprise an uplift in bedroom availability to a total of eight, this is only one additional bedroom over that which currently exists and this must be weighed against the amalgamation of two dwellings into one. There is significant availability at the eastern end for approximately 4 vehicles and 2-3 would be available at the western end on the proposed cobbled area. The Council's Highway Officer has been consulted but has no comments to make on the proposal in terms of highway access, safety or parking.

Therefore, whilst the development may provide for an additional bedroom, it is considered to be adequate in terms of parking and to meet and be in accordance with the requirements of the Wiltshire Parking Strategy in a manner in keeping with the local area.

Other Considerations

The Town Council has questioned the use of the whole structure being one property due to the plans showing the retention of two kitchens and living rooms. The submitted Design and Access Statement states that the works would revert to a single family home from its current position as two dwellings. In this instance, once the proposed internal works have been undertaken, there would be no requirement for planning permission to consolidate the property into one dwelling, but it would be required to revert back to two separate dwellings.

The Town Council has also commented on the potential impact on trees in the vicinity of the permeable hardstanding to the rear of the garden. Therefore a consultation request has been issued to the Council's Tree Officer for their specialist comments.

The Council's Tree Officer has responded and stated that due to limited information with regard to how the permeable surface would be laid, then it is recommended that a "no-dig" condition is included in any permission that may be given. Such a condition is considered appropriate and necessary in this instance.

Conclusion

It is considered that the proposed development would lead to less than substantial impact upon the setting and significance of the listed building but that this identified harm can be outweighed by the public heritage benefits of undertaking necessary repairs and the removal of a poor modern extension. Paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits.

The principle of the aforementioned residential development in this location is considered acceptable, when taking into consideration the location of the site, its existing use and the criterion of both National and Locally adopted policies. As such, the proposal is considered to accord with Core Policies 2, 57, 58 and 60 of the Wiltshire Core Strategy and the guidance and provision as contained within the NPPF. It is therefore recommended that the application be approved subject to relevant conditions.

Conditions: (5)

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:

541 - 2 001 Rev P1. Location Plan. Received on 29 December 2023
541 - X 002 Rev P1. Existing Site Plan. Received on 29 December 2023
541 - X 101 Rev P1. Existing Basement Plan. Received on 29 December 2023
541 - X 102 Rev P1. Existing Ground Floor Plan. Received on 29 December 2023
541 - X 103 Rev P1. Existing First Floor Plan. Received on 29 December 2023
541 - X 104 Rev P1. Existing Second Floor Plan. Received on 29 December 2023
541 - X 105 Rev P1. Existing Roof Plan. Received on 29 December 2023
541 - X 201 Rev P1. Existing Elevations. Received on 29 December 2023
541 - X 202 Rev P1. Existing Elevations. Received on 29 December 2023
541 - X 203 Rev P1. Existing Elevations. Received on 29 December 2023

541 - 2 002 Rev P1. Proposed Site Plan. Received on 29 December 2023
541 - 2 101 Rev P1. Proposed Basement Plan. Received on 29 December 2023
541 - 2 102 Rev P1. Proposed Ground Floor Plan. Received on 29 December 2023
541 - 2 103 Rev P1. Proposed First Floor Plan. Received on 29 December 2023
541 - 2 104 Rev P1. Proposed Second Floor Plan. Received on 29 December 2023
541 - 2 105 Rev P1. Proposed Roof Plan. Received on 29 December 2023
541 - 2 201 Rev P1. Proposed Elevations Plan. Received on 29 December 2023
541 - 2 202 Rev P1. Proposed Elevations. Received on 29 December 2023
541 - 2 203 Rev P1. Proposed Elevations. Received on 29 December 2023
541 - 2 204 Rev P1. Proposed Window Detail. Received on 29 December 2023

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans, statements and application form.

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

4 Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(ii) Large scale details of all internal joinery (1:10);
(iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
(vii) Full details of proposed internal service routes;
(xii) Schedule of internal lime plaster and finishes

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 listed building consent and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting."

5 No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

A no-dig specification is to be used to ensure there is no adverse effects to the rooting environment of trees on site.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

Informatives: (4)

6 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.

7 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.

8 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.

9 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.