APPEAL STATEMENT ON BEHALF OF MR O. SMITH

APPEAL AGAINST THE REFUSAL OF WILTSHIRE COUNCIL TO GRANT PLANNING PERMISSION FOR

Extension to the west side of the existing property and associated works

The Bungalow, Milbourne Lane, Malmesbury, SN16 9JA

April 2024

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1. Introduction

1.1 Rackham Planning are instructed by Mr O. Smith ("the Appellant") to submit an appeal against Wiltshire Council's (WC) refusal to grant permission at The Bungalow, Milbourne Lane, Malmesbury (SN16 9JA), for "*Extension to the west side of the existing property and associated works.*"

1.2 WC ("The Local Planning Authority/LPA") issued the decision notice refusing the proposal (ref: PL/2023/05301) on 12 January 2024, listing a single for refusal relating to perceived inappropriate design (design, scale, mass and siting):

> 1. *"The proposed development by reason of its design, scale, mass and siting would result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development. The proposal would have an unacceptable impact on the visual amenities and character of the surrounding area contrary to Core Policy 57 criterion i, ii, iii and vi, of the Wiltshire Core Strategy as well as Section 12, paragraph 124 and 127 of the National Planning Policy Framework."*

1.3 The Case Officer's Delegated Report ("The Officer's Report") confirms that there are no other matters on which the LPA consider the proposal to fail to address development plan policy requirements.

1.4 During the application's determination, when it became apparent that the LPA had concerns about the design, scale, mass and siting of the proposal, the Appellant engaged with the LPA to explore potential revisions to the proposal. Revised site plan and streetscene drawings were submitted to the Council for discussion, however, the LPA decided to progress with the refusal of the application.

1.5 A further material consideration is the Appellant's rationale for the proposal. Additional space at the family's home is principally required due to the very specific current and future requirements of the Appellant's daughter, who suffers with severe epilepsy. The proposed extension would facilitate the provision of extra space that can be carefully managed to create a comfortable environment, which will help to mitigate against some of the everyday activities outside of the home, that are restricted due to the condition. Further detail on this is provided within the Statement.

1.6 In order to support the Appellant's grounds of appeal, this statement provides further relevant detail on the appeal site's context and planning history, sets out the relevant planning policy, summarises the matters in agreement and those in dispute, and then presents evidence on the latter.

1.7 In short, we consider the case to condense down to the following issue:

Summary of matters in dispute and grounds of appeal	
Issue 1	***Whether the proposal would "result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development"?***
Ground 1	*The Applicant contends that the extension proposal would suitably integrate with the surrounding townscape and therefore would not harm the character and appearance of the locality.* *While it is acknowledged that the area immediately to the north and east of the site is predominantly occupied by smaller footprint, single storey dwellings, with limited examples of first floor accommodation within the roofspace, it is considered that the character of the wider village is far more varied, and the LPA's contextual assessment places too much weight on the smaller sample area, thereby exaggerating the impact of the proposed development.* *Even, if a narrower view on local character is taken, it is considered that the proposed small increase in height of 1m, above the existing roof profile, and extension of built form forward of the original/principal front elevation, to facilitate better quality internal accommodation, principally to serve the specific needs of the family, would not be so impactful as to materially alter and harm the character of the surrounding area.* *Notwithstanding this view, the Appellant wanted to avoid further delays to securing additional floorspace for the family needs. As a result, genuine attempts to explore revised designs with the LPA were made, however, it is considered that the LPA did not properly engage on these matters and instead appeared to set arbitrary parameters. The Appellant has therefore submitted additional drawings, which can be considered as part of the appeal.*

2. Description of Site and Surrounding Area

2.1. The Appeal Site, known as The Bungalow, Milbourne Lane, Malmesbury (SN16 9JA) is located within the St. Paul Malmesbury Without Parish of the Wiltshire Unitary Authority Area.

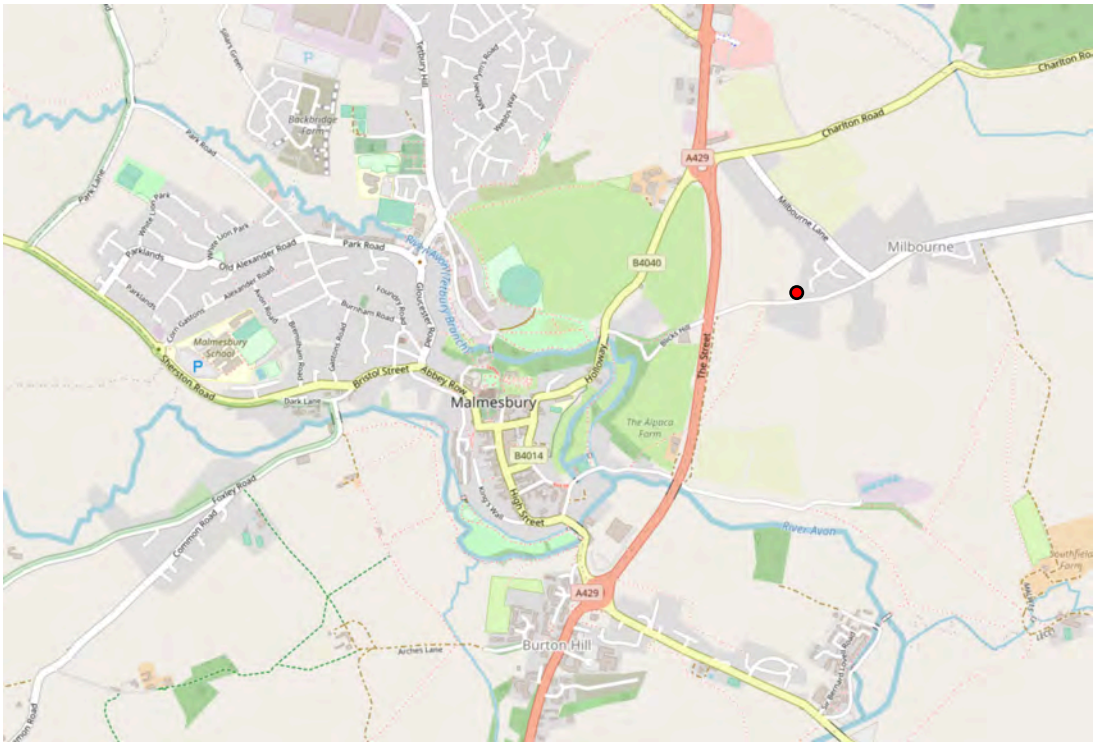


Image A: Map Extract showing the appeal site's location (Source: open street map)

2.2. It is approximately 900m north-east of the centre of Malmesbury and 300m east of the A429 as it passes outside the eastern edge of the town between the M4 Junction 7 (8km) to the south and Cirencester (15km) to the north.

2.3. The site is at the south-western edge of Milbourne a small settlement developed around Milbourne Lane. The northern part of the settlement is linear residential development to the west of Milbourne Lane, towards the junction with Charlton Road (B4040). The central area is cul-de-sac development around Milbourne Park, which is also to the west of Milbourne Lane.



Image B: Map Extract showing the appeal site's location (Source: open street map)

2.4. There is an eastern linear development, predominantly to the north of the road, with some development to the south, including the smaller Monks Park cul-de-sac and earlier dwellings and buildings associated with farming.

2.5. The appeal site and property was established in the mid 2000s, following a series of planning permissions for provision of a bungalow, on land to the rear of number 20 Milbourne Park.



Image C: Existing Site Plan

2.6. The site is irregularly shaped. It has a road frontage of approximately 27m (measured west-east), and is approximately 35m wide at its widest point. The main portion of the site is

approximately 23m deep (measured south-north) from the road frontage, however the western section of the site, extends to a depth of approximately 38m.

2.7. The rear and eastern side boundaries are shared with the rear garden boundaries of numbers 19, 20 and 21 Milbourne Park. To the west, there is a large open. Field separating the application from a large house, some 60m away. On the southern side of the road, are the grounds to a large house (Milbourne Manor) set 70m back from the road frontage. Milbourne Manor Cottage is sited at closer to the road frontage, to the south-east of the application site.

2.8. It is considered that the there is little in terms of common features within the configuration of development that amounts to any particularly distinct character. The village and related development is made up of linear development, cul-de-sac development, and more sporadic dispersed development. Plots range from very small, to extremely large. Buildings are positioned close to the road in some parts of the village and with generous set backs in others. Building height is relatively low, with the majority of properties being bungalows or accommodating first floor accommodation within roof eaves. However, there are parts of the village where full two-storey dwellings are more prevalent.

Other Designations and Environmental Context

2.9. According to the Environment Agency's online flood risk maps, the site is within Flood Zone 1 and therefore at a low risk of flooding from rivers and surface water.

2.10. The Historic England online database shows that there are no statutory heritage assets in close proximity to the site. The nearest such assets are, the Grade II Listed Milbourne Farmhouse (150m south-east of the site), and the Grade II Listed Milbourne House (200m north-east) of the site.

3. Appeal Proposal

Proposal as Submitted

3.1 The appeal proposal for *Extension to the west side of the existing property and associated works* at The Bungalow, Milbourne Lane, Malmesbury (SN16 9JA), was originally submitted to Wiltshire Council on 27 June 2023. The LPA validated the application on 30 June 2023 and assigned the reference PL/2023/05301 to the application.

3.2 The application submission contained the following documents:

Reference	Description	Scale*	Date
Original Submission to LPA			
	Application Form		27 June 2023
	Planning Statement		27 June 2023
01	Site Location Plan	(1:1250 @ A4)	27 June 2023
02	Existing and Proposed Block Plan	(1:200 @ A3)	27 June 2023
03	Site Photos	(N/A @ A4)	27 June 2023
04	Existing Ground Floor Plan	(1:100 @ A4)	27 June 2023
05	Existing First Floor Plan	(1:100 @ A4)	27 June 2023
06	Existing Elevations	(1:100 @ A3)	27 June 2023
07	Proposed Ground Floor Plan	(1:100 @ A3)	27 June 2023
08	Proposed First Floor Plan	(1:100 @ A3)	27 June 2023
09	Proposed Elevations	(1:100 @ A3)	27 June 2023
Amended Drawings Received by the LPA			
02A	Existing and Proposed Block Plan	(1:200 @ A3)	02 November 2023
10	Proposed Streetscene	(1:100 @ A3)	02 November 2023

3.3 The description of development is:

"Extension to the west side of the existing property and associated works."

3.4 As shown on the accompanying block plan (drawing 02), the proposal is for a side (west) extension to the existing bungalow using the residual garden land.

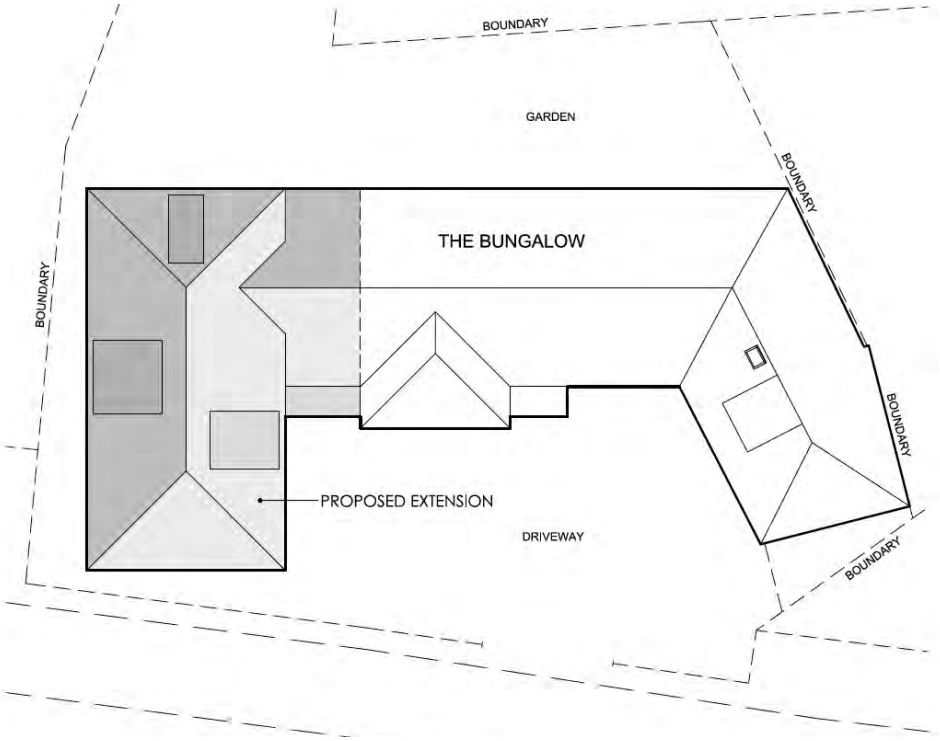


Image D: Proposed Site Plan Extract



Image E: Proposed South Elevation Extract

3.5 An extension was approved to provide additional facilities to the largest bedroom (en-suite and dressing room), a laundry room, plant room and small first floor office in April 2020 (a resubmission of a 2019 refused proposal).

3.6 However, family circumstances together with changing work practices post pandemic, mean that the applicant and their family require additional living, leisure, and working accommodation at the house. The proposal is designed to provide additional living space within the site, while maintaining an appropriate scale and massing.

3.7 The requirement for additional space at the family's home is principally required due to the very specific current and future requirements of the Appellant's daughter, who suffers with severe epilepsy.

3.8 The proposal would facilitate the provision of extra floorspace that can be carefully managed to create a comfortable environment, which will help to mitigate against some of the everyday activities outside of the home, that are restricted due to the condition.

3.9 The Appellant's rationale includes *"the addition of a room where she can practise her yoga and work out to keep her body healthy, the addition of a bedroom that is close to the family but far enough to give her independence. The addition of an 'art studio' so she can make use of her art therapy and provide herself with an income, would all be - to be blunt- a dream for me and our family. The extension of our bungalow would be security for her future and that of my son who will hopefully care for her when we are not here to do so."*



Image F: Proposed Ground Floor Plan Extract

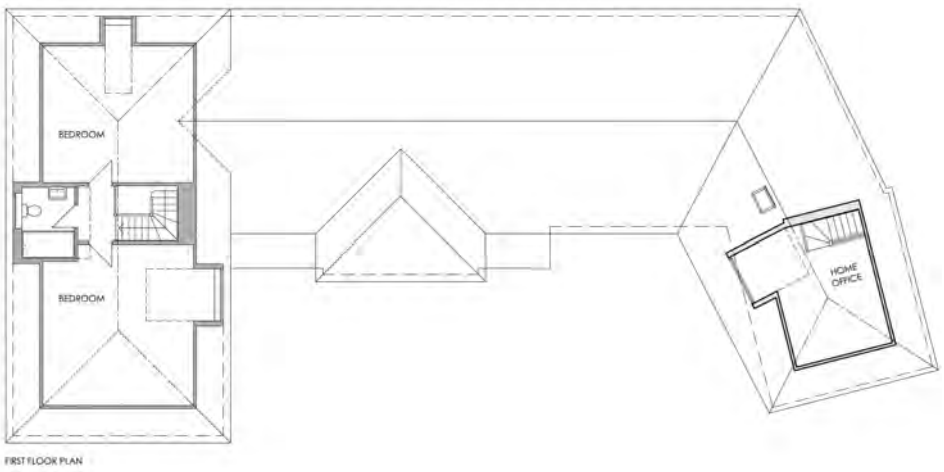


Image G: Proposed Ground Floor Plan Extract

3.10 The existing and proposed floor plans shown on drawings 04 and 07, show that the proposed extension will provide: An extension to the living room to provide dining space; A utility room/kitchen extension; a new garage (to replace that removed when the eastern extension approved in 2020 was developed); home gym/studio at ground floor level; together with two new reasonably size bedrooms and a bathroom at first floor level.

3.11 This will result in a net additional bedroom (increasing from a three to a four-bedroom house), with the smallest bedroom within the host dwelling being converted into a study and allowing the circulation space to be altered so that the laundry and plant room can be reached internally (i.e. without the need to walk through bedrooms).

3.12 The eastern section of the proposed extension adjoining the existing dwelling, would match the depth of the existing, which is approximately 9m, with the western part having a depth of approximately 15m, extending 6m forward of the existing front elevation. This echoes the approach on the eastern side of the building, forming a half-courtyard at the site frontage.

3.13 The existing and proposed elevations and sections shown on drawings 06 and 09, confirm that the proposal maintains the existing eaves and ridge height of 2.3m and 5.6m respectively within the connecting portion of the extension. The westernmost part of the proposed extension, then steps these heights up by only 1.0m respectively to accommodate an optimised floor to ceiling height within the upper floor bedroom area. Two flat roofed side dormers and a smaller rear dormer window are provided.

3.14 Materials are to match the existing dwelling, including brickwork to walls, concrete tiles to the roof, GRP finish to dormer roof, composite cladding to dormers, grey UPVC windows and composite/aluminium doors.

Initial LPA Reception

3.15 Following the submission of the application, Officers raised concerns over the siting, scale and massing of the proposed extension via email and principally during telephone conversations.

3.16 During a telephone conversation in mid-September, the LPA expressed concerns about the height, mass, scale, and footprint of the proposal. However, the Officer indicated that they would be happy to attempt to work towards resolving these issues for a positive decision.

3.17 The Officer stated that there was no objection to the principal of a side extension, the primary concern was overall size and subservience in relation to the existing. There was a reluctance to see any development forward of the existing/original front elevation/building line, or any element taller than the existing bungalow.

3.18 The Officer considered that the property is a relatively modest bungalow, not a chalet bungalow, and pointed out that the adjacent properties to the north and east lacked first floor elements. Concern was also raised about the increase in footprint and floorspace with additional accommodation proposed being almost equivalent to a 50% increase in size / an extra half.

3.19 Officers had also raised a procedural matter relating to land ownership. There is a lack of clarity around the ownership of an area of land at the front of the application site, with the local highways authority raising a concern that the front boundary of the property overlaps highways land. The Authority also considered that part of the proposed extension encroached upon highways land.

3.20 The application had been submitted with Certificate A completed. On the procedural side, the Council considered that if the proposal encroached upon highways land either the red line would need to be amended, or a Certificate B notice would need to be served on highways. The Council agreed to discuss this internally and advise, but ultimately, no parties were considered to be prejudiced as a result of this uncertainty.

3.21 The Council as landowners of the adjoining land, which may overlap a portion of the appeal site frontage, have therefore been notified of the submission of this appeal.

Amendments

3.22 In response to the above considerations, the Appellant explored amendments to the proposal, for discussion with the Local Planning Authority.

3.23 Drawings 02A (Existing and Proposed Block Plan) and 10 (Proposed Streetscene) were submitted to the LPA on 02 November 2023.

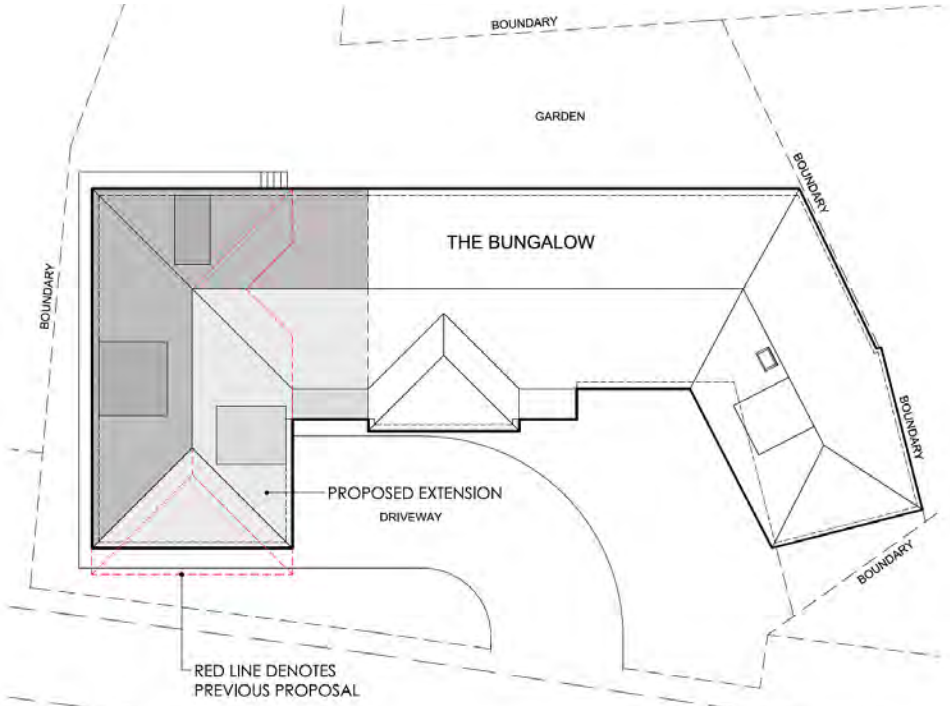


Image H: Proposed Site Plan



Image I: Proposed Site Plan

3.24 The drawings show a reduced footprint, as a result of the front elevation of the proposed extension being set back a further metre, together with a reduction in height of the extension by approximately one metre, matching that of the main roof of the building.

3.25 This appeal makes the case that the proposal as originally submitted is not out of character with the surrounding area. However, should the Inspector agree with the Council's assessment of that proposal, it is requested that the alternate proposal is considered as part of the appeal. Given the logical similarities between the proposal as originally submitted and the revised

version, the applicant would accept a condition which required submission of a full set of revised elevations prior to commencement of development.

LPA Formal Response

3.26 Despite further email correspondence with between the Appellant's Agent and the LPA following the submission of the revised drawings, the LPA did not upload the drawings to the online case file, following a change of Planning Officer in late 2023.

3.27 On 4th January 2023, after several requests to discuss the application further, the Team Leader Adrian Walker responded to the Agent, stating the intention that the application would be refused and that *"Anything forward of the primary elevation will be resisted, any extension should be subservient to the existing dwelling and sit comfortably within the site."*

3.28 The LPA issued the decision notice refusing the proposal (ref: PL/2023/05301) on 12th January 2024, listing a single reason for refusal relating to perceived inappropriate design (design, scale, mass and siting):

1. *"The proposed development by reason of its design, scale, mass and siting would result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development. The proposal would have an unacceptable impact on the visual amenities and character of the surrounding area contrary to Core Policy 57 criterion i, ii, iii and vi, of the Wiltshire Core Strategy as well as Section 12, paragraph 124 and 127 of the National Planning Policy Framework."*

3.29 The Decision Notice is enclosed under **Appendix 2**.

3.30 The Case Officer's Delegated Report (**Appendix 3**) provides further rationale for this reason.

3.31 The Report describes the existing property and the proposal, drawing attention to the increase in height in particular and stating that *"the design of the proposed extension by virtue of its height and projection would eclipse the host property"* and therefore fail to integrate into its setting.

3.32 It also refers to the recessed nature of the main frontage as a site constraint and highlights that the forward protection, together with its overall width and increased ridge line would means that it is not subordinate to the host dwelling, resulting in a detrimental visual impact on the original dwelling and on the street scene.

3.33 The Report considers that views from the public realm (within Milbourne Lane) includes "modest single storey properties" and that this *"assists the visual transition between the urban*

built form of the settlement and the open countryside". It concludes that the proposed increased scale *"would also result in a visually dominant structure out of keeping with the main dwelling and the directly adjacent properties within Milbourne Park."*

3.34 The Report also makes reference to an appeal decision (APP/Y3940/W/16/3160987), linked to application 16/03964/FUL. Although this is not contextualised in the Delegated Report. The appeal related to a previous proposal for a new two-storey detached dwelling on the western portion of the appeal site. The application was refused in June 2017, with the appeal dismissed the following March.

3.35 The Delegated Reports draws attention to the Inspector's comments on the site's surrounding context, including that the site *"was viewed in context with the dwellings located within Milbourne Park which is characterised by single storey, low rise properties."* This was considered to create a visual transition between the built form and the agricultural fields beyond. The report considered that the overall height of the proposal within the front of a modest single storey property, would also be visually intrusive to this edge of settlement location.

3.36 The Report stated that *"The Inspector also considered that the proposed dwelling on that site, would as a result of its height, result in a dominant addition in the street scene, alien to the established character and appearance of the area."*

3.37 It is important to note that while, the Delegated Report acknowledges that *"the applicant has since submitted revised plans to move the extension back"* in the context of highways and land ownership matters, these were not (and to date have not been) uploaded to the Council's online publicly accessible case file.

3.38 Despite the Delegated Report making clear that the height of the proposed extension was a key factor in arriving at the decision, disappointingly, there is no acknowledgement within the Report, that the revised plans also showed a reduced height, matching that of the main roof.

4. Other Relevant History

4.1. The following table summarises planning history records for the site and those that are considered relevant to this appeal.

Reference	Proposal	Decision	Relevance to the Appeal
Appeal Site			
N/03/01812/OUT	Erection of a detached bungalow and garage	Refuse	27/8/2003
N/03/03198/FUL	Erection of bungalow	Approve	15/1/2004
N/04/03106/FUL	Erection of new bungalow and garage	Approve	17/12/2004
N/05/00041/FUL	Erection of Bungalow and Garage (Revised Application)	Approve	1/3/2005
16/03964/FUL*	Single Detached Dwelling	Refuse	21/06/2016
APP/Y3940/W/16/3160987*	Appeal in relation to the above application	Dismiss	24/03/2017
19/11644/FUL	Proposed extension to Garage and dwelling to form Utility & En-Suite and Office over Garage	Refuse	29/1/2020
20/01404/FUL	Proposed extension to garage and dwelling to form utility & en-suite and office over garage (Resubmission of 19/11644/FUL)	Approve	15/4/2020
**Note – Application and Appeal Submitted when the land was associated with 19 Milbourne Park*			
Other Sites			
PL/2023/04996	Land West of Milbourne (Land immediately west of the Appeal Site) Outline planning application (all matters reserved except access) for erection of up to 92 dwellings (including 40% affordable housing) together with associated access, parking, pedestrian and cycle routes.	Under determination	Made Valid 12/07/2023

4.2. The refused proposal 16/03964/FUL and dismissed appeal APP/Y3940/W/16/3160987, included a detached dwelling on the western portion of the application site, submitted by the then owners of the land, which was associated with No. 19 Milbourne Park, to the north-east.

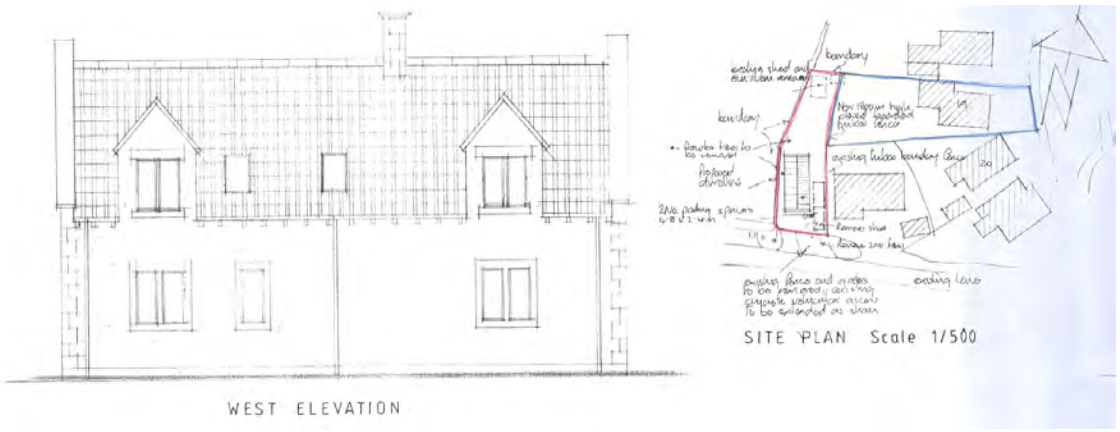


Image J: Proposed Drawings extract

4.3. **Image K** shows a 1.5 storey dwelling. While the eaves level is relatively low at 3.5m above ground (though still over 1m higher than the current appeal proposal as originally submitted), the proposal included a steeply pitched roof with a gable end to the south. The front/southern gable is 7m above ground level (1.5m above the current appeal proposal as originally submitted).

4.4. Under paragraph 11 of the Appeal Decision, the Inspector considered that the proposal *"would not respect the character and appearance of the area or this edge of village location, where dwellings are generally low rise to reflect the transition from the more built up part of the village and the open countryside beyond."* The decision highlighted the height and prominence of the proposal and a resultant lack of integration with its setting.

4.5. Paragraph 12 raised further factors that made the proposal at odds with surrounding development, which included the generally wide and spacious plots, dwellings being orientated front-on towards the Lane, and the presence of trees and vegetation along front boundaries.

4.6. The same paragraph continues to say that the side-on orientation, narrow plot frontage, and the need to remove trees and vegetation to provide access to the dwelling, would all be contrary to the prevailing pattern of development.

4.7. The refused 2019 (20/01404/FUL) proposal included a larger gable fronted extension to the east of the original dwelling, as shown in the below image.

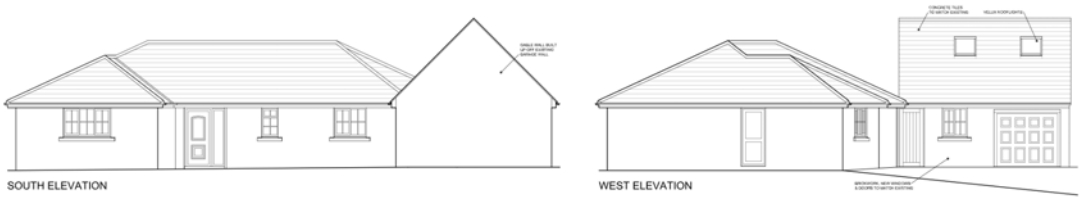


Image K: Proposed Drawings extract

4.8. There was a single reason applied to the decision notice refusing the 2019 proposal, stating that *"The proposed development by reason of its design, scale, mass and siting would result in a cramped and contrived form of development which fails to integrate into the existing built form and rhythm of development. The proposal would have an unacceptable impact on the visual amenities and character of the surrounding area contrary to Core Policy 57 criterion i, ii, iii and vi, of the Wiltshire Core Strategy as well as Section 12, paragraph 124 and 127 of the National Planning Policy Framework."*

4.9. The revised application submitted in 2020, provided a lower profile extension, which still provided two floors of accommodation. The approved extension was subsequently constructed and is shown on the drawings submitted alongside the appeal proposal and in extract **Images C-H** above.

4.10. There is a current live outline application for up to 92 dwellings on the land immediately to the west of the appeal site (PL/2023/04996). The application proposal envisages a significant extension to the village and is submitted on the basis that the LPA cannot currently demonstrate sufficient housing supply.

4.11. These matters will be referenced in the context of the current proposal in the subsequent assessment section.

5. Planning Policy Framework

5.1. This section summaries the policies referred to within the LPA's decision notice.

5.2. The plan-led approach to development, as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to accord with the adopted Development Plan unless material considerations indicate otherwise.

5.3. The LPA's November 2021 Local Development Scheme document clarifies the currently adopted development plan documents. Those relevant to the site's location and the proposal are summarised as follows:

Document	Area Covered	Status
Wiltshire Core Strategy (2015)	Wiltshire Council	Current policy. Sets out the spatial vision, objectives and strategy for the spatial development of Wiltshire and strategic policies and proposals to deliver the vision setting out principles of development for the county to 2026, including strategic site allocations.
Malmesbury Neighbourhood Plan (2015)	Malmesbury Neighbourhood Area	'Made' / Adopted

5.4. At the time of the application submission, the LPA had indicated that the Wiltshire Local Plan Review was anticipated to be adopted at the end of 2023. However, following a regulation 19 consultation in late 2023, the timetable has now been updated to target an examination in Q2 2024 and adoption in Q4 2024.

5.5. The Council's interactive Policies Map shows that the site is covered a single Core Strategy Policy (CP43 Affordable Housing Zones). However, this is not relevant to the application proposal. The site is not covered by any allocations/designations within the Malmesbury Neighbourhood Plan.

<u>Design and Visual Impact</u>

5.6. Core Policy 57 (Ensuring High Quality Design and Place Shaping) states that *"a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings."*

5.7. It also expects development *"to create a strong sense of place through drawing on the local context and being complementary to the locality",* and make a positive contribution to the character of Wiltshire by responding to 14 criteria.

5.8. Due to the modest nature of the extension proposal, the relevance of these criteria varies. However, those most relevant are considered to be as follows:

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced;

iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting;

vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area;

xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future;

xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm.

5.9. The Officer's Report to the previous applications summarised the relevant parts of the Neighbourhood Plan, noting that *"Objective 8, Tasks 1-5 require new developments to complement and enhance the character, form and qualities of Malmesbury and its environs and seek to ensure a positive relationship between town and countryside."* It also highlighted that *"Objective 8, Task 4 specifically states that development proposals, particularly, but not only where sited on the edge of Malmesbury, must maintain visual connections with the countryside*," while "Task 5 requires visual impact on new development in the countryside must be enhancing."

6. Matters in Agreement and Dispute

6.1. The following table summarises the matters on which the LPA and the Appellant disagree and agree.

Consideration		Reason	Policies
MATTER IN DISPUTE			
1	**Appearance (design, scale, mass and siting)**	"The proposed development by reason of its design, scale, mass and siting would result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development. The proposal would have an unacceptable impact on the visual amenities and character of the surrounding area."	Core Strategy Core Policy 57 criterion i, ii, iii and vi, Section 12, paragraph 124 and 127 of the National Planning Policy Framework.
MATTERS IN AGREEMENT			
3	**Principle of Development**	The Delegated Report confirms that *"The site previously had a detached garage which was subsumed with a single storey side extension to form habitable accommodation and as such the principle of providing new garaging space and additional living accommodation is considered acceptable."*	Core Strategy Policies CP1, CP2 and CP57
5	**Amenity (Neighbours)**	The Delegated Report confirms that *"The proposed extension would largely project frontwards and give the siting would not result in overshadowing or loss of light. The proposed rear dormer serving a habitable room of the dwelling although would be closer to the common boundaries with adjacent dwelling to the rear it would not have direct view to any of the sensitive parts of the property, to warrant a reason for refusal. The proposal would not be unduly overbearing on the private amenity spaces of any those adjacent properties or result in loss of daylight either."*	CP57 (Ensuring High Quality Design and Place Shaping) part vii
6	**Highway Safety and Transport**	The Delegated Report confirms that: *"The proposal would increase the number of bedrooms existing within the dwelling. However, it proposes two garaging space and two parking spaces within the forecourt. Therefore, there would be no impact upon parking provision on the site or highway safety. Therefore, whilst there are design concerns with proposed works, it does meet the required level of parking for properties of this size."*	CP60 (Sustainable Transport)

6.4 The matters in dispute will be assessed in detail within the following section.

7. Assessment

7.1 Based on the LPA's decision notice, the matters in dispute are summarised as follows.

Summary of matters in dispute	
Issue 1	***Whether the proposal would "result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development"?***

7.2 The following assesses this issue in detail. However, in short, the Appellant's case is summarised as follows:

7.3 *The Applicant contends that the extension proposal would suitably integrate with the surrounding townscape and therefore would not harm the character and appearance of the locality.*

7.4 *While it is acknowledged that the area immediately to the north and east of the site is predominantly occupied by smaller footprint, single storey dwellings, with limited examples of first floor accommodation within the roofspace, it is considered that the character of the wider village is far more varied, and the LPA's contextual assessment places too much weight on the smaller sample area, thereby exaggerating the impact of the proposed development.*

7.5 *Even, if a narrower view on local character is taken, it is considered that the proposed small increase in height of 1m, above the existing roof profile, and extension of built form forward of the original/principal front elevation, to facilitate better quality internal accommodation, principally to serve the specific needs of the family, would not be so impactful as to materially alter and harm the character of the surrounding area.*

7.6 *Notwithstanding this view, the Appellant wanted to avoid further delays to securing additional floorspace for the family needs. As a result, genuine attempts to explore revised designs with the LPA were made, however, it is considered that the LPA did not properly engage on these matters and instead appeared to set arbitrary parameters. The Appellant has therefore submitted additional drawings, which can be considered as part of the appeal.*

7.7 These points will be explored further below.

7.8 <u>Consideration of Local Character</u>

7.9 The assessment within the Delegated Report quotes Wiltshire Core Strategy Core Policy 2, which states that development in small villages should respect the character and appearance of the area, together with Core Policy 57, which provides further requirements on design and character.

7.10 Further policy context is provided within the Report, with reference to the National Planning Policy Framework (2023), which requires that development be expected to create a strong sense of place through drawing on local context and being complementary to the locality.

7.11 The Report refers specifically to Core Policy 57 (part iii), which states that development must respond positively to the existing built form in terms of layout, height, mass, elevational design, streetscape and rooflines to effectively integrate the building into its setting.

7.12 On this matter, the Report provides little in terms of a contextual assessment. However, the it does state that:

> *"The increased scale would also result in a visually dominant structure out of keeping with the main dwelling and the directly adjacent properties within Milbourne Park."*

7.13 *It also states that:*

> *"The view from the public realm within Milbourne Lane of the application site and the adjacent properties, is that of modest single storey properties which assists the visual transition between the urban built form of the settlement and the open countryside."*

7.14 The bulk of the consideration of context relies on an appeal decision, (APP/Y3940/W/16/3160987), as described in the Planning History section of this statement. The delegated report states that:

> *"The Inspector stated that the adjacent site (to the west) was viewed in context with the dwellings located within Milbourne Park which is characterised by single storey, low rise properties. As such, those single storey properties created a visual transition between the built form and the agricultural fields beyond. In respect of this proposal, the overall height within the front of a modest single storey property would also be visually intrusive to this edge of settlement location. The Inspector also considered that the proposed dwelling on that site, would as a result of its height, result in a dominant addition in the street scene, alien to the established character and appearance of the area."*

7.15 It is important to note that this assessment was undertaken in relation to a new dwelling, that was markedly taller than the proposed extension. The eaves level being over 1m higher, and the ridge, 1.5m higher than the appeal proposal as originally submitted. A bulkier gable fronted roof form also formed part of the proposal.

7.16 The Report also fails to acknowledge that the decision was based on other contextual factors. As already highlighted, under paragraph 11 of the Appeal Decision, the Inspector considered that the proposal *"would not respect the character and appearance of the area or this edge of village location, where dwellings are generally low rise to reflect the transition from the more built up part of the village and the open countryside beyond."*

7.17 Paragraph 12 of the decision raised further factors that made the proposal at odds with surrounding development, which included the generally wide and spacious plots, dwellings being orientated front-on towards the Lane, and the presence of trees and vegetation along front boundaries. As a result, the side-on orientation, narrow plot frontage, and the need to remove trees and vegetation to provide access to the dwelling, were all considered to be contrary to the prevailing pattern of development.

7.18 On this basis, the Inspector considered the immediate context of the site to be generally low-rise buildings, wide and spacious plots, dwellings orientated towards the lane and with planted front boundaries.

7.19 Even when responding to this immediate context, it is not considered that the Appeal proposal, in its originally submitted form, is particularly at odds.

7.20 However, it is also considered that when taking a broader view of the local context, incorporating the entire village and the clusters of surrounding development, that there are limited common features within the configuration of development that amount to any particularly distinct or significant character.



Image L: Diagram showing features of the village

7.21 The village and related development is made up of linear development (both to the north-west and the east), cul-de-sac development (around Milbourne Park to the north and Monk's Park to the east), a number of large prominent country houses (including Milbourne House at the centre of the settlement), agricultural complexes, and more sporadic dispersed dwellings to the south and west of the village.

7.22 Plots range from very small (within the two cul-de-sac estates), to extremely large elsewhere. Buildings are positioned close to the road in some parts of the village and with generous set backs in others. While particularly along the Lane running west-east through the village, there are secondary buildings such as garages set in front of main houses (see below).



Image 1: Development east of Milbourne Lane (source: Google)



Image 2: Development east of Milbourne Lane (source: Google)

7.23 Building height is generally relatively low, with the majority of properties being bungalows or accommodating first floor accommodation within roof eaves. However, this is skewed by the bungalow development of Milbourne Park. There are parts of the village, particularly to the north and east where full two-storey dwellings are more prevalent.



Image 3: Development West of the Appeal Site (source: Google)

7.24 It is acknowledged that the character within the cul-de-sac Milbourne Park to the north is relatively homogenous, since it was a planned estate development, however, the proposal is accessed via the lane to the south and is perceived in a different context.

7.25 On this basis, neither the relatively modest increase in height proposed, or the extension forward of the original/principal front elevation in order to facilitate better quality internal accommodation, principally to serve the specific needs of the family, are considered to be at odds with the surrounding character of the village.

7.26 Turning to the perceived harm identified by the LPA. In undertaking an assessment of local character, the LPA therefore take a very narrow view, which appears to include only the immediately surrounding development to the north and east. The Delegated Report in describing the existing property and the proposal, emphasises the proposed increase in height in particular, and the perceived impact of this increase. It states that:

> *"The existing property is single storey with hipped roof. The proposed extension would be one and half storey with a number of flat roof dormers and have overall height which would in their totality exceed the height of the existing bungalow. It is considered that the design of the proposed extension by virtue of its height and projection would eclipse the host property and therefore fail to meet these criteria."*

7.27 *The Report also refers to the recessed nature of the main frontage as a site constraint and highlights the forward protection. It states that:*

> *"The site's constraints are further demonstrated by the recessed nature of the main frontage. The extension, which would project several metres frontwards together with its overall width and increased ridge line of the extension would not be subordinate to the host dwelling. It is considered to lack architectural merit, over dominate the built form of the host dwelling and result in detrimental visual impact on the original dwelling and on the street scene."*

7.28 *As already stated, the report further emphasises the height of the proposal, stating that:*

> *"The view from the public realm within Milbourne Lane of the application site and the adjacent properties, is that of modest single storey properties which assists the visual transition between the urban built form of the settlement and the open countryside."*

7.29 It is considered that the Council's assessment over-emphasises and exaggerates the proposed height of the western part of the extension.

7.30 The existing property already includes a first floor of accommodation, within the eastern part, as approved in April 2020 and as previously highlighted, the western portion of the extension proposal as originally submitted to the Council includes a relatively modest increase in height of 1m above the eaves and ridge heights of the existing dwelling. However, the roof form is hipped at the site frontage, to further limit the perception of massing.

7.31 The proposal includes three dormers. However, there is one within the rear roofslope and one each within the west and east roof slopes. It would only be possible to see more than one of these dormers, if one was positioned on the road, immediately opposite the proposed extension. Views of the property from the vast majority of angles within the public realm would only reveal a single dormer. This means that the number of dormers would not create excessive bulk at roof level.

7.32 The Delegated Report draws comparisons between the current appeal proposal and two previously refused schemes, the eastern extension proposal in 2019 (20/01404/FUL) and the proposed detached dwelling in 2016 (16/03964/FUL and dismissed appeal APP/Y3940/W/16/3160987). However, both of these proposals (only the latter being submitted by the current owner occupiers of the appeal property) involved significantly more prominent built form with gable ends facing the road, rather than hipped forms pitching away, and steeper and more imposing roof pitches.

7.33 In contrast, the appeal scheme both as originally submitted, and as revised, proposes a lower profile hipped roof form, pitching away from the road frontage, therefore reducing the mass at roof level. It is considered that when viewed from along the Lane to the south of the site, the slightly taller but very similar and low profile extension element, would not appear jarring in the street-scape and would blend in, particularly given existing mature boundaries along the road frontage to the west and as boundary planting matures at the site. The applicant would accept a suitable landscaping condition to secure such planting.

7.34 The series of images below, illustrate that the proposed extension would not be particularly noticeable from public viewpoints along the Lane:



Photo 4: Street Scene Photo (Source: Rackham Planning)



Photo 5: Street Scene Photo (Source: Rackham Planning)



Photo 6: Street Scene Photo (Source: Rackham Planning)



Photo 7: Street Scene Photo (Source: Rackham Planning)

7.35 It should also be noted that the Lane to the south of the appeal site, is not a particularly prominent route. It terminates at the A429/Blicks Hill, some 250m west of the site, with no through-vehicle access. The 500m stretch of the Lane to the West of the junction with Milbourne Lane provides access only to a handful of properties to the south-west of the

village. This reasonably secluded location, further diminishes the contribution towards village character currently made by the appeal site and property.

7.36 The Council have highlighted the perceived visual transition between the built form of the village and the agricultural fields beyond, with the Delegated Report stating that the overall height of the proposal within the front of a modest single storey property, would also be visually intrusive to this edge of settlement location.

7.37 Due to the very modest proposed increased of part of the proposed extension when compared to the existing dwelling, it is strongly disputed that the proposal would not "*maintain visual connections with the countryside,"* or generate a negative relationship between town and country, as asserted by the Council in respect of Neighbourhood Plan Objective 8.

7.38 The proposal would therefore meet the requirements of Policy CP57 parts (i) – relating positively to the existing pattern of development, (iii) – responding positively to the existing townscape features (building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines) to integrate the building into its setting , and (xii) ¬– he use of high standards of building materials.

Consideration of Revised Drawings

3.39 As noted, genuine attempts to explore revised designs with the LPA were made, however, it is considered that the LPA did not properly engage on these matters. Following initial positive conversations in late 2023, by early January 2024, Officers were reluctant to discuss the revised proposal option, and instead appeared to set arbitrary parameters, including that no development should be forward of the original front elevation of the house (incidentally a parameter included within the General Permitted Development Order).

3.40 While, the Delegated Report acknowledges that *"the applicant has since submitted revised plans to move the extension back"* in the context of highways and land ownership matters, these were not (and to date have not been) uploaded to the Council's online publicly accessible case file.

3.41 Despite the Delegated Report making clear that the height of the proposed extension was a key factor in arriving at the decision, disappointingly, there is no acknowledgement within the Report, that the revised plans also showed a reduced height, matching that of the main roof.

7.39 Indeed, with the LPA indicating that there is no objection to the principle of a side extension, the reduction in height of the western part of the proposed extension by 1m at ridge and eaves level as shown within the accompanying set of revised drawings (to match that of the existing budling), would render much of the assessment within the Delegated Report irrelevant, such is the focus on its height.

7.40 *The revised drawings also include a 1m set back from the front boundary with the Lane. However, the LPA's objections to this attribute of the proposal are less clear, particularly given*

that an extension forward of the original front elevation of the building, including roof accommodation, was approved as recently as April 2020. The revised proposal brings the western extension behind the forwardmost part of the now constructed eastern extension.

7.41 As stated above, given the similarities between the proposal as originally submitted and the revised version, the applicant would accept a condition which required submission of a full set of revised elevations prior to commencement of development.

Adaptability of Housing

7.42 As highlighted earlier, family circumstances together with changing work practices post pandemic, mean that the residents require additional living, leisure, and working accommodation at the house. The proposal is designed to provide additional living space within the site, while maintaining an appropriate scale and massing.

7.43 The requirement for additional space at the family's home is principally required due to the very specific current and future requirements of the Appellant's daughter, who suffers with severe epilepsy.

7.44 The proposal would facilitate the provision of extra floorspace that can be carefully managed to create a comfortable environment, which will help to mitigate against some of the everyday activities outside of the home, that are restricted due to the condition.

7.45 The Appellant's rationale includes *"the addition of a room where she can practise her yoga and work out to keep her body healthy, the addition of a bedroom that is close to the family but far enough to give her independence. The addition of an 'art studio' so she can make use of her art therapy and provide herself with an income, would all be - to be blunt- a dream for me and our family. The extension of our bungalow would be security for her future and that of my son who will hopefully care for her when we are not here to do so."*

7.46 Core Policy 57 (Ensuring High Quality Design and Place Shaping), as already referenced is a wide ranging policy, containing fourteen principles to elevate standards of design. As well as seeking to ensure that design is appropriate to the existing townscape and landscape, the Polic also seeks to ensure that the needs of the community are met.

7.47 *Part xi of the Policy states includes "taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future;"*

7.48 Much of the housing stock within Milbourne and its immediate surroundings is at opposite ends of the spectrum in terms of size and plot ratio. There are a large number of very small properties, unsuitable for families, within Milbourne Park, together with a large number of larger properties set in substantial plots, which are very high value.

7.49 In addition to the specific needs of the Appellant's family, it is also considered that that the proposal will contribute to a healthier mix of accommodation within the village.

Permitted Development and Fall-back Position

7.50 When the original property was established in the mid-2000s, there were no conditions, restricting permitted development rights. Similarly, when the extension to the east of the property was approved in April 2020, there was no revocation of permitted development rights.

7.51 This means that extensive permitted development rights could be used to create a 3m tall rear extension infilling the majority of the area behind the existing building. The main limiting parameter in this regard is that any extension must not cover an area greater than 50% of the plot, not including the footprint of the original dwelling, however, it would still allow for a substantial extension even when taking account of the permitted side extension in 2000.

7.52 However, the irregular shape of the site and the siting of the dwellings, means that these rights would not allow an optimised layout to be designed. The use of the more spacious south-western part of the site facilitates a much preferable configuration for the family's needs.

7.53 The supporting text to Core Policy 57 (paragraph 6.130) acknowledges this, stating that *"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 sites characteristics. This will require careful consideration of the site layout."*

7.54 *As a result of the above considerations, the proposal is considered to strike an appropriate balance between, making efficient use of land and allowing a family to adapt their existing home to meet their changing needs, while also providing an extension that, respects the scale, form, and appearance of the existing dwelling, therefore meeting the relevant requirements under Policy CP2 and CP57.*

8. Summary Grounds of Appeal

8.1. Rackham Planning are instructed by Mr O. Smith ("the Appellant") to submit an appeal against Wiltshire Council's (WC) refusal to grant permission at The Bungalow, Milbourne Lane, Malmesbury (SN16 9JA), for *"Extension to the west side of the existing property and associated works."*

8.2. WC ("The Local Planning Authority/LPA") issued the decision notice refusing the proposal (ref: PL/2023/05301) on 12 January 2024, listing a single for refusal relating to perceived inappropriate design (design, scale, mass and siting).

8.3. The matters in dispute derive from the LPA's single reason for refusal. Conclusions on this matter are summarised as follows:

8.4. ***Whether the proposal would "result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development"?***

8.5. The Applicant contends that the extension proposal would suitably integrate with the surrounding townscape and therefore would not harm the character and appearance of the locality.

8.6. While it is acknowledged that the area immediately to the north and east of the site is predominantly occupied by smaller footprint, single storey dwellings, with limited examples of first floor accommodation within the roofspace, it is considered that the character of the wider village is far more varied, and the LPA's contextual assessment places too much weight on the smaller sample area, thereby exaggerating the impact of the proposed development.

8.7. Even, if a narrower view on local character is taken, it is considered that the proposed small increase in height of 1m, above the existing roof profile, and extension of built form forward of the original/principal front elevation, to facilitate better quality internal accommodation, principally to serve the specific needs of the family, would not be so impactful as to materially alter and harm the character of the surrounding area.

8.8. Notwithstanding this view, the Appellant wanted to avoid further delays to securing additional floorspace for the family needs. As a result, genuine attempts to explore revised designs with the LPA were made, however, it is considered that the LPA did not properly engage on these matters and instead appeared to set arbitrary parameters. The Appellant has therefore submitted additional drawings, which can be considered as part of the appeal.

8.9. For these reasons, the Inspector is respectfully requested to grant planning permission and allow this appeal.

Appendix 1

Site Location Plan and Site Plan (as submitted with PL/2023/05301)



SITE LOCATION PLAN - A4 PAGE @ 1:1250 - THE BUNGALOW, MILBOURNE, MALMESBURY, WILTSHIRE, SN16 9JA - DRAWING NO. 01

Appendix 2

Decision Notice PL/2023/05301 (June 2023)

Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Householder Planning Permission

Application Reference Number: PL/2023/05301

Decision Date: 12 January 2024

Applicant:	Mr Oliver Smith The Bungalow Milbourne Lane West To Stop End At A429, Milbourne, Wiltshire, SN16 9JA
Particulars of Development:	Extension to the west side of the existing property and associated works.
At:	THE BUNGALOW, MILBOURNE, MALMESBURY, SN16 9JA

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (1)

1 The proposed development by reason of its design, scale, mass and siting would result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development. The proposal would have an unacceptable impact on the visual amenities and character of the surrounding area contrary to Core Policy 57 criterion i, ii, iii and vi, of the Wiltshire Core Strategy as well as Section 12, paragraph 124 and 127 of the National Planning Policy Framework.

Parvis Khansari - **Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within 12 weeks of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a householder planning decision: Overview - GOV.UK (www.gov.uk)).

Appendix 3

Officer's Report PL/2023/05301 (June 2023)

CASE OFFICER'S REPORT

Application Reference:	PL/2023/05301
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	02 August 2023
Case officer:	Peter K-Gyabong

Site Address:	THE BUNGALOW, MILBOURNE, MALMESBURY, SN16 9JA
Proposal:	Extension to the west side of the existing property and associated works.
Recommendation:	Refuse

Site Description:

The application property is located to the northeast side of the lane that runs through Milbourne. The application property comprises a bungalow on a small site with a single storey extension to its east side projection several metres beyond the main front wall. There is vehicle access and frontage parking within the site and a small rear garden to the north.
The adjacent dwellings to the north and east are located within an estate style setting and accessed from Milbourne Park.
The site is set within the confines of this semi-rural area and fall outside of any settlement boundary as defined within the WCS.

Policy Considerations:

National Planning Policy Framework (NPPF) 2019

Paragraph 11 – Presumption in favour of sustainable development
Paragraph 127 - Function and form of development

Wiltshire Core Strategy adopted 2015 (WCS)

Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 13 - Malmesbury Community Area
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 60- Sustainable Transport

Wiltshire Local Transport Plan 2011-2026

Malmesbury Neighbourhood Plan – Made February 2015

Objective 8 – Tasks 1 to 5

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.

Key Issues
Principle of Development
Impact on the character and appearance of the area
Impact on neighbouring occupiers
Access, Parking and Highway Safety

Representations:
No neighbour comments received.

St Paul Malmesbury Without Parish Council:

“The parish council resolved to offer no objection to this application”.

Highways:
No objection stating that although the extension would take “up what is currently a driveway and an area partly used for parking, but the remaining space is suitable to meet the Council's parking standards.”

Highways have confirmed that part of the extension would fall within a highways land where there is no planning record of change of use as part of the applicant’s garden and the application has not submitted certificate B for. Concerns were raised by planning officers but the applicant has since submitted revised plans to move the extension back. The specific land ownership is still unclear. The proximity of the extension to the road is material in the determination of this application and forms part of the reason for refusal.

Principle of Development:

Proposal
The application seeks planning permission for the erection of one and half storey extension to the west side of the existing property and associated works. The extension would facilitate reconfiguration of the existing bungalow to create a garage, store, lobby and a gym at the ground floor and two bedrooms at the first-floor level.
It is also proposed to 3 x dormers in the proposed extension. The development would be constructed of brick, aluminium doors, concrete roof tiles, composite cladding to the dormers, and UPVc fenestration to match the existing dwelling.

The site previously had a detached garage which was subsumed with a single storey side extension to form habitable accommodation and as such the principle of providing new garaging space and additional living accommodation is considered acceptable and is in accordance with policies CP1, CP2 and CP57 of the adopted Wiltshire Core Strategy, subject to compliance with the other policies contained within the development plan.

Impact on the Character and Appearance of the site and the area

Core Policy 2 of the Wiltshire Core Strategy states that development in small villages should respect the character and appearance of the area. The preamble to Core Policy 57 states that good design helps provide a sense of place and reinforces local distinctiveness and that enhancing the character of Wiltshire's settlements is of the utmost importance that the presence of indistinct development is not a justification for standard or poor design solutions and for that matter all new development should integrate satisfactorily into its surroundings whilst seeking to enhance the overall character of the locality.

Planning application reference PL/2023/01579 for extension to the west side of dwelling which is similar to the current application was withdrawn, whilst application reference19/11644/FUL for extension to garage and dwelling to form utility & en suite and office over garage was refused.

The Wiltshire Core Strategy Policy 57 is consistent with the National Planning Policy Framework (2023) which requires that development be expected to create a strong sense of place through drawing on local context and being complementary to the locality. CP57 (iii) states that development must respond positively to the existing built form in terms of layout, height, mass, elevational design, streetscape and rooflines to effectively integrate the building into its setting.

The existing property is single storey with hipped roof. The proposed extension would be one and half storey with a number of flat roof dormers and have overall height which would in their totality exceed the height of the existing bungalow. It is considered that the design of the proposed extension by virtue of its height and projection would eclipse the host property and therefore fail to meet these criteria.

The site's constraints are further demonstrated by the recessed nature of the main frontage. The extension, which would project several metres frontwards together with its overall width and increased ridge line of the extension would not be subordinate to the host dwelling. It is considered to lack architectural merit, over dominate the built form of the host dwelling and result in detrimental visual impact on the original dwelling and on the street scene.

The increased scale would also result in a visually dominant structure out of keeping with the main dwelling and the directly adjacent properties within Milbourne Park.

The view from the public realm within Milbourne Lane of the application site and the adjacent properties, is that of modest single storey properties which assists the visual transition between the urban built form of the settlement and the open countryside.

Within appeal decision (APP/Y3940/W/16/3160987), the Inspector stated that the adjacent site (to the west) was viewed in context with the dwellings located within Milbourne Park which is characterised by single storey, low rise properties. As such, those single storey properties created a visual transition between the built form and the agricultural fields beyond. In respect of this proposal, the overall height within the front of a modest single storey property would also be visually intrusive to this edge of settlement location. The Inspector also considered that the proposed dwelling on that site, would as a result of its height, result in a dominant addition in the street scene, alien to the established character and appearance of the area.

Furthermore, the Malmesbury Neighbourhood Plan, at Objective 8, Tasks 1-5 require new developments to complement and enhance the character, form and qualities of Malmesbury and

its environs and seek to ensure a positive relationship between town and countryside. Objective 8, Task 4 specifically states that development proposals, particularly, but not only where sited on the edge of Malmesbury, must maintain visual connections with the countryside. Task 5 requires visual impact on new development in the countryside must be enhancing.

The scale, mass and design qualities of this proposal are therefore considered contrary to the criterion of policy CP57 and the Made Malmesbury Neighbourhood Plan and would result in a cramped form of development on a constrained site.

For these reasons, whilst the principle of extending a property may be acceptable, the scale, bulk, mass and prominent siting which does not respect the existing character and form of the site or the rhythm of development within the settlement is considered contrary to the guidance and provision of the revised NPPF and Core Policies 2, 13 and 57 of the Wiltshire Core Strategy and the Malmesbury Neighbourhood Plan.

Impact upon Adjacent Neighbouring Occupiers and Potential Future Occupiers

The proposed extension would largely project frontwards and give the siting would not result in overshadowing or loss of light. The proposed rear dormer serving a habitable room of the dwelling although would be closer to the common boundaries with adjacent dwelling to the rear it would not have direct view to any of the sensitive parts of the property, to warrant a reason for refusal. The proposal would not be unduly overbearing on the private amenity spaces of any those adjacent properties or result in loss of daylight either.

Access, Parking and Highway Safety

The proposal would increase the number of bedrooms existing within the dwelling. However, it proposes two garaging space and two parking spaces within the forecourt. Therefore, there would be no impact upon parking provision on the site or highway safety. Therefore, whilst there are design concerns with proposed works, it does meet the required level of parking for properties of this size.

Conclusion:
The proposed extension would have no negative impact to neighbour amenity, in terms of light received, overshadowing or loss of privacy. However, it would have an unacceptable adverse impact on the build form of the host building and visual amenity of the locality. The proposal is therefore considered unacceptable in the context of its surroundings and is contrary to the general criteria set out in the policies of the local development plan and that of the revised NPPF (2023).

RECOMMENDATION:
Refuse.

Reason:

1. The proposed development by reason of its design, scale, mass and siting would result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development. The proposal would have an unacceptable impact on the visual amenities and character of the surrounding area contrary to Core Policy 57 criterion i, ii, iii and vi, of the Wiltshire Core Strategy as well as Section 12, paragraph 124 and 127 of the National Planning Policy Framework.

Refusal Reason(s): (1)

1 The proposed development by reason of its design, scale, mass and siting would result in a cramped and incongruous form of development which fails to integrate into the existing built form and rhythm of development. The proposal would have an unacceptable impact on the visual amenities and character of the surrounding area contrary to Core Policy 57 criterion i, ii, iii and vi, of the Wiltshire Core Strategy as well as Section 12, paragraph 124 and 127 of the National Planning Policy Framework.

Appendix 4

Appeal Documents List

Reference			Description	Scale*	Date
Original Submission to LPA					
			Application Form		27 June 2023
			Planning Statement		27 June 2023
		01	Site Location Plan	(1:1250 @ A4)	27 June 2023
		02	Existing and Proposed Block Plan	(1:200 @ A3)	27 June 2023
		03	Site Photos	(N/A @ A4)	27 June 2023
		04	Existing Ground Floor Plan	(1:100 @ A4)	27 June 2023
		05	Existing First Floor Plan	(1:100 @ A4)	27 June 2023
		06	Existing Elevations	(1:100 @ A3)	27 June 2023
		07	Proposed Ground Floor Plan	(1:100 @ A3)	27 June 2023
		08	Proposed First Floor Plan	(1:100 @ A3)	27 June 2023
		09	Proposed Elevations	(1:100 @ A3)	27 June 2023
Amended Drawings Received by the LPA					
		02A	Existing and Proposed Block Plan	(1:200 @ A3)	02 November 2023
		10	Proposed Streetscene	(1:100 @ A3)	02 November 2023