CASE OFFICER'S REPORT

Application Reference:	PL/2023/11045
Application Type:	Householder planning permission
Site Inspection:	08 February 2024
Consultation ends:	06 May 2024
Case officer:	Joe Leesam

Site Address:	3 Alma Place, Marlborough, Wiltshire, SN8 1AF
Proposal:	Erection of (1m high) south east and west boundary fences; Erection of timber summer house; Erection of timber bin store
Recommendation:	Approve with Conditions

POLICIES

Wiltshire Core Strategy (adopted January 2015):
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design & Place Shaping
Core Policy 58 - Ensuring the Conservation of the Historic Environment

The National Planning Policy Framework (NPPF) 2023

Planning Practice Guidance (PPG)

Sections 16, 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024

RELEVANT PLANNING HISTORY

K/33152/L – Removal of porch and replacement of steel framed windows in front elevation with wooden box-sash windows. Approved with Conditions 14/08/2001.

PL/2022/06159 – The erection of a front door porch. Approved with Conditions 22/09/2022.

PL/2022/04764 – The erection of a front door porch. Approved with Conditions 22/09/2022.

PL/2023/01361 – Discharge of conditions 3,4 and 5 on PL/2022/06159. Approved 22/09/2023.

REPRESENTATIONS

Marlborough Town Council – No objections.

Conservation – (final Comments) No Objection Subject to Condition.

Third party representations – Seven letters received.

Summary of 3 letters in support (two from one household, one from the owner):

- The summer house and bin store are stylish, well built, and tidy.
- The fence is a drastic improvement upon the fence that was there before.
- For years the garden has been overgrown and unsightly.
- The works contribute to smartening up Alma Place.
- Dispute claims that the works encroach upon the land at No.4.

Summary of 4 letters in objection (representing one household):

- The application makes no mention of, or request to, amend the pavement between the garden and the front of the property.
- The applicant has incorrectly indicated they are the sole owner of the land to which the planning application relates and has incorrectly signed certificate A.
- The roof overhang of the summerhouse extends across the property boundary.
- The impact of the summerhouse on adjoining buildings has not been addressed in this application.
- The lack of compatibility with and overshadowing of the adjacent building is causing water damage to the outhouse of 4 alma place.
- The fencing on the northern side of the garden of 3 Alma Place has been wholly installed in the garden of 4 Alma Place.
- The modern style fencing and storage structures detract from the character and appearance of this conservation area and the listed buildings of Alma Place.
- The applicant has failed to submit a heritage statement.
- The proposed summerhouse in the context of the modest row of cottages is of an inappropriate scale and massing.
- Taken as a whole, the proposed fencing, bin store and summerhouse, give the front garden area the appearance of a rear garden.
- Details of the width and location of the fence have not been submitted.
- The erection of raised decking outside the summerhouse and instillation of paving slabs is indicated on the proposed drawings, but not reflected in the description of development.
- The site plan shows that the bin store and storage area show a design length of 240cm. The measured length of the installed structure is 205 cm.
- The site plan shows a straight southern edge to the garden.

ASSESSMENT

The application relates to 3 Alma Place in Marlborough. It is a grade II listed, terraced cottage located on a residential, pedestrian only street which adjoins with the High Street. The site is located within the Marlborough Conservation Area and is washed over by the North Wessex Downs National Landscape.

The statutory listing of the property is as follows:

ALMA PLACE 1. 5407 (West Side) Nos 1 to l0 (consec) SU 1869 1/130. II GV. 2. C18. Chequer brick (some colour washed). Pitched old tile roof. Brick stacks. 1 range each of cased sashes with glazing bars (No 1 has ground floor casement, Nos 3 and 8 modern casements). 1 planked door each, except for No 2 which is four-panelled, and Nos 1, 4, 7 & 8, which are modern. Later porches to Nos 2, 3, 4, 8 and 9. All the listed items in Alma Place form a group.

Listing NGR: SU1887969059

Proposals:
The application seeks consent for the erection of 1m south-west boundary fences, the erection of a timber summer house, and the erection of a timber bin store.

The application originally submitted included a 1.8m high fence with horizontal timber. Following objections from conservation, amended plans have been requested and submitted with a shorter, picket style fence.

Impact upon the amenity of occupiers of neighbouring properties:
Due to the application's nature as a timber summer house, erection of boundary fences and bin stores, the proposal raises no concerns regarding residential amenity. There is no risk of any overlooking, any unacceptable levels of light blocking, or the creation of an oppressive environment occurring as a result of the proposed plans.

In regard to the above, the proposed plans are considered acceptable on residential amenity grounds.

Scale, design, materials, and impact upon designated heritage assets:
Local Authorities are required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas and listed buildings, their setting, or any features of special architectural or historic interest possessed respectively when considering development proposals that affect the setting or views into them. This is locally reflected within Core Policy 58.

The dwelling that is the subject of this planning application is part of a Grade II listed collection of cottages under the name 1-10 Alma Place. The site is also located within the Marlborough Conservation Area.

The proposal involves the construction of a garden room, fences on both sides of the garden, and bin storage. The application is retrospective so the works have been viewed in person by the case officer. While the garden appears tidy and the work is of relatively high quality, it did stand out among the collection of gardens as significantly more modern in design. The choice of the colour green somewhat helped soften the appearance of the summerhouse, which is large but not necessarily overbearing, given its siting to the rear of the garden. The bin stores consist of naturally treated wood and don't contribute a significant amount of additional built form so they do not have a jarring appearance. The fence was the main element which made the garden stand out among the neighbouring ones, as it is much higher than any other fence in the vicinity and the horizontal timber has a distinctly modern appearance.

Conservation has been consulted on the application and have commented upon the outbuilding and storage with the following assessment:

"Whilst advice was given that the shed/garden room and outside storage solution were not considered acceptable, considering the overall character of the immediate setting of the cottages, the retention of these two structures has a degree of visual intrusion but not a high level of harm. Some form of outside storage to maximise the use of this outside space seems reasonable, and the shed backing on to the brick walling at the end of the plot aids a degree of sympathetic integration of the outbuilding into this sensitive site."

With the above comments from Conservation taken into consideration, the proposed garden room and outside storage are not considered to impose any harm upon the listed building and are therefore considered acceptable on visual amenity and heritage grounds.

Conservation responded with objections to the originally proposed fence due to its height and modern appearance, so revised plans were requested for a shorter picket style fence and they have been received. The height of the picket style fence is more in keeping with the generally open nature of the front gardens of the cottages and the style of fencing is more in keeping with the traditional style of the area. Conservation has been consulted on the revised application and have responded with the following:

"The revisions have removed the fence (as built) and now propose a traditional picket fence. This is considered appropriate for the setting of the listed buildings, and I now support the proposals. As this application was initially seeking retrospective permission to retain the fence, which itself was an Enforcement case, a condition setting a time limit for the situation to be rectified should be added to the decision notice: a period of one to three months should be adequate. Enforcement should be notified to ensure compliance with the condition, and the applicant advised to notify the Council once the works have been completed."

The suggested condition of a time limit for implementation will be included as part of the approval to ensure the works are undertaken. With the condition imposed, the proposed picket fence is considered acceptable.

In regard to the above, the proposed plans are considered acceptable on visual amenity and heritage grounds.

It is therefore considered, having regard to the points made above, that due regard has been given to the statutory duties set out within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the requirements of the National Planning Policy Framework (2021) and Policies 57 and 58 of the Core Strategy.

Impact upon the North Wessex Downs National Landscape:
The proposed extension will be read in context with the host dwelling and as there will be no encroachment into the open countryside, no harm will be caused to the special qualities of the National Landscape.

Other matters:

Concerns have been raised from a neighbouring resident regarding the fence and outbuilding being built upon their land. Confirmation that the proposal has been built upon 3 Alma Place's land has been sought from the applicant and they have confirmed that the information submitted with the application is, to the best of their knowledge, correct. Land ownership disputes are a civil matter so the determination of this application will neither confirm nor deny either party's claim to the disputed land. The authority has no reason to believe the information submitted by the applicant is incorrect so the determination of the application will proceed on the understanding that the proposed fence/outbuilding are built upon the land of 3 Alma Place. Approval of the application is not confirmation of any claim.

Conclusion:
There will be no negative impact to neighbour or visual amenity, nor heritage assets, as a result of the proposed development. The proposal is therefore considered acceptable in the context of its surroundings and is in accordance with the general criteria set out in the aforementioned policies of the local development plan and that of the NPPF (2023).

RECOMMENDATION:
Approve.

Conditions: (4)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Proposed Garden Plan *ALMP001/05 Revision H received by the Local Planning Authority on 28th March 2024
- Existing Site and Block Plans *ALMP001/16 Revision C received by the Local Planning Authority on 18th January 2024

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

3 The existing fence panels shall be completely removed from the site within three months from the date of this decision.

Reason: To ensure rectification of unauthorised works in the interest of the impact the fence

currently has on the setting of the historic environment.

4 The fence to be erected on the boundaries shall be as shown on drawing number ALMP001/05 rev H received by the Local Planning Authority on 28th March 2024.

REASON: to safeguard the setting of the historic setting.