# DELEGATED REPORT

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| **Application Reference:** | PL/2023/07493 |
| **Application Type:** | Planning permission |
| **Site Address:** | 51 Ramsay Road, Calne, SN11 8GT |
| **Proposal:** | Proposed summer house in rear garden (retrospective) |
| **Recommendation:** | Planning Permission be GRANTED |

**PROPOSAL**

The application relates to a building erected to the rear garden. The building is sited upon a raised patio area, the gardens of the property have been landscaped to allow for the level raised patio and summerhouse.

The summerhouse measures approximately 5.3 metres in width by 5 metres in depth. The roof is a shallow lean-to style with a maximum height of approximately 3 metres at the rear and approximately 2.6 metres at the front eaves.

The materials are of cladding in grey composite material to match existing fencing to the garden. The doors and windows are of white upvc units the roof is of an EDPM membrane.

The building is located to the rear of the garden approximately 6.5 metres from the rear elevation of the house, it is set upon a raised patio which has a height of approximately 800 mm. The raised patio continues to the front of the building by approximately 2.5 metres and is bounded by a railing approximately 2.5 metres from the common east boundary with the neighbouring property at no. 49 Ramsay Road. The raised patio is of sandstone, the lower garden level which is level with the floor level of the dwelling is paved in sandstone.

The rear gardens have a high retaining rear boundary wall approximately 3.5 metres above the level of the raised patio at the rear of the garden. The properties to the rear (south) are on higher ground and have a timber fence as the rear boundary approximately 1.7 metres high. The summer house is built with the rear elevation to the rear retaining boundary wall, which is approximately 3.5 metres high in red brick with a close board fence above it of an additional height to approximately 1.7 metres. The west side boundary is of walling and close boarded fencing approximately 2.5 metres in height, which follows the contour of the land as it falls from the rear boundary to the front of the house. The west side boundary is to a public footpath/pedestrian only footpath between dwellings and gardens within the estate.

Revised drawings of the block plan have been received during the life of the application to show the raised patio area upon which the summer house is located. In addition, revised elevations and floor plans of the building have been provided to show the building upon the raised patio and in relation to boundary walls/fences.

The application is made as a householder planning application which is retrospect for the building and raised patio for ancillary use to the existing dwelling.

**SITE DESCRIPTION/CONTEXT**

The property known as 51 Ramsay Road is a detached two storey dwelling within a recently constructed residential estate to the southeast of the Town of Calne.

Calne is designated as a Market Town for the Calne Community Area within the WCS.

The property has redbrick elevations and some redbrick walling to the east side boundary and west boundary walls, the rear boundary is of a relatively high brick retaining wall.

There are no other designations upon the property.

**PLANNING HISTORY**

18/12108/REM – Development of 69 dwellings approved with Conditions

**POLICIES**

Wiltshire Core Strategy 2015 (WCS)
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 8: Spatial Strategy for Calne Community Area
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the conservation of the Historic Environment

Calne Communtiy Neighbourhood Plan 2016-2026 Made 6th February 2018

National Planning Policy Framework (NPPF)
Section 2: Achieving sustainable development
Section 6 Building a strong, competitive economy
Section 12: Achieving well designed and beautiful places

**ISSUES**

- Principle of Development
- Scale and Design
- Residential amenity

**CONSULTATION**

**Calne Town Council –** no objections were raised.

Calne Town Council has a planning sustainability statement which should be used when considering these applications.

**REPRESENTATIONS**

The application was publicised by direct neighbour letter, no representations were made.

**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. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Principle of Development

Decisions on planning applications are made in accordance with the policies contained in the Wiltshire Core Strategy and government guidance.

The principle of domestic extensions, alterations and/or outbuildings within the curtilage of existing dwellings is considered acceptable, providing those proposals are complaint with the requirements of relevant policies within the development plan.

Scale and design

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design, materials amongst other things. Sections 12 of the NPPF expects a good standard of design.

The building is set within the enclosed rear gardens of the property. The position against a relatively high rear retaining wall and scale of the summerhouse which is single storey set upon the patio are considered to be in keeping with the setting of the private rear gardens and to integrate effectively with in the site and appear as good design for the site overall. The materials for the elevations are of cladding in a silver birch colour to match existing boundary cladding within the enclosed garden, the raised patio are is of sandstone to match the existing level garden patio.

The building is of materials to contrast the patio and brick elevations of the house and retaining walls. The design, siting, scale and materials are found to be in keeping with the site and to compliment the property. The building is well contained within the existing curtilage of the dwelling and not visible in the street scene.

The Calne Town Council have no objection. However, mentions the need for applications to be considered in accordance with The Calne Town Council planning and sustainability statement. Officers are satisfied that for householder development matters of construction and sustainability are appropriately controlled under separate legislation in the form of the Building Regulations regime when required.

The building is found to be in accordance with CP 57 of the WCS in terms of design, scale, details, and materials.

Residential amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are

achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The neighbouring property most sensitive to the summerhouse is no. 49 Ramsay Road to the common east boundary. No. 49 is a semi detached two storey dwelling, it is set approximately 2.5 metres forward in relation to no. 51 Ramsay Road. The front elevation of the summerhouse is situated approximately 6 metres from the rear of no. 49 Ramsay Road, to the southeast. The common boundary is of a brick wall with timber close boarded fence above to a height of approximately 2 metres from the garden ground level. From the summerhouse views are directly to the rear of the host dwelling, some views are available towards the rear of no. 49 from inside the summerhouse, however, there are no direct views into the rear windows due to the distance and orientation. The area of raised patio to the front of the summerhouse stops before the common boundary by approximately 2.5 metres with no direct overlooking available from this area due to the orientation and boundary fence.

Due to the distances and boundary treatment together with the design of the raised decking the summerhouse and raised patio area are not considered to give rise to unacceptable levels of overlooking to the rear gardens or rear elevations of no. 49 Ramsay Road. There are considered to be no unacceptable impacts upon the amenities of the neighbouring occupiers from overlooking, overbearing or overshadowing.

No representations have been received.

The proposal is considered not to give rise to unacceptable impacts to neighbouring occupiers in accordance with CP 57 of the WCS.

**CONCLUSION**

The design, materials, scale and siting of the development have been found to be in keeping with the site and the general locality. There are considered to be no unacceptable impacts upon neighbouring occupiers or the amenities of the area in general. The development is considered to be in accordance with CP 57 of the WCS and the Calne Community Neighbourhood Plan.

**RECOMMENDATION:**

**That Planning Permission be GRANTED subject to the following conditions:**

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

Site location plan 1:1250 received 31st May 2024

Block Plan 1:500 Scale - received 29th January 2025

Elevations 1:100 Scale - received 12th February 2025

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

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.

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.

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.

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.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:
https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments
Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.