

Wiltshire Council Planning Consultation Response

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Officer's Name: Jane Sanger
Officer's Title: Planning Officer

Application No: PL/2025/07738
Retrospective permission for removal of existing extract system including external vent to side elevation & installation of new system in new location
15-19 High Street, West Lavington, Devizes, SN10 4HQ

Please find following comments in respect of the above application(s).

Recommendations:

☐	No comment
☐	Support in principle subject to amendments to the scheme (as set out below)
☐	Support subject to conditions (as set out below)
☒	Object (for reasons set out below)
☐	No objections

Scope of comments: the following comments relate to the built historic environment.

Policy: From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 214-216 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 210 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

Site and assets considered: The properties are unlisted buildings within West Lavington and Littleton Panell Conservation Area.

Proposal: The proposal retrospective permission for the removal of the existing extract system including external vent to side elevation & installation of new system in a new location.

Relevant planning history: 20/07734/FUL - Retrospective planning permission for the change the use of the ground floor of 15-19 High Street, West Lavington from a shop (Class E), to a Sui Generis use, to allow for hot food takeaway to be served from inside the premises.

Issues: impact on the character and appearance of the conservation area.

Information considered/provided: Paragraph 207 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, the application is not accompanied by a "Heritage Statement" and as such fails to provide any objective assessment of the impact of the proposal and, as a result, it fails to meet the requirements of the NPPF.

However, paragraph 208 of the NPPF also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

Significance of assets and contribution of setting (as appropriate): The NPPF defines significance as the "value of a heritage asset to this and future generations because of its heritage interest. The interest may be **archaeological, architectural, artistic or historic**. Significance derives not only from a heritage asset's physical presence, but also from its setting." Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

In this case the significance of the building lies largely with its historic fabric and architecture - its form, layout and architectural expression/detailing and use of high-quality design materials which have significant aesthetic and architectural interest, contribute to the sense of enclosure of the street scene and which contribute to the character of the conservation area.

Assessment: The properties are an unlisted range of building located in West Lavington and Littleton Panell Conservation Area.

This application seeks retrospective permission for the removal of an existing extract system including external vent to side elevation & installation of a new system in new location at the rear of the building.

The hot food takeaway business is an existing community use and is established on the ground floor of the premises with residential above.

The planning permission for the hot food takeaway use (Planning Ref: 20/07734/FUL) approved a ventilation system largely within the building with an external vent in the side elevation of the building, see photo below:



Previous ventilation extract approved under 20/07734/FUL

There is no planning statement that accompanies the application to explain why this system was inadequate, particularly when the permission is relatively recent, and why this needed to be changed.

The proposal extract system, would project out of the roof of a modern single storey extension on the rear of the building and would be one and a half storeys tall. Whilst no specific details are shown in the drawings for the proposed materials, it appears from Odour Report that this ventilation system would be constructed from a series of stainless metal pipes with a bulbous cowl on top. This would finish at mid roof height.

In conservation terms that proposed ventilation system would be an intrusive feature in the conservation area and would detract from the character and appearance of the buildings and the locality. No clear justification has been made for the appearance of the ventilation system or as to why this proposal could not be concealed in a false chimney or with some other device to make it less prominent. Also, no clear justification has been provided as to why the ventilation system approved in 2020 was ineffective and needed to be changed, yet the previous system was low key in terms of conservation area impact and was visually acceptable.

I point out, that there is a legislative requirement for proposals to preserve or enhance the conservation area, and this applies whether or not the proposal is in public view or not.

Summary & conclusion: The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals will result in harm to the character and appearance of the conservation area via the erection of a tall stainless steel ventilation system. The proposals involve only part of the conservation area and could therefore be considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF. Indeed, the wording of the NPPF and the 'special attention' by Section 72 of the Act requires that any level harm caused should be taken seriously.

Whilst paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, in this case no objective justification has been provided for the works and the proposals are articulated as being primarily for the convenience of the occupants i.e. a private benefit. As a result, the proposals fail to meet with the requirements of current conservation legislation, policy or guidance and I therefore recommend refusal.