

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2025/09547
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	4 Tollgate Road, Salisbury, SP1 2HZ
DEVELOPMENT DESCRIPTION:	Removal of small section of boundary wall and insertion of 2 new stairwell windows in side elevation of house
RECOMMENDATION:	That Planning Permission be REFUSED

PROPOSAL

The proposal seeks planning permission for the removal of a section of the front boundary wall on the north-west elevation of the existing dwelling, together with the insertion of 2 new windows in the south-west side elevation. The works to the front elevation also include excavation of the raised ground behind the portion of wall that will be removed. This excavation is intended to create a levelled area that will be used for the parking of a motorcycle or mobility scooter, making use of the existing historic dropped kerb located directly in front of the property.

The proposal also includes the installation of 2 new windows at ground and first-floor level on the south-west side elevation. These openings are intended to serve the existing staircase that spans both floors. It is understood that the applicant seeks to introduce these windows to increase daylight levels within this part of the dwelling.



SITE DESCRIPTION/CONTEXT

The site comprises a 2-storey dwelling positioned at the end of a row of 4 properties. These dwellings were granted planning permission under reference S/2007/0425, issued in September 2007. Earlier consents were also granted for similar schemes in 2005 and 2006 (references S/2004/2709 and S/2005/1884), each proposing the erection of 4 dwellings on the same land.

The property is located within an established residential area positioned inside the settlement boundary of the Principal Settlement of Salisbury, as defined by Core Policies 1, 2 and 20 of the Wiltshire Core Strategy. The prevailing character of the surrounding area consists predominantly of 2-storey residential properties, with commercial and care-related uses also present. To the north-east along Tollgate Road are offices associated with Wessex Care and the Wessex Care Kimberley West Care Centre.

The dwelling lies within the Salisbury Conservation Area, where development is required to preserve or enhance the established character and appearance of the historic environment. The site also sits in close proximity to 2 designated heritage assets: 1–7 St Martin's Church Street and The Tollgate Inn, both of which are Grade II listed.

PLANNING HISTORY

Proposal / Summary
S/2007/0425 - Full planning permission Decision - Refused Date: 12/4/2007 – ERECT 4 HOUSES WITH 6 CAR PARK SPACES
S/2005/1884 - Full planning permission Decision - Approve with Conditions Date: 31/10/2005 – ERECT 4 HOUSES WITH 6 CAR PARK SPACES
S/2004/2709 - Full planning permission Decision - Approve with Conditions Date: 14/2/2005 – ERECTION OF TERRACE OF FOUR 2-BED DWELLINGS FRONTING TOLLGATE ROAD/ ON TOLLGATE INN PUBLIC HOUSE CAR-PARK; CONSTRUCTION OF ACCESS ROAD AND PROVISION OF 6 PARKING SPACES TO REAR.
S/2003/1320 - Full planning permission Decision - Refused Date: 2/9/2003 – DEVELOP LAND WITH 4 NEW HOUSES AND GARAGES AND ALTERATION TO ACCESS
PL/2024/11592 - Householder planning permission Decision - Withdrawn by Applicant Date: 27/2/2025 – Single Storey Extension to create entrance lobby and external alterations to the front of the property

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 20: Salisbury Community Area
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment

- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management
- Core Policy 67: Flood Risk

Salisbury Neighbourhood Plan

Salisbury Conservation Area Management Plan

Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

National Design Guide

S/66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

CONSULTATION RESPONSES

Salisbury City Council: Support – with the following text received:

‘SCC support this application’

WC Highways: Comment – with the following text received:

‘I refer to the above planning application for the removal of a small section of boundary wall and insertion of 2 new stairwell windows in the side elevation of the house.

With regards to the removal of the front boundary wall, I had much discussion regarding a parking area in this location under planning application PL/2024/11592 and I confirmed that the removal of a maximum of 1.5m of wall will be acceptable for the parking of a motorcycle or mobility scooter. The location is not acceptable for the parking of a car due to limited visibility and the excessive manoeuvring on the footway and highway that would be required. The proposal is for a 1.5m gap in the wall which is acceptable.

I note that on your site visit you witnessed that there is a downpipe carrying the water from the roofs of the 4 terraced properties, and it is likely that the area to be excavated houses a soakaway for this water run-off. Please can this be investigated and a solution put forward as to the revised soakaway scheme to prevent water discharging onto the highway.’

REPRESENTATIONS

No comments were received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

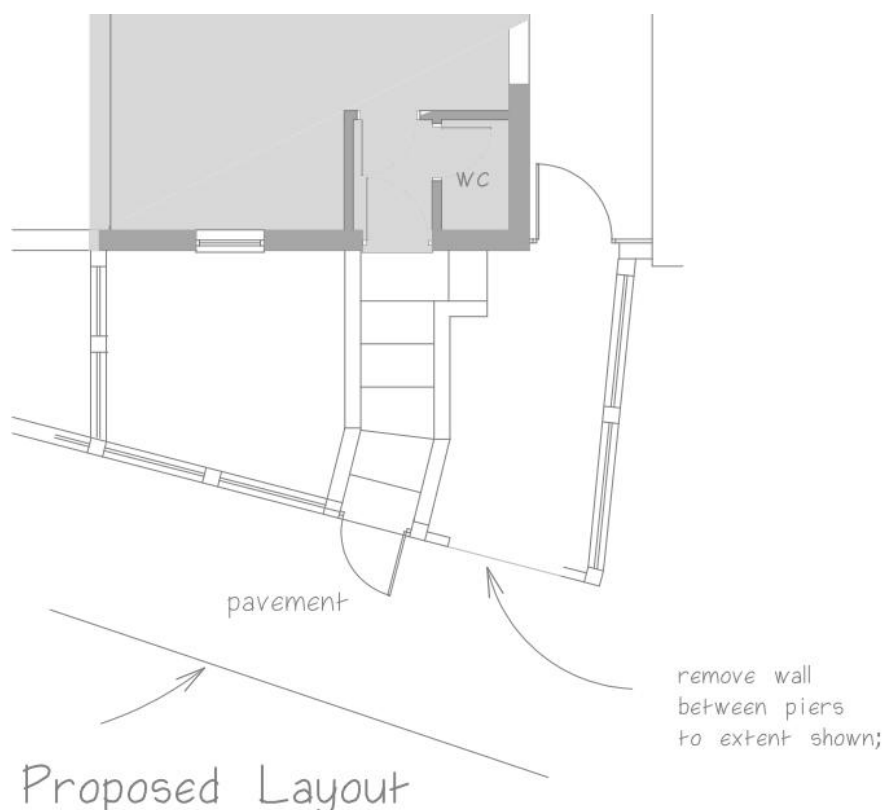
"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the adopted Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans.

Principle of development

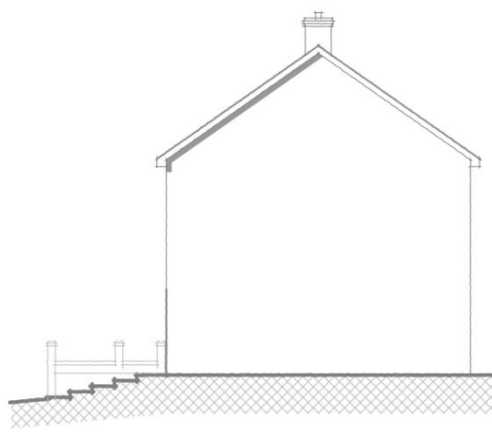
Core Policies 1 and 2 of the Wiltshire Core Strategy set out the settlement and delivery strategy for sustainable development across the county. These policies direct growth towards the most sustainable settlements, with the Principal Settlements, including Salisbury, identified as the primary focus for new development. Within these defined settlement boundaries, development will be supported in principle where it accords with other relevant policies of the development plan. Core Policy 20 provides the specific spatial strategy for Salisbury and confirms its role as a Principal Settlement where a range of development types will be appropriately located.

The application site lies within the settlement boundary of Salisbury and therefore occupies a location where development will be acceptable in principle. The proposals relate to alterations to an existing dwelling and works within its residential curtilage. As such, they fall within the scope of a householder application and meet the general criteria for domestic alterations in a sustainable urban location. No concerns arise in relation to the principle of development, and the acceptability of the proposal therefore depends on the site-specific planning considerations addressed in the following sections.





Existing North West Elevation



Existing South West Elevation



Proposed North West Elevation



Proposed South West Elevation

Design and impact upon the upon the character and context of the area, and Salisbury Conservation Area

Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness. The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

At a national policy level Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The removal of a section of the boundary wall and the associated excavation of the raised land behind it will amount to a noticeable alteration to the most publicly visible elevation of the dwelling. This frontage forms part of a consistent and relatively unified run of boundary treatments along Tollgate Road, and any change has the potential to alter the appearance of the property in the street scene. However, the section proposed for removal represents

approximately one-third of the total length of the front boundary wall, with the remainder retained to frame a small area intended for motorcycle or mobility-scooter parking. When considering the wider context of the immediate area, including nearby properties such as The Coach House to the south-west, off-street parking areas on the frontages of dwellings are a common characteristic of this part of Tollgate Road. As a result, the scale and design of the proposed alteration will not appear visually discordant nor introduce a feature that is out of keeping with the established pattern of development.



In respect of the Salisbury Conservation Area, similar considerations apply. The partial removal of the front boundary wall is more modest than that proposed in the earlier application PL/2024/11592, which sought the full removal of the wall and attracted objections, including from the Council's Conservation Officer. In that instance it was noted that complete removal *"would leave an incongruous section in the middle of the terrace."* The current proposal significantly reduces the extent of boundary loss and retains the majority of the existing railed forecourt, thereby limiting its effect on the historic character of the area. On this basis, the works to the boundary wall and front garden area are not considered to result in adverse harm to the character or appearance of the conservation area.



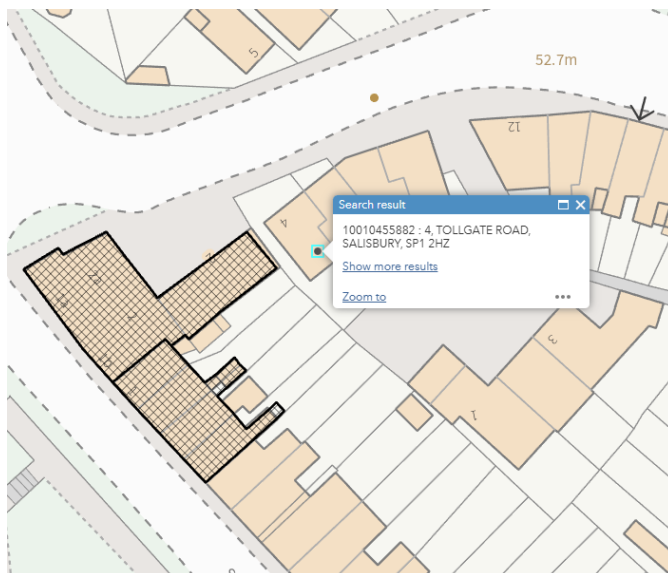
Previously proposed elevation on WITHDRAWN 2024 application

Proposed North West Elevation

The proposed insertion of 2 windows in the south-west side elevation will be perceptible from the public realm, although they will not read as prominent or visually intrusive elements within the wider street scene. While these openings raise amenity concerns in terms of overlooking, their scale, design and placement do not give rise to harmful effects on the architectural character of the dwelling or the significance of the conservation area. As such, no issues arise regarding their visual impact.

Overall, the combined works including the limited removal of the front boundary wall, the associated excavation, and the insertion of the 2 side-elevation windows will not result in an adverse impact on the character or appearance of the dwelling or the surrounding street scene. The scale and form of the alterations will remain consistent with the established pattern of development along Tollgate Road, and the retention of the majority of the boundary treatment ensures that the visual rhythm of the frontage is preserved. The proposal will also maintain the character and appearance of the Salisbury Conservation Area. As such, no design-based objections arise in respect of the development.

Impact on nearby listed buildings



Listed buildings shown in black hatched box

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 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the

proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing 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.

For the reasons outlined above in relation to the Salisbury Conservation Area, the proposals are also not considered to result in harm to the setting of the nearby listed buildings, namely 1–7 St Martin’s Church Street and The Tollgate Inn. The works proposed are minor in scale and will not materially alter how these heritage assets are experienced within their immediate context, beyond the existing presence of 4 Tollgate Road and the 3 adjoining dwellings that already form part of their setting. Given the modest nature of the alterations, the proposals will preserve the ability to appreciate the significance of the nearby listed buildings, and no heritage-based objection arises in this regard.

Highways impact

Core Policy 57 (xiv) of the Wiltshire Core Strategy seeks to ensure that development must meet the requirements of Core Policy 61. This policy requires proposals to be capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure compliance with parking standards set out in the Local Transport Plan.

The National Planning Policy Framework (NPPF), particularly Paragraph 115 and 116, requires that development proposals do not have an unacceptable impact on highway safety and that safe and suitable access to the site can be achieved for all users.

WC Highways were consulted on the application and their comments are reproduced in full earlier in this report. In their response, WC Highways confirm that they have previously discussed the creation of a parking area for a motorcycle or mobility scooter with the applicant’s agent. They note that the proposed 1.5m opening in the boundary wall is not wide enough to accommodate a car, but that this gap is sufficient for the manoeuvring of a motorcycle or mobility scooter. On that basis, and given that the manoeuvring requirements for such vehicles are markedly reduced when compared with a car, WC Highways raise no objection to the formation of a small off-street parking area. Access would make use of the existing dropped kerb along this section of Tollgate Road, historically associated with access to the former Tollgate Inn car park. No highway-safety objection arises in relation to this aspect of the proposal.

However, during the case officer’s site visit it was observed that a gutter downpipe, understood to collect roof water from all 4 dwellings in this terrace, currently discharges directly into the built-up area behind the boundary wall. It is also considered likely that this land functions, at least in part, as a soakaway for the surface water from these properties. The submitted plans do not identify the presence of this drainage arrangement nor propose any means of capturing or dispersing the water following excavation of the area. As a result, the development as currently designed provides no means of preventing surface water discharging directly onto the public highway.

This matter was raised with WC Highways, who make clear in their consultation response that they cannot support the proposal unless this issue is investigated and a revised drainage solution is put forward. The case officer relayed this requirement to the applicant's agent; however, no additional information or amended plans have been submitted. In the absence of such details, it is reasonable to conclude that rainwater discharged from the downpipe will fall approximately 1ft onto the newly excavated parking area and then run off onto Tollgate Road. This would create a source of surface-water discharge that has the potential to pose a hazard to highway users.



The gutter downpipe

**Area to become parking
area in relation to
adjacent highway**

Core Policy 67 of the Wiltshire Core Strategy and paragraph 181 of the National Planning Policy Framework require that new development avoids increasing flood risk on site or elsewhere and incorporates appropriate measures for the sustainable management of surface water. Development must also accord with national drainage and flood-risk guidance. The proposals fail to demonstrate compliance with these requirements.

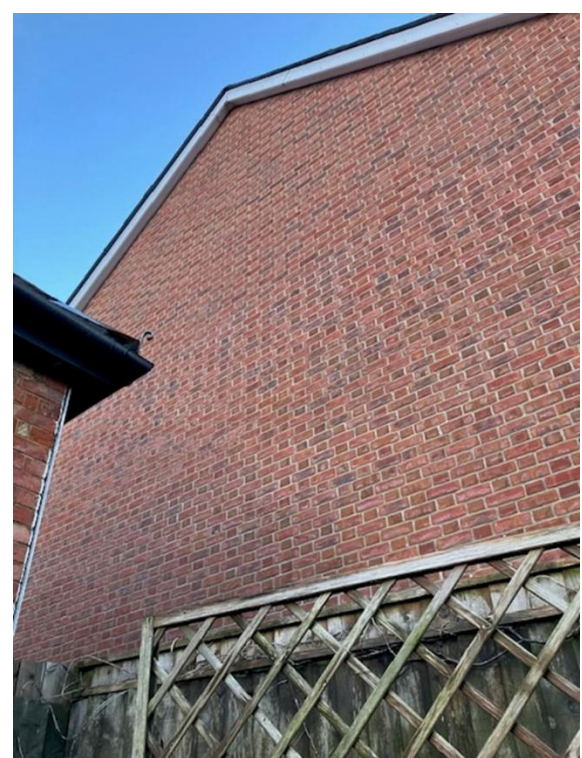
In conclusion, insufficient information has been provided to show that the removal of the boundary wall and excavation works will not compromise existing drainage arrangements or lead to surface water discharging onto the public highway. This results in a clear conflict with Core Policy 67 and national drainage policy, forming a substantive reason for refusal.

Impact on neighbour amenity

Point vii of Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties. The National Planning Policy Framework (NPPF), particularly Paragraph 135(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

The proposed development has been assessed for its potential impact on the residential amenity of neighbouring properties, with specific consideration given to loss of light, overshadowing, loss of privacy and overbearing effects. The works associated with creating a small off-street parking area and the addition of 2 new openings do not give rise to harmful overshadowing, overbearing impacts or a material loss of daylight for adjoining occupiers. However, substantial concerns arise in relation to the overlooking and privacy implications associated with the new side-elevation windows.

At present, the south-west side elevation contains no openings. The introduction of windows in this location represents a significant change and creates a new opportunity for overlooking that does not currently exist. The case officer considers that this change will result in adverse amenity impacts for occupiers of St Martin's Church Street and The Coach House, amounting to a clear reason for refusal.



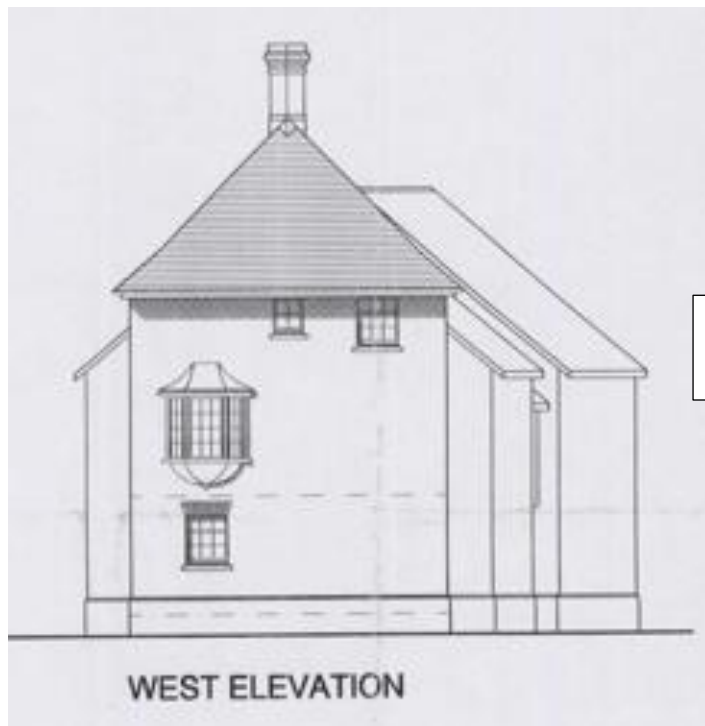
Among the 2 proposed openings, the first-floor window will cause the most pronounced harm. Its elevated position, combined with the slightly higher land level at 4 Tollgate Road, will create a direct line of sight towards the rear gardens of 1, 3 and 5 St Martin's Church Street. These gardens benefit at present from a high level of privacy, with no overlooking from the immediate north-east. The introduction of this window will materially reduce that level of privacy and constitutes a significant change to existing amenity conditions. The ground-floor window will face the blank wall of The Coach House and therefore poses a lesser degree of concern, although it nonetheless introduces an additional source of perception of overlooking not currently present.

In addition to the effects on St Martin's Church Street, the proposed first-floor window will also lead to direct and intrusive overlooking of The Coach House. During the site visit it was observed that this window will look down into the rooflight on the north-east-facing roof slope of The Coach House, enabling views into its upper floor. Although both new windows will serve a stairwell, regular movement up and down the stairs will present repeated and unavoidable opportunities for views into this neighbouring property. This will result in an unacceptable loss of privacy and is considered harmful.



Location of existing rooflight on side elevation of The Coach House subject to overlooking from proposed rooflight.

The planning history of the site reinforces these concerns. An earlier scheme for 4 dwellings was refused in 2003 (ref: S/2003/1320), partly due to *“significant additional overlooking and loss of privacy currently enjoyed by surrounding residential properties.”* The subsequent appeal (ref: APP/T3915/A/03/1132369) was dismissed, with the Inspector emphasising in paragraphs 32, 35 and 36 that the rear gardens of St Martin’s Church Street enjoyed limited amenity that *“would be unreasonable to significantly reduce.”* Although the earlier design included a greater number of windows, the central first-floor opening now proposed occupies a comparable position and would create a very similar impact on these gardens. The historical context therefore provides strong support for the conclusion that the amenity impacts arising from the proposed first-floor window are unacceptable.



Proposed west elevation of the REFUSED 2003 application. (S/2003/1320)

No representations were received from nearby residents, however, a site visit confirmed that The Coach House and 1 St Martin’s Church Street were not occupied at the time. The absence of comments therefore cannot be interpreted as an indication of an absence of harm.

In summary, the proposal will introduce clear and direct opportunities for overlooking that will result in a significant and harmful loss of privacy for occupiers of both St Martin’s Church Street and The Coach House. The first-floor window in particular will fundamentally alter the existing privacy conditions enjoyed by these properties and will give rise to a level of amenity harm that is inconsistent with the expectations for residential environments in this location. The proposal therefore conflicts with Core Policy 57(vii) of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide, and it is concluded that the scheme is unacceptable in terms of its impact on residential amenity.

Biodiversity Net Gain

Householder planning applications are exempt from the requirement to deliver Biodiversity Net Gain under Schedule 7A, Section 4(2)(a) of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021.

CONCLUSION

The assessment has identified two clear and substantive areas of harm arising from the proposed development. First, the introduction of new window openings in the south-west side elevation will create direct and elevated overlooking towards the rear gardens and upper-floor accommodation of neighbouring properties, including dwellings on St Martin's Church Street and The Coach House. These impacts will result in a significant and harmful loss of privacy, representing an unacceptable deterioration in the existing level of residential amenity. The concerns are further reinforced by the planning and appeal history of the site, which demonstrates longstanding sensitivity in respect of overlooking from this elevation.

Second, the proposal fails to demonstrate that the removal of part of the front boundary wall and the excavation of the raised forecourt will not compromise the existing drainage arrangements serving the terrace of 4 dwellings. The development does not provide any detail of how surface water from the shared downpipe will be appropriately managed following excavation, and in the absence of such information the Local Planning Authority cannot be satisfied that water will not be discharged onto the public highway. This introduces an avoidable and unnecessary risk to highway users and fails to meet the requirements of Core Policy 67 and national policy relating to sustainable drainage and flood risk management.

The proposed development, by reason of the identified harm, is considered to conflict with the aims and objectives of the Wiltshire Core Strategy and the National Planning Policy Framework. The proposal fails to demonstrate compliance with the relevant policies and guidance.

Accordingly, the application is recommended for refusal.

RECOMMENDATION: That Planning Permission be REFUSED.

1. Impact on neighbour amenity

The proposed addition of 2 windows in the south-west side elevation will introduce direct and elevated views towards the rear gardens of the neighbouring properties on St Martin's Church Street and the rooflight on the north-east facing roof slope of The Coach House. The resulting overlooking and loss of privacy will cause an unacceptable and harmful impact on the living conditions of these occupiers. The proposal therefore fails to safeguard the reasonable residential amenity of neighbouring properties.

The development is contrary to Core Policy 57(vii) of the Wiltshire Core Strategy (2015), the guidance contained within Appendix D of the Wiltshire Design Guide SPD, and paragraph 135(f) of the National Planning Policy Framework, all of which require development to secure a high standard of amenity for existing and future users.

2. Water discharge onto the highway

The proposed development fails to demonstrate how surface water from the existing shared downpipe will be managed following the removal of the front boundary wall and the excavation of the raised forecourt area. In the absence of information demonstrating an appropriate

method of surface water disposal, the Local Planning Authority cannot be satisfied that the development will incorporate suitable drainage measures or prevent water discharging onto the public highway.

The proposal is therefore contrary to Core Policy 67 of the Wiltshire Core Strategy (2015) and paragraph 181 of the National Planning Policy Framework, which require development to ensure flood risk is not increased and to provide appropriate surface water drainage solutions.