

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2025/08717
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	38 North Street, Calne, SN11 0HJ
DEVELOPMENT DESCRIPTION:	Replace existing wall with cream painted breeze block wall at height of 1.3m. Relocation of existing timber fence to be positioned immediately behind new garden wall with a total height of 3.13m (From street ground level to top of fence).
RECOMMENDATION:	That Planning Permission be REFUSED

PROPOSAL

The proposal seeks planning permission for the removal of an existing, low stone wall, a boundary hedgerow and fence which sits behind the hedgerow and their replacement with a new boundary wall with fence set immediately behind and above that wall.

The proposed boundary wall would be approximately 29m long and 1.3m high and set between an existing timber gate and the southern end of the site, where there is parking for an adjacent medical practice. The proposed wall would be constructed of breeze blocks and painted cream. As the garden is higher than the adjacent public realm, it is proposed to erect a new boundary fence immediately behind the proposed blockwork wall. This fence would have a total height from the level of the adjacent pavement of approximately 3.1m. The fence panel sections would have gently curved tops with intervening posts and be painted dark green.

SITE DESCRIPTION/CONTEXT

No 38 North Street is a detached Victorian villa built in rusticated coursed local stone with ashlar quoins and windows surrounds. The orientation is such that it sits side on to North Street with the double fronted principal elevation facing into the garden to the south. This garden is bounded on North Street by the wall subject of the application. There is a further, small area of private garden to the north of the property which is also bounded by a similar wall and there is a gated entrance into the site close to the southern side of the property.

The area around the site is characterised by a mix of cottages and villas built of similar materials to the application property and typical of Victorian villas and terraced properties. Along North Street, the boundaries with the public realm are typical stone walls, some low with railings over and some, like the application site, softened by hedgerows and trees.

The site sits within the defined settlement boundary of Calne and also within the designated Calne Conservation Area (CCA). There are no other heritage assets within the immediate vicinity of the site.

PLANNING HISTORY

Proposal / Summary
16/07796/FUL – Full planning permission Decision – Approve with Conditions Date: 7/10/2016 – Proposed first floor & single storey rear extensions and new roof over existing flat roof two storey extension.

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- 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

Calne Community Neighbourhood Plan – Made March 2025

Design Guidelines and Codes

BE1 – Design Principles for Local Distinctiveness

BE2 – Heritage Assets

Wiltshire Design Guide

Appendix D – Design Guidance for Householder extensions

Calne Conservation Area Statement

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

National Design Guide

CONSULTATION RESPONSES

Parish/Town Council: No comment made

Conservation Officer: Object

Loss of low stone boundary wall and hedgerow is harmful and its replacement with distinctly different material and finishes is harmful to the contribution of the character and appearance of the Conservation Area.

Arboriculture Officer: No principle objection but append an Informative for tree root protection

WCC Highways: No Objection subject to a condition for plans, sections and specifications of the wall in relation to structural integrity. Informative to advise application of requirement to obtain a relevant permit for works within the highway.

REPRESENTATIONS

No comments were received in relation to the proposed development

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.

Design and Impact upon the upon the character and context of the 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 proposed development would result in the loss of approximately 30m of an existing, low stone boundary wall, a hedgerow and fence set behind the hedgerow. The replacement would comprise a 1.3m breeze block wall and new fence set immediately behind and above the new walling. The blockwork wall would be painted cream, with the fence a dark green.

The site, and within the vicinity of the site, the properties are characterised by traditional Victorian properties built from stonework with some quoin detailing and a small amount of render. The boundary treatments are also typically of original stonework with many being of a low height with some benefitting from metal railings or soft hedgerows above. It is acknowledged that is a small variation in heights and design, but there is a clear architectural vernacular which adds to the appeal of the locale and the character and appearance of this part of Calne.

The adopted Wiltshire Design Guide states at para 4.5.11 that where natural stone is a distinctive characteristic of the immediate area/setting, then similar natural stone is preferred for use on new buildings and walls, for example, on main streets and open spaces.

Furthermore, CP57 states that a high standard of design is required for all new development. Developments such as this, which are wholly visible within the public realm are expected to

create a strong sense of place through drawing on local context and being complementary to the locality.

In this respect, the proposed blockwork wall and its painted finish, is considered an inferior replacement, visually out of place in this location. The poor quality of the finish at a height of 1.3m is considered to result in detrimental visual impact on the site and setting, which is highly visible within the street scene and in longer views along North Street.

Additionally, the proposed placement of the fence would add to the hard edge on this narrow section of North Street and visually enclose the public realm as result of the combination of the uncharacteristic material, proximity to the public realm and height of over 3m.

The proposal does not represent high-quality design resulting in harm to the character and appearance of the locality. Therefore, it is contrary to Core Policy 57 of the Wiltshire Core Strategy, the adopted Wiltshire Design Guide, and the relevant provisions of the National Planning Policy Framework. The application must therefore be refused on design grounds.

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 in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects.

The proposed new boundary treatment is not considered to result in any increase in impact upon adjacent neighbouring occupiers.

The proposal therefore accords with Core Policy 57 point vii in respect of safeguarding residential amenity and Appendix D of the Wiltshire Design Guide.

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.

The proposed replacement boundary wall would sit directly adjacent to the public realm and pavement on the eastern side of North Street. Therefore, the Council's Highway Engineers were consulted.

Their specialist view opines that whilst the height of the wall is some 100mm below the height where full structural detail would be required, it is considered that being directly adjacent to the footway for some distance and the level of land being retained behind, that it is prudent to ensure that structural integrity does not pose a risk to safety.

As previously advised, as the wall would stretch to nearly 30m, a condition to secure appropriate plans to demonstrate the sections and specifications is considered appropriate and necessary in this instance. Such a condition is considered to meet the six tests for planning conditions.

It is also advised by the WCC Highway Team that a permit would be required for works which impact a public highway and footpath. An appropriate Informative can be appended to any grant of permission.

The proposed development would not result in any adverse impact on highway safety. Adequate parking and turning provision would be retained in accordance with Wiltshire's adopted parking standards, and access arrangements are acceptable.

The proposal is therefore considered to comply with Core Policies 57 (xiv), 61 and 64 of the Wiltshire Core Strategy, the NPPF, and the Wiltshire Local Transport Plan.

Heritage Impact

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.

Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

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.

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 site is considered to make a positive contribution to the character and appearance of the CCA which, in so far as is relevant, can be discerned from the value of its mostly late-19th century townscape, including its street layouts and boundaries, historic buildings, architectural details and locally distinctive materials, and significant foliage.

It is desirable to preserve or enhance the character or appearance of the CCA, to which there is a duty to pay special attention under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, Wiltshire Council's Conservation Officer has advised that the application site is a non-designated heritage asset (NDHA), the significance of which comprises its architectural interest.

Under 'Guidance Recommendations' of the conservation area statement it advises encouraging the use of natural materials in alterations to traditional features and to "discourage the removal of boundary walls...", although this is primarily directed towards resisting the proliferation of vehicular accesses. The Wiltshire Design Guide (9.3) expects the design of boundary treatments to create a positive interface with the public realm, including by encouraging locally distinctive designs and materials and by discouraging timber or close-board fences.

The proposal would involve the loss of a section of the site's existing low rubblestone wall and hedgerow, and its replacement with a cream-coloured blockwork wall behind which would be erected a timber fence. Wiltshire Council's Conservation Officer objects to the applications, advising that the loss of about half the length of a continuous stretch of garden boundary and the appearance of the replacement would appear incongruous and discordant in appearance, harming the character and appearance of the CCA and the significance of the NDHA.

The proposed wall and fence would starkly contrast with the locally distinctive stone boundary walls and foliated borders in the street scene, appearing a visually incongruous addition and poor interface with the public realm to the detriment of the character and appearance of the CCA. Furthermore, the present boundary wall and hedgerow provide an attractive enclosure behind and within which the significance of the NDHA is appreciated. Accordingly, the proposed replacement of a section in a starkly contrasting and incongruous style would be of detriment to how its significance is experienced and appreciated.

The development would harm the significance of the NDHA through change within its setting, and the character and appearance of the CCA in which it is located.

For these reasons, the development would not conserve the heritage assets, and therefore conflicts with the Calne Neighbourhood Plan, Policy BE2, CP57 (iii, iv and CP58 of the Wiltshire Core Strategy. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets a strong presumption against granting planning permission; however this duty is

exercised within the context of the NPPF (paras. 202-221) which provides that harm to significance should be clearly and convincingly justified and outweighed by public benefits. The harm in this case qualifies as less than substantial and sits toward the lower end of the scale due to its localised impact. However, no clear and convincing justification for the harm has been advanced by the applicant. Furthermore, the public benefits that would be secured are the limited and ephemeral benefits, and wholly insufficient to outweigh the considerable importance and weight attached to the harm identified.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the CCA, and it is concluded that the harmful impact is unacceptable. Material considerations do not therefore indicate a decision should be made other than in accordance with the development plan. Therefore, a reason for refusal is found on heritage grounds.

Other issues

As the site has mature trees within the garden area and close to the site of the proposed replacement boundary walling, it was considered prudent to seek the specialist view of the Council's Arboriculture Officer.

Their response states that, in this instance, whilst there is "in principle" objection, there may be potential for impact upon the rooting environment of those trees. Any permission should be accompanied by an Informative advising of the best methodologies to protect those trees.

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.

Nevertheless, as required by the regulations, any approval must include an Informative reminding the applicants of the biodiversity net gain requirements.

CONCLUSION

The proposed development, by reason of the identified harm, is considered to conflict with the aims and objectives of the Wiltshire Core Strategy, the adopted Wiltshire Design Guide, the Calne Conservation Area Statement and the National Planning Policy Framework. The proposal fails to demonstrate compliance with the relevant policies and guidance, and no overriding material considerations have been identified that would justify a departure from the development plan.

Accordingly, the application is recommended for refusal.

RECOMMENDATION: That Planning Permission be REFUSED.

1. The proposed development, by reason of its scale, design, siting and inferior replacement materials would result in a form of development that fails to respond positively to the character,

context and distinctiveness of the host dwelling and its setting. The proposal would appear visually incongruous, overly dominant and unsympathetic to the character of the area and would detract from the visual amenity of the surrounding area.

As such, the proposal is contrary to Core Policy 57 (i and iii) of the Wiltshire Core Strategy (2015), the design principles set out in the Wiltshire Design Guide SPD, and paragraphs 131 and 135 of the National Planning Policy Framework, which collectively seek to ensure high-quality design that respects local character and integrates appropriately with its surroundings.

2. The proposed development, by reason of its scale, design, siting and would fail to preserve or enhance the character and appearance of the Calne Conservation Area. The proposal would cause less than substantial harm to the significance of the heritage asset and no clear and convincing justification or public benefit has been demonstrated to outweigh this harm.

The proposal is therefore contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy (2015), Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework, which collectively require development to conserve heritage assets in a manner appropriate to their significance.