

## APPLICATION FOR FULL-PLANNING PERMISSION DELEGATED REPORT

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| <b>APPLICATION REFERENCE:</b>   | PL/2025/09165                                                                                                                                                                                                                                                                                                                                                 |
| <b>APPLICATION TYPE:</b>        | Full planning permission                                                                                                                                                                                                                                                                                                                                      |
| <b>SITE ADDRESS:</b>            | 2 Queensway, Melksham, SN12 7JY                                                                                                                                                                                                                                                                                                                               |
| <b>DEVELOPMENT DESCRIPTION:</b> | Resubmission of planning permission PL/2021/10256 for removal of no.1 unallocated lay-by parking space and creation of no.2 off street parking spaces and associated works including relocation of street furniture and turning head with alterations to the previously approved boundary fencing and the installation of entrance gate (part retrospective). |
| <b>RECOMMENDATION:</b>          | Approve with Conditions                                                                                                                                                                                                                                                                                                                                       |

### PROPOSAL

The application is a resubmission of planning permission PL/2021/10256 for the removal of one unallocated lay-by parking space and the creation of 2 off street parking spaces adjacent to the dwelling, with associated works including the relocation of street furniture and turning head. Additionally it is proposed to alter the previously approved boundary fencing and to install a timber entrance gate, which is part retrospective as the boundary fence has already been partially installed and the hardstanding for the parking area is already in situ.

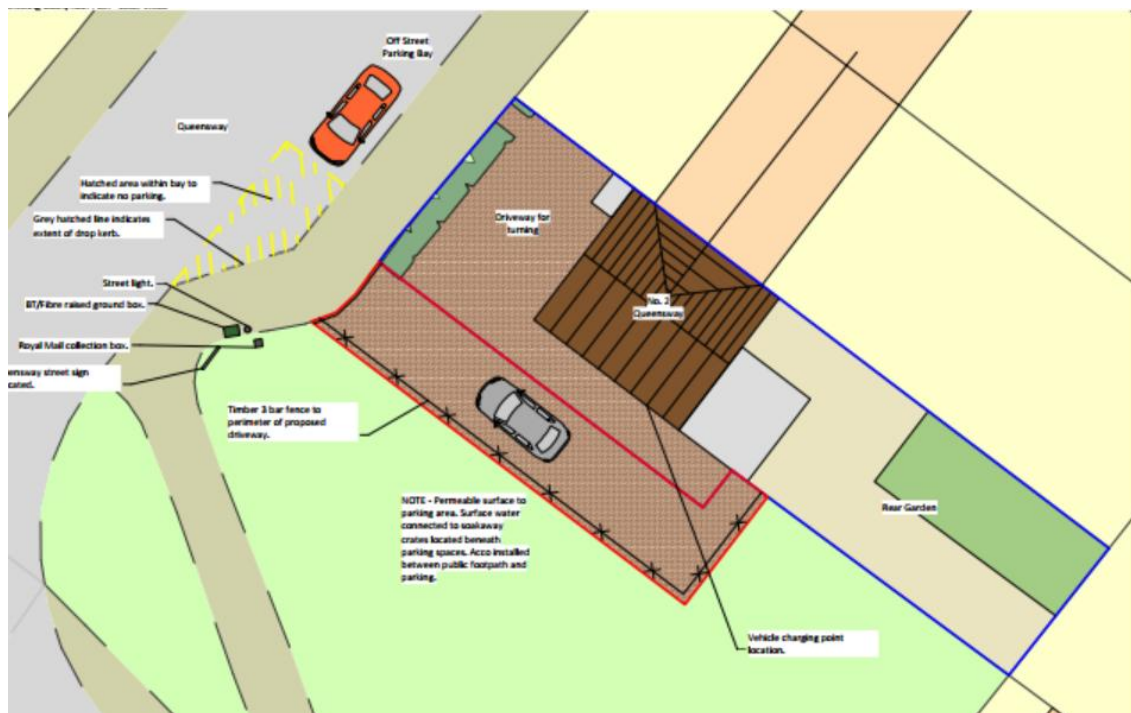
Originally the application was submitted as a Section 73 application to vary the approved plans subject to the approval under PL/2021/10256, to allow for alterations to the approved boundary treatments and to enable the insertion of an entrance gate. However, information within the application form confirmed that the application was implemented after the 3 year timeframe as per condition 1 of PL/2021/10256, thereby the Section 73 application was not the correct application type for these circumstances. As a result, a Full Planning application was submitted for the proposals.

Whilst granted as a Householder application, it is noted that the previous permission included a change of use of land, given that the land subject to the creation of the off-street parking was not previously classified as residential land, and was in fact part of a parcel of open space within the local area. Technically, PL/2021/10256 should have progressed as a Full Planning application owing to this discrepancy and to enable the inclusion of the change of use within the proposal, however the submission of this current Full application will enable the regularisation of the approved works.

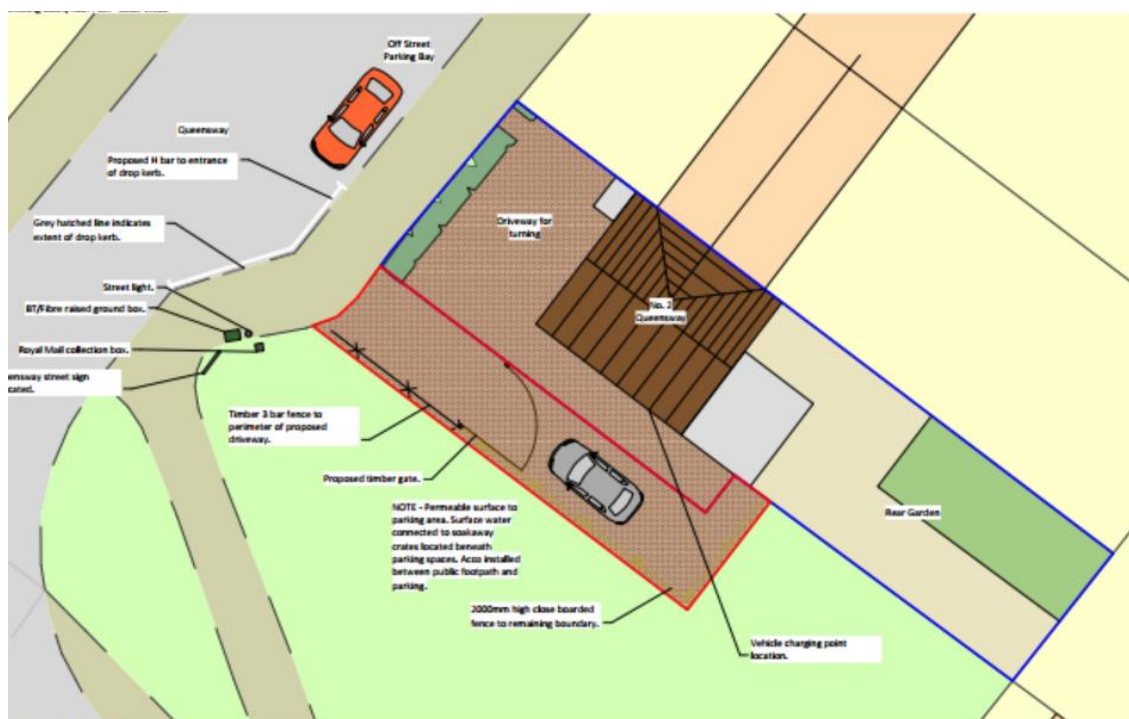
To help facilitate the hardstanding parking area to the side of the property, it was requested to remove one of the unallocated lay-by parking spaces fronting the property, as this would enable vehicular access to and from the proposed parking area. In terms of boundary treatments, it was previously proposed to edge the boundary in a 3-bar fence to enclose the area. However, it is now proposed to alter this to partially increase the height of the 3-bar fence, retaining this style of fencing to the front portion of the site, but also to include close-

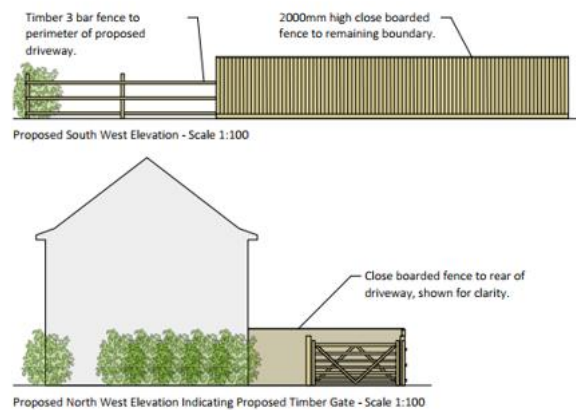
board fencing to the rear section of the side boundary and across the rear of the site. Additionally, a timber gate is also proposed within the curtilage directly in front of the proposed parking area but set back from the frontage. In terms of the street furniture, this was in relation to the relocation of the Queensway street sign from directly in front of the property to edge of the adjacent path.

The extract below shows the layout plan, as approved under PL/2021/10256. The extent of the 3-bar fencing to the boundary is apparent, with the yellow hatched area illustrating the section of the parking bay which was lost to enable access to the off-road parking area:



The following extract demonstrates the proposed layout subject to this application. It demonstrates the alterations to the proposed boundary fencing, and where the timber closeboard fencing would be introduced. Additionally, the location of the timber gate is also shown:





Proposed Gate and Fence Elevations

## SITE DESCRIPTION/CONTEXT

The site known as 2 Queensway is a two storey end of terrace dwelling house located in an established residential area within the settlement of Melksham. The property is in close proximity to Spa Road and is adjacent to an small expanse of green space. The property benefits from off-road parking for a number of vehicles to the property frontage which was established and since implemented under the previous application determined under PL/2021/10256 and has been finished in permeable block paving, with the approved 3-bar timber fencing in situ around the perimeter of the parking area. The surrounding area is characterised by dwellings of varying styles and construction materials.



2 Queensway – Photo from site visit

## PLANNING HISTORY

### **Proposal / Summary**

PL/2021/10256 - Application for the removal of no.1 unallocated lay-by parking space and creation of no.2 off street parking spaces and associated works including relocation of street furniture and turning head. APPROVED WITH CONDITIONS 08.02.22

## RELEVANT LEGISLATION, POLICIES AND GUIDANCE

### National Planning Policy

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

### Wiltshire Core Strategy (WCS)

- CP1: Settlement Strategy
- CP2: Delivery Strategy
- Core Policy 57: Ensuring High Quality Design and Place Shaping;
- Core Policy 61: Transport & Development;
- Core Policy 64: Demand Management

### The 'made' Joint Melksham Neighbourhood Plan 2 (2020-2038)

- Core Policy 20 (Locally Distinctive, High Quality Design)

### Supplementary Planning Documents

- Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy
- Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

## ISSUES

- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Highways, Access and Loss of Parking

## CONSULTATION RESPONSES

Melksham Town Council: No objection

Wiltshire Council Highways: No objection. Following receipt of revised plans, a further consultation was conducted to Wiltshire Council Highways due to a minor redesign of the timber gate, to which no objections were raised.

## **REPRESENTATIONS**

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of neighbour notification letters sent to adjoining and nearby properties. However no representations have been 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 Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

### Principle of development

The site is located within the defined settlement limits of Melksham, within an established residential area, with the development appearing to relating an existing residential dwellinghouse. In such circumstances, the principle of development is established as acceptable. However, the detail of the proposal remains subject to further assessment discussed in the following sections of this report.

### Design and appearance

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 and materials, with particular regard required for the compatibility of the design with the host dwelling and its surroundings, together with the relationship to adjoining buildings and spaces.

Policy 20 of the Joint Melksham Neighbourhood Plan requires development proposals that contribute positively to the conservation, enhancement and extension of the quality and local distinctiveness of the neighbourhood area.

Section 12 of the NPPF expects a good standard of design that is visually attractive, functionally effective and contributed to the quality of the built environment, whilst the Wiltshire Design Guide elaborates on WCS Core Policy 57 and requires consideration that should be given to the external appearance, design and materials used for development to encourage sensitivity to the local character.

The proposed extension to the residential curtilage does not represent an unacceptable encroachment into the open space as it would remain closely related to the host dwelling. The proposed change of use of the land does not raise any significant design or amenity concerns and there are no objections on grounds of the development impacting on the character and appearance of the wider setting. When viewed from the streetscene, it would give the appearance of an extension of the existing built environment.

The submitted plans confirm that the proposed fence will follow the established boundary line and will not increase, project beyond, or otherwise alter the extent of the enclosed area. As such, the proposal does not give rise to any additional encroachment or impact upon the site or surrounding land. While the use of close-boarded fencing represents a change from the more open 3-bar fencing, this form of boundary treatment is evident within the surrounding streetscene and wider locality and is not considered to appear out of keeping within the context of the site. In terms of scale and design, the height of the proposed fencing is consistent with typical domestic boundary fences and does not appear excessive, overbearing, or visually intrusive within this location. The fence is not considered to form an incongruous feature, nor to give rise to any unacceptable visual harm to the main building, its plots or the surrounding area, as the fencing would integrate satisfactorily with its surroundings and would preserve the character and appearance of the area without encroaching upon the openness of the adjacent green open space.

Turning to the proposed timber gate, whilst permitted development rights were removed for the erection of gates by virtue of a condition imposed upon PL/2021/10256, the gate would be situated wholly within the residential curtilage and would enable secure vehicular parking behind it. The gate would be fixed in line with the first fence post where the proposed close board fencing to the side boundary begins. The style and appearance of gate will enable its effective integration within the site and would not detract from the character and appearance of the property or the wider streetscene. The proposed positioning would be set back from the road and it is not proposed to alter the existing access and parking arrangements.

Collectively, by reason of the scale, design, positioning and proposed materials, the proposed works are considered acceptable and would not result in unacceptable visual impact. The proposed fence and gate would integrate within the plot and wider streetscene and would not give rise to an incongruous or inappropriate form of boundary treatment within this location. Therefore it is considered that the proposal complies with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy, Policy 20 of the Joint Melksham Neighbourhood Plan, Appendix D of the Wiltshire Design Guide and section 12 of the NPPF.

#### 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 properties in proximity to the application site are 4 Queensway, to which No.2 is semi detached, 79 Spa Road to the south-east and 1 and 1A Queensway to the north-west fronting the site.

The section of the application site subject to the proposed works is to the side of the main dwelling. The land subject to the change of use for the parking is positioned to the other side of the main building and will not increase the overall built form. The fencing and timber gate would be situated within the residential curtilage and will not be positioned in closer proximity to the neighbouring properties. Whilst it is proposed to alter the fencing to include close board fencing, this change is not considered to result in a loss of light or overshadowing to No.4 due to its positioning and the separation distances between the properties.

Whilst the works will be visible to the occupants of 1 and 1A Queensway, as well as 79 Spa Road, the existing separation distances between the properties is sufficient, with the road intervening between the boundaries of the application site and No's 1 and 1A. Given the modest scale and height of the fencing and gate, together with its positioning on the boundary, it is not considered to result in unacceptable residential impact to 1, 1A or No.79.

Therefore overall, it is considered that there is sufficient distance to the boundaries to help mitigate against any overbearing effects resulting from the proposal. Taking into account the height and scale of the fencing and gate, together with the proposed layout, it is considered that the works will not result in unacceptable impact on neighbouring amenity, nor it is expected to result in unacceptable loss of light or overshadowing. No objections have been received by neighbouring properties, therefore the proposal complies with WCS Core Policy 57 and Appendix D of the Wiltshire Design Guide, as an appropriate level of amenity can be achieved.

#### Highways and parking

Core Policy 61 of the WCS seeks to ensure that all new developments are capable of being served by safe access to the highway network. In addition paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development of the hardstanding is to enable the creation of off-road parking to serve the application site. In order to achieve this and to enable access to the parking area, it is necessary to remove one of the unallocated lay-by spaces fronting the property. The works have already been conducted to remove said lay-by space and no changes or alterations have

been made to result in a different outcome to that decided during PL/2021/10256 when the loss of the parking space was initially assessed.

It is considered that the creation of off-road parking would not demonstrably increase vehicle movements or lead to harm to highway safety within the locality. The height and positioning of the fencing would not obstruct views to the highway when entering or exiting the site, nor would it impede vision of vehicle users or pedestrians within the vicinity given the first section of the boundary being retained as 3 bar fencing at a lower height.

There are no objections to the scheme from the Council's Highways officer. It is therefore considered the construction of off road parking and associated vehicle movements would not lead to additional harm to highway safety in the immediate area. 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.

## **PLANNING BALANCE AND CONCLUSION**

Given the change of use of open green space, the resulting residential land would remain closely related to the host dwelling and would not represent unacceptable encroachment into the adjoining land, with the resulting plot size not inappropriately exceeding any similarly sized residential units in the wider setting. The scale, design and positioning of the fencing and timber gate is not considered to result in unacceptable visual impact to the main dwelling or the surrounding area, with the type and material fencing being of a broadly domestic nature. The development is not considered to result in unacceptable impacts to highway safety.

Accordingly, the development complies with Core Policies CP57, CP61 and CP64 of the Wiltshire Core Strategy, Policy 20 of the made' Joint Melksham Neighbourhood Plan 2 (2020-2038), the Wiltshire Car Parking Strategy, as well as the Wiltshire Design Guide and the relevant sections within the NPPF.

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

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

245/101 Rev C – Existing and Proposed Block Plan, Fence and Gate Elevations received 22.01.26

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate,

wall, fence or other means of enclosure, other than those shown on the approved plans (drg no. 245/101 Rev C), shall be erected or placed anywhere on the site edged red.

REASON: To safeguard the character and appearance of the area