

## APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION OFFICER DELEGATED REPORT

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| <b>APPLICATION REFERENCE:</b> | PL/2026/02275                                                   |
| <b>APPLICATION TYPE:</b>      | Householder planning permission                                 |
| <b>SITE ADDRESS:</b>          | Turnpike Cottage, The Street, Charlton,<br>Malmesbury, SN16 9DL |
| <b>DESCRIPTION:</b>           | Two-storey rear extension                                       |
| <b>RECOMMENDATION:</b>        | REFUSE                                                          |

### PROPOSAL

During registration of the application, a description was agreed which differed from that given on the application form. This was due to the initial description referring to creation of a vehicular access that was not reflected in the submitted plans. The applicant confirmed the development is for a two-storey rear extension and, therefore, the description above was agreed.

The application seeks planning permission for a two-storey rear extension. The proposed extension has timber clad walls, a gabled clay tile roof, soft wood fenestration and large Velux roof windows. It measures approx. 7.5m wide, 5m deep, 2.75m eaves and 6.5m ridge. Internally it provides a ground floor kitchen/diner and at first floor two bedroom. It would replace an existing single-storey rear utility extension.

### SITE DESCRIPTION

The application site is a detached dwellinghouse known as Turnpike Cottage. It is an unusual toll house with giant arch under a pedimented gable<sup>1</sup>, said to have been built c.1808 when the Tetbury Way turnpike road (1798) was replaced creating a crossroad with the Cricklade-Malmesbury turnpike road (1756), disturnpiked in 1876<sup>2</sup>. It has walls of limestone rubble with dressed stone quoins and details, a gabled roof with side catwalks covered in stone slates, casement windows in dressed stone surrounds, a modern rendered single-storey extensions to rear and a rear garden enclosed by low drystone walls. The site creates a focal point in the street scene formed by a crossroad, village green and war memorial; its setting is characterised by the combination of the street layouts, vernacular architecture and boundary walls, open spaces and foliage. It is in the small village of Charlton which has no defined settlement boundary.

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<sup>1</sup> Orbach, J., Pevnsner, N. and Cherry, B. (2021) *The Buildings of England: Wiltshire*. London: Yale University Press, p.518.

<sup>2</sup> Baggs, A P., Freeman, J., and Stevenson, J H. (1991) 'Parishes: Charlton', in *A History of the County of Wiltshire: Volume 14, Malmesbury Hundred*, ed. D A Crowley. British History Online. Available from: <https://www.british-history.ac.uk/vch/wilts/vol14/pp36-50>.

Relevant designations and constraints include Charlton Conservation Area and the B and C-classified highways<sup>3</sup>.

## **PLANNING HISTORY**

PL/2025/02618 - 2 Storey rear extension. Make access to provide 2 carparking spaces (REFUSED 08/12/2025).

## **RELEVANT POLICIES AND GUIDANCE**

Wiltshire Core Strategy (WCS):

- Core Policy 57: Ensuring High Quality Design and Place Shaping (CP57)
- Core Policy 58: Ensuring the Conservation of the Historic Environment (CP58)
- Core Policy 64: Demand Management (CP64)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Wiltshire Design Guide SPD (WDG):

- Appendix D – Design Guidance for Householder extensions

Historic England Guidance:

- Managing Significance in Decision-Taking in the Historic Environment. Historic Environment Good Practice Advice in Planning: 2 (GPA2)
- The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) (GPA3)
- Making Changes to Heritage Assets. Historic England Advice Note 2. (HEAN2)
- Statements of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12 (HEAN12)

## **CONSULTATION RESPONSES**

The following consultees and interested parties were invited to comment on the application:

Charlton Parish Council –

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<sup>3</sup> Tetbury Lane and B4040 respectively.

No objection (08/05/2026).

Wiltshire Council's Highways Team –

Comment, that the development increases the bedroom quantum but that insufficient information has been provided to enable an assessment of how access, parking and turning would be achieved (06/05/2026).

No objection, advising that parking is understood to be met on unrestricted on-street parking, that it is unlikely suitable and safe access and turning space could be provided for the site, and that lack of parking would not justify objection in this case (14/05/2026).

Wiltshire Council's Conservation Officer –

Object, advising, among other things, that the proposed extension is harmful to the modest Turnpike Cottage's architectural and historic interest through the inappropriate scale and appearance and to the character and appearance of the Conservation Area (29/05/2026).

## **REPRESENTATIONS**

Immediate neighbouring dwellings were notified of the application, and a site notice was displayed on 22 April 2026. Members of the public made three [3] letters of representation (2 x Support, 1 x Comment). The matters raised therein are summarised:

- That the application form refers to the formation of a vehicular access but that it is not possible to comment on this without the details being provided in the application;
- That planning permission was previously refused for a vehicular access due to road safety;
- That the removal of the existing extension and its replacement would improve the living conditions afforded to occupants of the site;
- That the proposed extension is small and well-thought out and will cause no effect to the historic part of the house; and
- That removal of the existing extension would enhance the site and area.

## **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 be made in accordance with the development plan unless material considerations indicate otherwise.

### Preliminary matters

The application follows Wiltshire Council's decision to refuse to grant planning permission under reference PL/2025/02618. The decision notice sets out three reasons for refusal, summarised as follows:

1. That the development, "*by reasons of its scale, form, siting, design and materials ... would appear incongruous, overly dominant and unsympathetic*" causing unacceptable harm to the character and appearance of the area;
2. That the development failed to demonstrate that safe means of access and egress from the site with the highway could be achieved, to the detriment of highway safety;
3. That the development was not supported by sufficient assessment of the significance of heritage asset/s, a convincing justification for the harm that would result, nor demonstrates that the harm is outweighed by public benefits.

This application has sought to address the concerns by revising the design to incorporate larger rooflights and a different material palette, omitting proposals for the vehicular access and parking arrangements, and the submission of a *Planning, Heritage and Design Statement*. It is relevant that the proposed extension is similar to the refused scheme in most respects except for external materials and some fenestration changes.

### Design and local character and appearance, with particular regard to the non-designated heritage asset and the conservation area

CP57 and CP58 together seek to ensure all new development, including extensions and alterations to existing buildings, meet a high standard of design that contributes to the character of Wiltshire by, amongst other things, responding positively to the features of the site itself, its landscape or townscape setting, and the value of the historic environment by being sympathetic to and conserving heritage assets in a manner appropriate to their significance.

The application was supported by a *Planning, Heritage and Design Statement*, which provides the applicant's assessment of the significance of heritage assets and impacts upon it. Wiltshire Council's Conservation Officer (CO) has also provided advice. Therefore, sufficient information is available to inform a decision over heritage matters.

Turnpike Cottage is identified as a non-designated heritage asset (NDHA). In so far as is relevant, its significance comprises its architectural and historic interest as an

early 19<sup>th</sup> century Turnpike toll house of typical modest scale, combining an unusual polite architectural style with vernacular stone materials.

Its significance is reinforced by its position on the crossroads that were created by the meeting of the former Tetbury Way (1798) and Cricklade-Malmesbury (1756) Turnpike roads (disturnpiked in 1876), illustrating the 18<sup>th</sup> to early 19<sup>th</sup> century expansion of the Turnpike network and its role in the area's social and economic development.

It is located in Charlton Conservation Area (CCA), for which there is currently no published statement or appraisal. However, in so far as is relevant, its character and appearance is primarily discerned from its settlement pattern around former Turnpike roads and along Park Street, the latter leading to the Charlton Park Estate with which the village is historically associated; its protected and historic buildings and drystone boundary walls, in which the coherent use of limestone creates a homogenous village vernacular; and its significant foliage and open spaces.

Turnpike Cottage makes a positive contribution to the character and appearance of the CCA, and there is a duty to pay special attention to the desirability of preserving or enhancing the CCA's character or appearance under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the "PLBCA").

Appendix D of the Wiltshire Design Guide expects a well-designed householder extension to "*respect the original building and the... design could replicate the style, form, rhythm, materials and architectural detailing of the original house or by contrast be designed with a modern or traditional aesthetic*". It seeks to avoid extensions that dominate the host building, advising that they "*should be subservient and appear as additions in a 'supporting' role*". Where listed or historic buildings are concerned, it recommends referring to Historic England's (HE) separate guidance.

The CO has drawn attention to HE's online guidance<sup>4</sup> advising that "*extensions should not overpower what is already there ... a new extension should not dominate an historic building ... this usually means it should be lower and smaller ... some small buildings such as ... cottages can easily be swamped by an extension unless carefully designed. There is no rule on the ideal percentage increase in size; it all depends on the size, character and setting of your house*". It also advises that rear elevations are more preferable for the siting an extension.

In terms of materials, HE also advises that "*[t]he exterior needs to be carefully designed. You should expect to use matching or complementary material for walls and roof. However, cleverly chosen contrasting materials in a modern design may work*".

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<sup>4</sup> Historic England (2013) 'I Want to Extend My House' (<https://historicengland.org.uk/advice/your-home/improvement/extension/>).

*well for some buildings ... the effect should not be so different that the extension is more prominent than the main building”.*

The CO objects to the development advising, among other things, that:

*“The extension design is overly large with incongruous architectural details. Its floor plan is too large extending well beyond the principal block of the cottage and it has inconsistent eaves heights that do not correspond well to the existing building.*

*The use of over large rooflights at the junction of the extension to the full height of the roof slope further add to the confused architectural arrangement. The window openings to the rear gable upper floor appear poorly positioned and the use of timber cladding, which can sometimes be successful for small extensions appears overly extensive in its use on such a large rear gable addition so that it overpowers in its contrast to the formality of the architecture and solidity of stone work of the main cottage.*

*The combination of these basic design elements in plan form, massing, scale, eaves and roof heights and materials means it both overpowers and dominates the modest Turnpike Cottages which is swamped by this poorly designed and over sized extension”.*

Turnpike toll houses, like the application site, are typically modestly scaled vernacular buildings<sup>5</sup>. How they are experienced and appreciated as such from the former Turnpike roads they served contributes to their significance.

The proposed extension would considerably increase the bulk and massing of the building. Although it has a marginally lower roof height, the overall size and scale of the extension would appear no less dominant due to the prominent exposed location, and this would undermine the dwelling’s legibility and integrity as a modest toll house.

Although the design uses a similar gabled form, the combination of its size, scale, pattern of fenestration, and materials are such that it would appear an awkward contrast and inharmonious addition to the building and street scene. The CO’s advice is noted that timber cladding can sometimes be appropriate, indeed it would visually soften over time, but at this scale it would only emphasise the incongruity of the design.

While some representations considered the development would enhance the NDHA and area, it is found, for the above reasons, that the development is unacceptable in design terms and would harm the significance of the NDHA and the character and appearance of the CCA in which it is located. Accordingly, it would not conserve the

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<sup>5</sup> Historic England (2017) Infrastructure: Transport, Listing Selection Guide, p.12: (<https://historicengland.org.uk/images-books/publications/dlsg-transport-buildings/>).

heritage assets and is contrary to Core Policy 57 (i, iii, iv, vi) and 58 of the Wiltshire Core Strategy.

S72(1) of the PLBCA sets a strong presumption against granting planning permission for development that harms the character or appearance of the CCA. This duty is exercised within the context of the NPPF (208, 210, 212, 213, 214, 215, 219, 220) whereby permission may be granted if the harm to significance of a designated heritage asset (like the CCA) is clearly and convincingly justified and outweighed by the public benefits that would be secured.

As the site itself is also an NDHA, the NPPF (216) requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the NDHA.

The harm to the CCA is localised, qualifying as less than substantial and towards the lower end of that scale. Nonetheless, considerable importance and weight is attached to this finding of harm, and great weight given to the conservation of the CCA. The harm to the NDHA is considered to sit on the lower side of a medium impact, having regard to the development's nature, size, scale and siting.

The development would meet a private need, which can be appreciated due to the size of the building despite this contributing to its significance. It is noted that some representations indicate members of the public recognise some benefit in terms of improvements to functionality. Some public benefits would be secured in the form of economic benefits (purchase of materials and labour) and social benefits (improvements to housing stock), but these are ephemeral and limited in this case and not wholly exclusive to this scheme.

The lack of merit to the existing utility extension is recognised, and its contrasting render and concrete tiles are less than desirable. However, as a very small, subservient rear addition it does not undermine legibility and integrity of the toll house cottage, or its contribution to the CCA, in the same as would the development. Its removal offers an opportunity for improvement, but this does not, by itself, produce a benefit to justify or outweigh the harm identified.

Having had a balanced judgement and exercised the duty under S72(1) of the PLBCA, in respect of the heritage assets in this case, it is found there are insufficient public benefits, or other relevant factors, to outweigh and otherwise clearly and convincingly justify the harms identified. Material considerations do not, therefore, indicate that a decision should be made other than in accordance with the development plan.

#### Residential amenity

CP57 (vii) seeks to ensure that the design of new development has regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and that appropriate levels of amenity are achievable within the development itself.

Appendix D of the Wiltshire Design Guide expects a well-designed householder development to respect neighbouring properties by advising, amongst other things, that they should not be unduly overbearing or unduly obtrusive, and that windows should not directly overlook neighbouring properties.

The closest neighbouring dwellings to the application site are 1 Suffolk Close (east), Rushes 2 Suffolk Close (north), and Street Farmhouse (west).

The extension would considerably increase the massing and bulk of the dwellinghouse, taking up a considerable portion of its outdoor amenity space. However, a gap is maintained between the built form and boundaries of the curtilage such that it would not appear unduly overbearing or cause an unacceptable degree of overshadowing. Furthermore, a useable outdoor amenity space would remain for the benefit of future occupants of the dwellinghouse.

The extension would introduce two first-floor bedrooms accessed via a narrow staircase landing, and openings provided by full height rooflights on east and west roof slopes and windows to north elevation.

The east roof slope rooflight would direct views towards, and overlook at close proximity, the outdoor amenity areas of No.1. Existing foliage provides a level of screening, albeit perhaps not maintainable in perpetuity, but this rooflight serves a staircase and landing. Therefore, a condition to require that it be obscurely glazed would be appropriate to mitigate the harmful overlooking.

The west roof slope rooflight would direct views over the road and towards the side elevation and outdoor spaces of Street Farmhouse. This rooflight serves a proposed bedroom but the distance at which overlooking would occur is considerable and sufficient to ensure no detrimental harm to their living conditions.

The north elevation windows would direct views towards the outdoor amenity areas of No.2, and their distance from the boundary of the curtilage would be approx. 7.5m. The boundary is provided by a timber fence of approx. 1.8m height and, relative to the distance and height of the windows, a considerable degree of direct overlooking to No.2's outdoor spaces would occur.

Notwithstanding that the neighbour has not made a representation; the Local planning Authority (LPA) must consider the effect of development on existing and all potential

future occupants of the site or neighbouring land. In this case, the effect of overlooking would be detrimental to the privacy and living conditions of No.2.

It is noted that the LPA refused planning permission for a similar scheme but did not do so on grounds of residential amenity. However, the case officer's report makes clear that, in their judgement, overlooking impacts to No.2 were minimised by the of existing boundary foliage, which, were they in a position to support the application, they comment that conditions would have been considered to safeguard the screening provide by it. They also refer to an existing level of exposure to their rear garden by views over their boundary wall from Tetbury Lane.

During the site inspection for this application, it was noted that boundary foliage had been removed and, therefore, the circumstances would appear materially different to those considered by the previous case officer. The present timber fence is insufficient to provide a similar level of mitigation for the overlooking impact at the height and distance from which it would be achieved. There is no evidence suitable landscaping could be provided, retained in perpetuity or otherwise suitably established within a suitable timeframe.

It was also observed that the rear amenity spaces of No.2 are partly exposed to 'peeping' over the boundary wall from Tetbury Lane. However, the wall does not leave it completely exposed and appears to deter passersby from peeping, which is likely to be casual and infrequent in any case on this rural lane. Furthermore, the overlooking created by the proposed windows, due to their height and proximity, would have a considerably different effect that would be far more oppressive and difficult for occupants of No.2 to mitigate themselves.

Were the north elevation windows obscurely glazed, the effect of overlooking would be reduced to a perception only. However, while this could be secured by condition, one of the proposed bedrooms is only served by a single north elevation window and, therefore, such a condition would be inappropriate as it would create an enclosed living environment for occupants of that bedroom.

Although representations have drawn attention to the benefits of the scheme to the functionality and living conditions afforded by the dwellinghouse, it would be nonsensical to improve the living conditions of one dwellinghouse at the dire expense of another.

For the reasons above, the development would cause unacceptable harm to the living conditions enjoyed by occupants of neighbouring land, particularly in terms of overlooking and loss of privacy, and conditions cannot be used to make the development acceptable in respect of such matters. It therefore fails to satisfy the expectations of Appendix D of the Wiltshire Design Guide or the requirements of CP57 (part vii) of the Wiltshire Core Strategy.

The NPPF (131, 135 and 139) broadly aligns with the development plan's aims for achieving well-designed places, including ensuring a high standard of amenity for existing and future users. Material considerations do not therefore lead to a fundamentally different conclusion.

#### Highway matters

The development would increase the bedroom quantum on site from one to three. Notwithstanding the statement in the application form, which is noted to have caused some confusion, the applicant confirms the development does not seek to create a vehicular access. Accordingly, the dwellinghouse would remain reliant on unallocated on-street parking, and the development has the potential to increase demand.

Wiltshire Council's Highways Team initially requested further information to demonstrate how access, parking and turning could be achieved. However, following clarification, it is understood that the increase in bedroom quantum would not cause unacceptable harm to highway safety due to increased demand for on-street parking.

It is relevant that adopted parking standards are to be applied flexibly, including in situations where non-compliance would result in better outcomes for heritage. Even if creation of an access with turning and parking could be safely achieved, it would be likely to result in the loss of drystone boundary walls to the detriment of the character and appearance of the CCA.

For the reasons above, and on the advice of the Highways Team, in this case non-compliance with adopted parking standards would not cause unacceptable harm highway safety. There would be no conflict with CP64 of the Wiltshire Core Strategy.

#### Biodiversity Net Gain (BNG)

The development is exempt from the requirement to deliver 10% BNG, introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), and the decision notice shall include the relevant informative note.

### **PLANNING BALANCE AND CONCLUSION**

The development would cause unacceptable harm to the significance of the dwellinghouse as an NDHA, the character and appearance of the CCA in which it is located, and the living conditions afforded to occupants of neighbouring land, for which conditions cannot be used to make the development acceptable in planning terms. The harm identified causes conflict with the development plan, having particular regard to its aims under Core Policy 57 (i, iii, iv, vi, vii) and 58 of the Wiltshire Core Strategy,

and other material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the application should not be supported.

## **RECOMMENDATION**

That planning permission be REFUSED for the following reason(s):

### **Refusal Reason(s):**

1. The proposed extension, by reasons of its massing, scale, form, siting, design and materials represents an unacceptable design that would appear an overly dominant, unsympathetic and incongruous addition to the dwellinghouse (Turnpike Cottage) and the surrounding street scene. It would thereby cause unacceptable harm to its significance as a non-designated heritage asset and the character and appearance of the Charlton Conservation Area in which it is located. Consequently, it fails to satisfy the expectations of Appendix D of the Wiltshire Design Guide and is contrary to Core Policy 57 and 58 of the Wiltshire Core Strategy (January 2015) and paragraphs 131, 135, 139, 210, 212, 213, 215, 216 and 219 of the National Planning Policy Framework (December 2024).
2. The proposed extension would directly overlook the outdoor amenity areas of the neighbouring dwellinghouse, known as Rushes 2 Suffolk Close, Charlton, Malmesbury, SN16 9EA, causing unacceptable harm to the privacy and living conditions that are afforded to its occupants. Consequently, it fails to satisfy the expectations of Appendix D of the Wiltshire Design Guide SPD (March 2024) and is contrary to Core Policy 57 (vii) of the Wiltshire Core Strategy (January 2015) and paragraphs 131, 135 and 139 of the National Planning Policy Framework (December 2024).