

APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/03150
APPLICATION TYPE:	Householder planning permission
SITE ADDRESS:	54 George Lane, Marlborough, SN8 4BY
DEVELOPMENT DESCRIPTION:	New garden studio
RECOMMENDATION:	That Planning Permission be GRANTED

PROPOSAL

The proposal seeks planning permission for a single-storey outbuilding garden studio situated within the site's residential curtilage. It would be approximately 49.9m², have a gable roof form and be constructed out of vertical timber weatherboard and covered by corrugated steel sheet roof.

SITE DESCRIPTION/CONTEXT

The application relates to the residential curtilage of 54 George Lane in Marlborough. The site comprises a modern renovated two-storey detached dwelling constructed of red brick and cream render beneath a dark slate-tiled roof. To the rear, a contemporary two-storey extension in dark vertical timber has been added. A private drive at the front of the dwelling accommodates up to three vehicles, and a passageway along the eastern side of the property provides access to a large rear garden, which extends to the River Kennet at its north-west boundary. The site is located on George Lane, a well-used highway route situated close to Marlborough High Street. The character of the surrounding built form is varied along the street. The site is also located in close proximity to several designated Grade II listed buildings including Number 58, including Iron Railings (list entry number: 1261999), 1-8 Wellington Place (list entry number: 1272918) and The Wellington Arms (list entry number: 1253344).

The application site is subject to the following planning policy constraints:

- Proximity to listed buildings.
- Within the limits for development of Marlborough.
- Risk of flooding from surface water.
- Watercourse 20m buffer: River Kennet
- Flood zone 3a.
- Right of Way Footpath MARL30 40m North East of the site.
- Washed by the North Wessex Downs National Landscape.

PLANNING HISTORY

Proposal / Summary

E/09/0024/FUL - Full planning permission Decision - Approve with Conditions Date: 19/2/2009 – Two storey side extension; Two storey and single storey rear extensions; part-rendering of both the front and rear elevations and timber shed to side of property.

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

- Core Policy 41: Sustainable Construction and Low Carbon Energy
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 51: Landscape
- 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

Marlborough Area Neighbourhood Plan (Made 2023)

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

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

National Design Guide

CONSULTATION RESPONSES

Marlborough Town Council: No objection.

Trees: comment to condition Arboricultural Impact Assessment

REPRESENTATIONS

One representation received.

Summary of comments received:

- Use of outbuilding harming residential amenity relating to noise.
- Proximity to neighbouring property.

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 be constructed from black-stained timber cladding and covered by a corrugated steel-sheet roof. The black-stained vertical timber boarding would reflect the materials used in the modern rear extension of the dwellinghouse. The outbuilding would have a gable roof and feature one window on each side elevation, two full-length windows/doors on the front (south-west) elevation, and a single smaller window on both the front and rear elevations. As such, by virtue of its materials, which are consistent with those of the principal dwellinghouse, and its form, the outbuilding is considered to represent an acceptable design.

The proposal would be single-storey and modest in scale, comprising approximately 49.9m² of floorspace. It would clearly read as ancillary to the main dwellinghouse and, as such, would not appear as a prominent feature within the area. The outbuilding would be largely screened from public view by existing boundary treatments. However, where it may be visible from neighbouring first-floor windows or from the rear gardens of properties across the River Kennet, it is considered that it would result in less than significant harm to visual amenity due to its modest scale and subservient design. Accordingly, the proposal is considered acceptable having regard to the character and appearance of the area.

Wiltshire Council's Arboricultural Officer is satisfied that the existing trees have been appropriately assessed and would be adequately protected through the measures set out within the Arboricultural Impact Assessment, including the Tree Survey, Tree Protection Plan and Arboricultural Method Statement. The proposal is therefore considered acceptable in respect of tree protection.

Having regard to the above, the proposal complies with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.

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 and the medical practice with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects.

No windows are proposed above ground-floor level. Whilst several openings are proposed at ground-floor level, primarily on the front (south-west) elevation of the outbuilding, they would provide only a low-level view of the site's private amenity space. Any further views would be restricted by existing boundary treatments or would otherwise be available from users standing within the garden itself. As such, no unacceptable overlooking or loss of privacy would result from the development.

The proposed outbuilding would be located adjacent to the north-eastern boundary of the site. Beyond this boundary lies the Kennet and Avon Medical Partnership, and at the rear, it would be approximately 5.5 meters from the River Kennet, which runs between the application site and neighbouring land to the north west. Concerns have been raised regarding the proximity of the development to neighbouring land beyond the river and the potential for noise impacts. However, the outbuilding is proposed for purposes ancillary to the main dwellinghouse, which will be secured through a condition restricting its use to such, and therefore is not considered to cause harm in relation to noise or disturbance. Regard must be had to the existing use of the land which is residential so some noise would already be heard from the adjoining area. Should any environmental health concerns arise, these would be matters for the Council's Public Protection team.

The single-storey scale and form of the proposed building, and the screening provided by existing boundary treatments, it is considered that the development would not result in any unacceptable overbearing or overshadowing impacts on neighbouring occupiers. Accordingly, the proposal is considered acceptable in terms of residential amenity.

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.

No alterations are proposed to the access, parking arrangements, or number of bedrooms on site. There are therefore no concerns regarding highways impacts.

The proposed development would not result in any adverse impact on highway safety. Adequate parking and turning provision is provided 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.

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 proposed development is located approximately 140m away from a Grade II listed building along George Lane known as Number 58, including Iron Railings (list entry number: 1261999). Additionally, the site is no closer than 150m south-east of several listed buildings along and around Marlborough High Street. These include: 1-8 Wellington Place (list entry number: 1272918) and The Wellington Arms (list entry number: 1253344). Nevertheless, as discussed in the design section, the proposal is considered a modest annex outbuilding within the residential curtilage and would utilise materials that are in keeping with the character and appearance of the dwelling. The development would also be screened from wider views by existing boundary treatments and surrounding built form. As such, it is considered that the proposal would not harm the setting of the nearby listed buildings and is therefore acceptable in heritage terms.

The development is therefore considered to comply with Core Policy 58 of the Wiltshire Core Strategy and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the relevant provisions of the NPPF.

National Landscape

Core Policy 51 of the Wiltshire Core Strategy requires all development to protect, conserve, and where possible enhance the character and quality of Wiltshire's landscapes, giving particular weight to designated areas such as National Landscapes.

The National Planning Policy Framework (NPPF), in Paragraph 189, states that "great weight" should be given to conserving and enhancing landscape and scenic beauty in National Landscapes (formerly Areas of Outstanding Natural Beauty). Development within or affecting the setting of a National Landscape must demonstrate that it will not result in unacceptable harm to the special qualities of that area.

The site lies within the North Wessex Downs National Landscape. The proposal would be modest in scale and use materials that reflect the host property and are typical of an incidental outbuilding. It would be associated with an established residential property and is located within the built-up area of Marlborough. As such, the development would not result in significant harm to the landscape's character or scenic quality.

The proposal, by virtue of its scale, siting, and design, would not harm the special qualities or scenic character of the North Wessex Downs National Landscape.

The development therefore complies with Core Policy 51 of the Wiltshire Core Strategy and Paragraph 187 of the NPPF in conserving and enhancing the National Landscape.

Drainage and Flood Risk

Core Policy 67 of the Wiltshire Core Strategy and paragraph 181 of the NPPF requires that all new development avoids increasing flood risk on-site or elsewhere and, where appropriate, incorporates sustainable drainage measures. Development must also comply with national policy on flood risk management and drainage design. Paragraph 176 (via footnote 62) of the NPPF states that householder development should not be subject to the sequential test, nor the exception test.

The site is situated in Flood Zone 3a, is highlighted as having a risk of flooding from surface water, and is within the 20m buffer of the River Kennet. As such, the site is highly vulnerable to flood risk constraints. However, as set out in the Householder Flood Risk Assessment, the applicant has selected to mitigate flood risk through Option 2: setting floor levels 300mm above the known area of flood risk. The plans demonstrate that the outbuilding would be supported on steel screw-piled foundations, elevating the structure approximately 60 cm above ground level, comfortably exceeding the minimum mitigation threshold. As such, it is considered that significant mitigation measures are incorporated into the development and that it is acceptable on flood and drainage grounds.

The proposal therefore complies with Core Policy 67 of the Wiltshire Core Strategy and the policy in the NPPF, ensuring that flood risk is not increased and that surface water drainage is appropriately managed.

Principle of Development

In most householder applications, the principle of development is not a matter for detailed assessment, as the residential use of the site is already established and the proposal typically involves minor works within the curtilage of a lawful dwelling.

In this instance, it is necessary to consider whether the proposed development is acceptable in principle, given the use of the garden studio, which includes a bathroom and two rooms. Due to its scale and design, the development would be of ancillary use to the main dwelling house and therefore would be considered lawful residential use. However, to ensure its compliance and to address comments raised about its future use, this will be secured by applying a condition.

As such, the principle of development is considered acceptable, subject to the detailed assessment of design, amenity, and other material considerations.

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 proposed development is considered to be acceptable in terms of its design, scale, and relationship with the surrounding area. It would not result in any unacceptable harm to the character of the locality, the amenities of neighbouring occupiers, or the interests of highway safety, heritage, or ecology.

The proposal is therefore considered to comply with the relevant policies of the Wiltshire Core Strategy, the Wiltshire Local Plan, and the National Planning Policy Framework. As such, the application is recommended for approval, subject to the conditions set out below.

RECOMMENDATION: That Planning Permission be GRANTED subject to conditions.