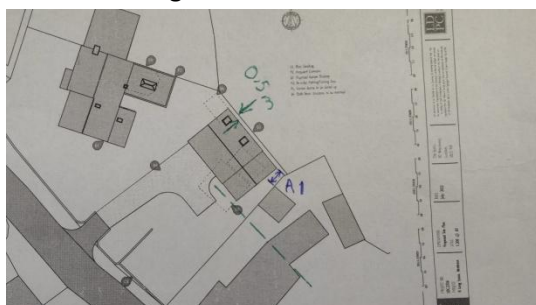


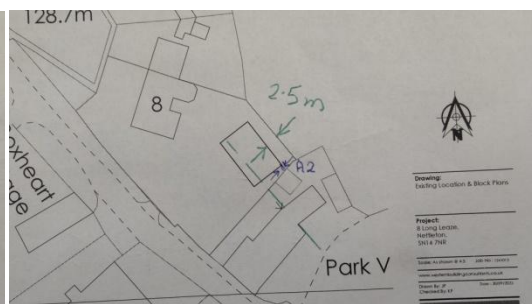
Comments – RK and EA Goodman, Park View, Nettleton

1. In order that the full impact of the incorrect siting of the Garage/workshop can be understood, it is important to understand that the main dwelling at Park View is positioned sideways to the road. The main (front) elevation and rear elevation are both perpendicular to the road. These two elevations are the only ones containing windows on the ground floor. The most badly affected room at Park View has one window at the rear (facing the garage/workshop building in question). There are no other windows in this room other than a part glazed door in the front elevation. The incorrect positioning of the garage has made the light levels in this room so low as to make it unusable at any time without artificial light.
2. The Garage/workshop building has been incorrectly positioned in two dimensions.

In a NNE-SSW direction. It has been suggested that this occurred as a boundary error. However the applicants own site drawings clearly show that the building has been placed closer to the road and overlapping Park View than the drawing upon which the 2022 permission was given. This can be seen in the difference in dimensions A1 and A2 marked on the drawings below.



Drawing submitted in 2022 planning application



Drawing submitted in 2025 planning application

In a WNW-ESE direction. James Bostock (planning officer assigned to the 2022 application) clearly and unequivocally states in his delegated report that the Garage/workshop building will be positioned 7.2 metres away from Park View (the distance shown on the applicants drawings). Planning approval was given on this basis.

“The position of the proposed garage has been amended such that it no longer encroaches on the north-western elevation of Park View. The earlier revision appeared to have an overbearing impact on the north-west facing windows, and as such the proposed buildings siting and orientation was amended. The building is now positioned approximately 7.2m away from the rear of Park View, similar to that of the existing garage building. Whilst it is acknowledged that the height of the proposed garage is greater than that of the existing garage, it is not considered to result in harm to character and setting of the listed building. A suitable degree of separation is retained such that the proposed garage and Park View are still viewed independently within their associated curtilages”
James Bostock, planning officer for 2022 application.

The actual distance away from the main dwelling at Park View is 5.6 metres. This dimension was taken in the presence of Lucie Turner (planning officer) and recorded by her. This would have been a very simple dimension to check when the foundations were being marked out prior to commencement of building. This dimension was either not checked because it wasn't considered important to the applicants or it was checked, but because it suited the applicants to position the building in that location, the planning breach was ignored.

3. In the applicants supporting report for this planning application it is stated :

"Historically, this part of the site was occupied by a pair of local authority garages which formed an established element of the built environment for many years. The proposed flat roof element has been designed to reduce the existing height and visual prominence of the side section of the building such that its impact upon neighbouring land is comparable to, and no greater than, the built form previously experienced when the local authority garages occupied the site."

This is a ridiculous assertion. Firstly, the workshop part of the building is not located where the old garages were, it is closer to Park View. This can be easily confirmed using Google Earth pictures from two different dates. Secondly, the height of the old garages was approximately 2.0 metres. The height of new workshop with a flat roof would be approx. 2.8 – 3.0 metres. With the main garage building, at 6.0 metres high also continuing to block out substantial amounts of light. It is our view that switching the workshop's roof to a flat one would make negligible difference to the reduced light levels we are currently experiencing.

4. The proposed solution to the harm inflicted on Park View by the incorrect positioning of the garage/workshop is to alter the roof of the section of the building closest to Park View. This forms the entire basis of this planning application. This has already been addressed by WCC planning department, and found to be an unsatisfactory solution.

"The applicant also shared amended drawings suggesting a modest alteration to the roof form at the lower end of the building, intended to reduce its perceived impact on Park View. These amendments have been considered. However, the proposed changes would result in only a limited reduction in overall height and would not materially alter the relationship between the building and the neighbouring property when experienced from within Park View. In addition, the introduction of differing roof pitches would appear visually contrived and would detract from the coherent and simple roof form that was previously approved, without delivering a meaningful improvement in residential amenity. Accordingly, the amended roof design would not satisfactorily address the amenity concerns identified." **Lucie Turner (planning officer, 2025 planning refusal)**

5. Clearly from the first planning application in 2022, the applicants were trying to seek permission to locate their desired building in a way to suit residential use. This was done with no consideration for the detrimental effect that such positioning would have on their neighbouring properties and occupants. Fortunately their original proposal was refused and

a more suitable location was determined. We supported the new choice of location but did ask that the physical size of the building be reduced. We were successful in getting assurances from WCC planning department that the building would be located 7.2 metres from our property and as far back as possible on the applicants property. We were unsuccessful in getting a reduction to the overall size of the building. This assurance has been recognised in the delegated report of the planning officer for the 2025 planning application.

*“It is also noted that during the original planning application (PL/2022/02008), concerns were raised by the occupiers of Park View regarding the potential impact of the garage’s scale and proximity on their amenity. In response, the siting of the garage was revised from a position parallel to the boundary with Park View to a perpendicular orientation further into the site, increasing separation from the neighbouring ground floor windows. This amendment, which aligned with suggestions made by the neighbouring occupier, was considered acceptable at the time and avoided unacceptable harm to light and outlook. **The current siting of the building compromises the improvements secured through that earlier permission, to the detriment of the residential amenity of Park View.**”*

6. The applicants commissioned report supporting this application states:

“Construction subsequently commenced in accordance with the approved permission. However, following completion it became apparent that an error existed in the approved plans whereby the site boundary had been inaccurately plotted. As a consequence, whilst the building was constructed using the intended offset from the boundary, the completed structure was positioned differently from the approved plans as it was not possible to locate it in the approved position. ”

Construction clearly did not commence in accordance with the approved permission! This would have been obvious to any builder with even the minimum of competence at the point the foundations were being marked out. Why was it not possible to locate it in the approved position? None of this boundary excuse makes any sense to us and appears to be a smokescreen for a deliberate attempt to position the building in a position more favourable to the applicant, allowing them the access to the rear for the French doors that they desired in their previous planning application.

Furthermore, if *“the completed structure was positioned differently from the approved plans as it was not possible to locate it in the approved position”* should advice have been sought or a new position have been requested from WCC Planning department rather than proceeding with the build.

7. WCC planning department have established the serious impact that the incorrect siting of the garage/workshop building has had on the property and residents of Park View. No amount of ‘tweaking around the edges’ by the applicants is going to make any material difference to the identified harm.

“The siting and design of the building, combined with its elevated position and limited boundary screening, significantly increase its visual presence when viewed from the principal rooms of Park View. The small-scale, thick-walled ground floor rooms experience a reduction in outlook and an increased sense of enclosure that materially affects residential amenity. While the applicant’s submitted modelling has been considered, it does not outweigh the direct on-site observations of how the development is experienced from within the neighbouring dwelling. On balance, the

proposal is considered to result in an unacceptable impact on the residential amenity of the occupiers of Park View, contrary to Core Policy 57 of the Wiltshire Core Strategy.” Lucie Turner (planning officer, 2025 planning refusal)

8. With regard to the question of a boundary fence as a solution to the light deprivation caused by the illegal positioning of the Garage/workshop, the applicants representative states:

“In discussions with the planning officer in relation to the previous application, the officer suggested to the applicants that a fence might be a helpful screen. Subsequently, the applicants established that a fence of up to 2m in height could be erected on the site boundary between 8 Long Leaze and Park View. However, discussions between the applicants and the neighbours resulted in a conclusion that a fence would not be erected at this time. Notwithstanding this, if officers felt this were to be of material consequence, then a section of fence could be established on the applicant’s land and they are open to discussion on this point.”

This has already been assessed by WCC as explained in the planning officers delegated report for the previous application. It states:

“During the course of the application, the applicant queried whether the erection of a 2m boundary fence along the shared boundary with Park View could mitigate views of the garage/annex. While a fence of this height under permitted development could potentially reduce visibility, no such fence currently exists. The application must therefore be assessed on the basis of the development as built. Furthermore, it would not be appropriate to rely on a notional future boundary treatment to mitigate impacts, particularly given the proximity of the fence to a Grade II listed building and the absence of any detailed assessment of its effect on amenity or heritage significance.” Lucie Turner (planning officer, 2025 planning refusal)

So WCC planning department have already established their position on this point.

From our point of view, adding further barriers to light cannot be a logical solution to an existing problem. Also erecting a fence for the purpose of gaining retrospective planning permission, which could then be immediately removed, would make a mockery of the planning process.

Summary

1. The garage/workshop building has been placed incorrectly, in breach of the 2022 planning consent conditions. This has provided clear advantages to the applicants in furthering their desire to use the building for residential purposes. This has caused clear established harm to the building and occupiers of the neighbouring Park View.
2. The proposal to alter the roof of the end section of the building made in this planning application has already been addressed by WCC planning department. *“the amended roof design would not satisfactorily address the amenity concerns identified” Lucie Turner (planning officer, 2025 planning refusal)*

3. The material harm caused to the property and residents of the neighbouring Park View by the incorrect siting of this building has been clearly and unequivocally established by WCC planning department. This position is clearly stated in the 2025 planning refusal notice.
“The development, by reason of its siting together with the elevated relationship to the neighbouring property and the limited boundary screening, results in an overbearing and visually intrusive form of development when experienced from the principal rooms of the adjacent dwelling, Park View. The proposal gives rise to a harmful sense of enclosure and an unacceptable reduction in outlook, which materially harms the residential amenity of the occupiers of Park View. The Local Planning Authority has carefully considered submitted modelling and amended drawings; however, these do not adequately reflect the on site experience of the development when viewed from within the neighbouring dwelling, nor do they overcome the identified harm. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy and paragraph 135 of the National Planning Policy Framework”
4. The only satisfactory course of action to correct the established harm done to Park View as a result of the breaches to the 2022 planning consent made by the applicants would be for WCC planning department to refuse permission for this application. Enforcement notices would then need to be issued to have the building relocated to where permission was given in the 2022 planning consent. Any other outcome would make a mockery of the planning process and set a precedent for allowing future breaches to planning conditions when it suited people to make those breaches.