

CASE OFFICER'S REPORT

Application Reference: PL/2021/06824
Application Type: Householder planning permission
Site Inspection:
Consultation ends: 17 August 2022
Case officer: Selina (Nina) Parker-Miles

Site Address: 489A SEMINGTON ROAD, MELKSHAM, SN12 6DR
Proposal: Erection of detached double garage and home office.
Recommendation: Approve with Conditions

Proposal and Site Description

This application relates to a semi-detached dwelling, 489A Semington Road, located within an established residential area in Melksham. The host dwelling benefits from an off-road parking area to the front and side elevation. The host dwelling lines the east side of Semington Road, the surrounding dwellings contain a mix of properties differing in age and style. To the south of the application site lies a consented scheme for 4 dwellings (Ref 18/07286/FUL)

This application is seeking permission for a replacement garage, the existing flat roofed garage has been removed. The works would facilitate parking for a vehicle with a first floor office above. Following officer negotiation the scheme has been subject to design revisions, revised plans were received (26.07.2022) reducing the height of the proposed building and altering the roof to a hipped roof. The revised plans were consulted on with all interested parties for a period of 3 weeks.

Policies

National Context:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Local Context:

CP2 Delivery Strategy
CP15 – Spatial Strategy for the Melksham Community Area
CP57 - Ensuring High Quality Design and Place Shaping
CP60 – Sustainable Transport
CP61 – Transport and Development
CP64 – Demand Management
Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015)
Joint Melksham Neighbourhood Plan 2020-2026 Made July 2021

Key Issues

Principle of Development

Design and Visual Impact
Neighbouring Amenity
Highways Safety
Other Matters

Relevant Planning History

14/08915/CLE - Certificate of Lawfulness for use of property as 2 dwelling houses - Approve

Consultation Responses

Melksham Without Parish Council - No objection

Representations

Consultation consisted of advertisement by site notice and neighbour notification. One letter of support and one objection letter was received prior to the revised scheme, no representation letters were received following the revised plans and re-consultation.

The points raised in the objection will be appraised in the Neighbouring Amenity section below.

Planning Considerations and 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 must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development

The proposed development comprises an addition to an existing residential property set in an established residential curtilage within the settlement boundary of Melksham. The proposed garage is wholly within the residential curtilage and as such the principle of development is acceptable subject to the following considerations.

Design and Visual Impact

Core Policy 57 requires a high standard of design in all new developments. of particular relevance to householder extensions is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features 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 two-storey garage would be positioned to the south-east of the host dwelling extending over the footprint of the previous single storey garage. Two garage doors would be inserted on the front elevation with windows at first floor and a pedestrian access would be inserted on the south elevation to access the internal stairwell to the first-floor area. An interested party has objected to the proposed design of the garage concerned that the proposed building is out of scale with the application site.

Officers have appraised the height and scale of the proposed building, which would occupy a footprint of 47m² with a maximum height of the hipped roof sitting at 5.6m, and are satisfied that the development would be subordinate to the host dwelling, being subservient to 489a Semington Road by 1m in height. The garage would be located on the south east boundary of the application site set back from the road frontage and would not appear out of keeping within the local area, with similar detached garage buildings having been erected within the vicinity.



Proposed front elevation (right) and proposed ground floor plan (left)

The use of sympathetic materials (beige bath stone blocks under Spanish slate roof tiles) would ensure the proposal would integrate into the surrounding setting and existing street scene. Therefore, it is considered that the proposed garage would by virtue of its height, scale and design constitute an acceptable addition to the host dwelling that would appear commensurate to the size of the property and plot. The development would therefore comply with Policy CP57 of the WCS.

Impact on Neighbouring Amenity

Core Policy 57 of The WCS states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

The proposed building would be positioned to the south-east of the host dwelling, set back 0.4m from the rear boundary of the host dwelling. A neighbouring occupier has objected to the proposed garage on the assumption that the building is intended for use as separate living accommodation. However, officers cannot determine a planning scheme on conjecture of what might or might not be a future intended use of a building.

Notwithstanding that, planning conditions are recommended to ensure that the building shall remain as ancillary within the same planning unit as the main dwelling, and also for the ground floor solely to be used for the garaging of vehicles and that it shall remain as such. This is because the proposed building would not be acceptable as a wholly separate dwelling having

regard to reasonable standards of residential amenity, access, highway safety and planning policies pertaining to the area.

To the east of the application site lies the recently constructed housing development known as Bowood View and to the south lies the consented scheme of 4 dwellings. The rear gardens of Rennie Crescent are positioned to the east of the properties lining the east side of Semington Road. All windows proposed would look out over the applicant's private driveway to the front elevation, however officers are mindful that if windows were inserted on the east and south elevations at first floor at a future date this could present some overlooking impacts to neighbouring occupiers. Therefore, a condition would be added to ensure that no first floor windows would be inserted on these elevations, in the interests of neighbouring amenity. Therefore, no overlooking concerns are raised.

Given the detached nature of the garage building with a limited height of 5.6m and the separation distance of 11m to the properties to the east and the orientation of the dwellings to the south of the application, set forward of the proposed garage lining the public highway, no adverse overbearing impacts are raised.

The garage would be erected 11m to the west of the rear elevations of the properties lining Rennie Crescent, and officers acknowledge that some overshadowing could occur, however it is equally important to appreciate that there was already a degree of overshadowing created by the garage building that was previously removed. The proposed garage building would cast a shadow across the rear garden of the property at No.31 Rennie Crescent at certain times of the day and year (depending on the sun's orbit, position and angle).

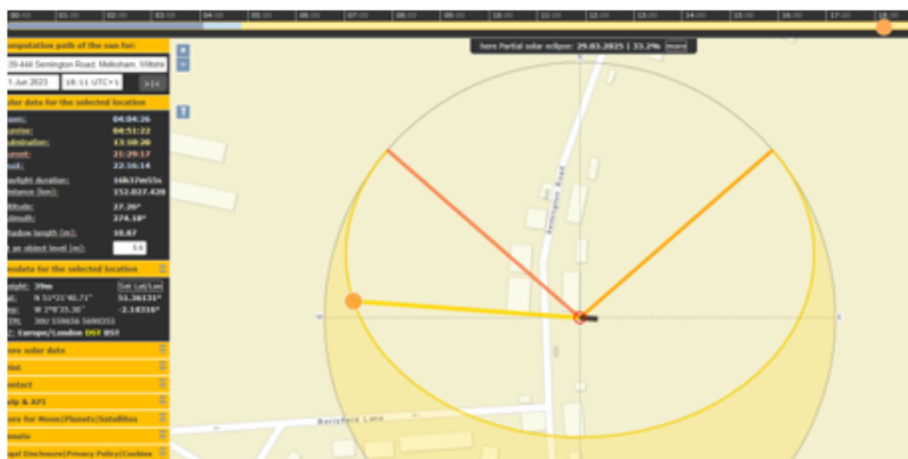
The case officer has tested the likely shadow to be cast by the proposed 5.6m high building by inputting the application site and proposal details into the 'SunCalc' website tool which can be interrogated by adjusting the time of any day of the year to appreciate when and to what extent a shadow may be cast.

As illustrated by the example SunCalc snip insert below, the garage would create a degree of overshadowing for a limited part of the day, but crucially, the impact would be limited and would not be substantive to justify a refusal of planning permission. This is illustrated by the extract reproduced below which is produced from the 'SunCalc' website – which is considered a useful tool in terms of appreciating the potential impacts of a development. It is however important not to rely solely on the web tool site, but instead to impart some planning judgement based on the specific site circumstances and appraising the existing neighbouring area as part of a holistic planning assessment.

For the avoidance of any doubt, the extracts are represented by a red circle positioned at the proposed location of the garage with the approximate height of the extension identified as the object of the shadow cast test. Each extract can be manipulated online to reveal the effects at different times of the day and throughout each day of the year. The extract included in this report reveals the summer solstice period when the sun is in its highest orbit.

The extract below reveals that around 6pm, there would be a degree of overshadowing across to No. 31 (depicted by the black line extending beyond the red circle). As the early evening passes into late evening the direction of the sun's shadow moves further north-east then eastwards and

the effect on No. 31 decreases with every minute/hour. Having appraised the suncast figures, officers are satisfied that the effect of the development on the neighbouring property at No.31 would be nominal and acceptable.



Summer Solstice - June 21st

The additional form would be located to the north of the consented dwellings (18/07286/FUL) adjacent to the application site, therefore due to the orientation of the dwellings, with the sun rising in the east and setting in the west, no overshadowing would occur.

Given the scale of the development proposal, it is considered that the proposed scheme would not result in unacceptable loss of light, overlooking, overshadowing and would not have an overbearing impact upon neighbouring properties. For these reasons, the development proposals would comply with Policy CP57 of the adopted Wiltshire Core Strategy

Highways Impact

Impact on parking provision – Core Policy 64 (Demand Management) seeks to manage the demand for vehicle parking and confirms that residential parking standards are to be based on minimum parking standards. The application site benefits from off road parking provision to the side elevation that would seek to provide parking for the proposed development.

An interested party has raised concerns over the existing parking provision that results in excessive on-street parking on a bend in the road, however the parking layout plan submitted 26.07.2022 illustrates an area of 189m² to the west of the garage that would seek to serve as parking for the host dwelling served by the existing access.

In order to count as a parking space a garage should have internal dimensions of 3m x 6m, whilst the proposed garage would meet the criteria set by the Transport Plan for the parking of one vehicle, it is acknowledged that it would not satisfy the criteria for the parking of two vehicles beside one another. However, it is considered that sufficient off-street parking for two cars would be provided to the side elevation of the host dwelling, as illustrated by the site visit photo insert below.



The highways officer was consulted on the proposed scheme and raised concerns(23.08.2021) over the proposed parking arrangement to the south of 489a given that plans submitted within consented scheme 18/07286/FUL (for the erection of four dwellings to the south of the application site) illustrated this area of parking supported parking for both 489 and 489a Semington. However the proposed block plan layout (submitted 26.07.2022 as part of this proposed scheme) illustrates parking for 489a only. The highways officer maintained their objection to the proposed scheme (06.09.2022) on the basis of adverse highway impact given that the proposed scheme would render No.489 without any parking provision.

Officers acknowledge the highway safety concerns raised by the highways officer given that the scheme being appraised as part of this planning submission would remove any parking provision for the adjacent dwelling at No.489 Semington Road. However, senior officers have appraised the planning history on the application site and it is of officers opinion that as parking provision for the separate dwellings was not set out within the Certificate of Lawfulness application consented in 2014 (14/08915/CLE) that officers cannot insist on parking spaces for No.489 because the historic consent did not include this parking provision. Officers conclude that the unrestricted parking opportunities along the frontage of the property could make up for any deficit in parking for the property at No.489 Semington Road.

Paragraph 11 of the NPPF that states ‘ *development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’. The highways officer concluded (21.09.2022) that the lack of parking provision would not be so severe to result in an unacceptable impact on highway safety and that the residual cumulative impact would not be unacceptable. The proposal retains the existing access and would not give rise to significant harm in terms of highway safety. As such the proposal on balance accords with policies CP60, CP61 and CP64 of the Wiltshire Core Strategy and Paragraph 111 of the NPPF.

Other Matters

The applicant has submitted evidence in support of the proposed scheme suggesting that since the building was converted to No.489 and 489a (Ref 14/08915/CLE) another separate additional independent dwelling has been created. However officers are not aware of any relevant planning history or evidence supporting this claim and this matter does not form part of this planning consideration.

RECOMMENDATION: Approve with conditions

Conditions: (5)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location and Site Plan - Received 27.07.2021

Existing Block Plan - Received 03.11.2021

Proposed Block Plan - Received 03.11.2021

Proposed Plans and Elevations - Received 26.07.2022

Proposed Block Plan Layout - Received 26.07.2022

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

- 3 The [extension/accommodation] hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as [INSERT] and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the east or south elevations above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy

- 5 The ground floor garages of the development hereby approved shall be retained as ancillary

garages and shall only be used for the storage of motor vehicles and nothing else for the lifetime of the development.

REASON: In the interests of ensuring sufficient off street parking is retained on site and that a safe and suitable access is achieved and preserving highway safety.