

# APPLICATION FOR HOUSEHOLDER PLANNING PERMISSION DELEGATED REPORT

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| <b>APPLICATION REFERENCE:</b>   | PL/2026/03908                                                                                               |
| <b>APPLICATION TYPE:</b>        | Householder planning permission                                                                             |
| <b>SITE ADDRESS:</b>            | 105 Milford Hill, Salisbury, SP1 2QX                                                                        |
| <b>DEVELOPMENT DESCRIPTION:</b> | Part retrospective works to change the levels of the back garden and the erection of a proposed greenhouse. |
| <b>RECOMMENDATION:</b>          | <b>That Planning Permission be GRANTED</b>                                                                  |

## PROPOSAL

The proposal is for part retrospective works to change the levels of the back garden and the erection of a proposed greenhouse.

## SITE DESCRIPTION/CONTEXT

The site comprises a two-storey semi- detached dwelling located within the Milford Hill Conservation Area. It is situated within the defined settlement boundary of the principal settlement of Salisbury, as defined by Wiltshire Core Strategy (WCS) policies CP1, CP2 and CP20. Whilst the site is in Flood Zone 1 and is not in the immediate vicinity of any rivers, it is situated within the Hampshire River Avon Catchment; and is within the 13.8-kilometre recreational buffer of the New Forest Special Protection Area (SPA) and RAMSAR site. However, due to the nature of the application, these designations do not have any bearing on the assessment of this application.

The application site is bordered by residential dwellings on the north and west, a pedestrian path on the south, and a private pedestrian path on the east which leads to the dwellings to the rear.

## PLANNING HISTORY

| <b>Proposal / Summary</b>                                                                                                                                                                                                                                                                                                                                                                        |
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| PL/2025/08160 - Householder planning permission Decision - Approve with Conditions<br>Date: 15/12/2025 – The demolition of a single storey side extension and the erection of a two storey side and rear extension.                                                                                                                                                                              |
| PL/2025/08520 - Householder planning permission Decision - Approve with Conditions<br>Date: 7/1/2026 – Proposed demolition of an existing single storey timber garage and proposed erection of a detached two storey single garage with a first floor home office. Additionally, the application includes the felling of an apple tree in a conservation area to facilitate the proposed garage. |

## **RELEVANT POLICIES AND GUIDANCE**

### Wiltshire Core Strategy:

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 20: Spatial Strategy: Salisbury Community Area

Core Policy 57: Ensuring High Quality Design and Place Shaping

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

The National Planning Policy Framework (NPPF) August 2026

The Planning Practice Guidance

National Design Guide

Salisbury Neighbourhood Development Plan 2020 to 2038

Wiltshire Local Transport Plan 2015-2026: Car Parking Strategy

The Planning (Listed Building and Conservation Area) Act 1990

Section 66

Section 72

## **CONSULTATION RESPONSES**

Salisbury City Council: No Comment

Arb Officer: No objection

## **REPRESENTATIONS**

One objection and one comment from the neighbouring dwellings have been received. Concerns are raised regarding the potential impact of the altered site levels on a neighbouring mature beech tree, with the objector requesting the views of the Council's Tree Officer on the implications for the tree's root system.

The objectors also consider that the submitted amended plans do not provide sufficient information to enable a full assessment of the development. Specific concerns relate to the absence of site cross-sections showing the relationship between the raised land levels and adjoining land at Howarth Park; the lack of details regarding surface water drainage; and the proposed boundary treatment, with objections raised to the appearance of gabion baskets and uncertainty regarding fencing, privacy and overlooking impacts.

Further concerns are raised regarding the proximity of the two-storey garage to the adjoining footpath, the potential implications for public safety and the stability of the footpath, and the need for details of any retaining or boundary structures. The objectors also note that the development has progressed without planning permission and request that all outstanding

matters are fully addressed before any decision is made to ensure there is no adverse impact on visual amenity, residential amenity or public safety.

## **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 character and context of the conservation 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.

Core Policy 58 aims to ensure that Wiltshire's heritage assets such as the conservation area are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. It also, however, confirms that the designation of a Conservation Area or listed building does not necessarily preclude the possibility of new development, and the Council is committed to working pragmatically with owners to find positive solutions which will allow adaptations of such buildings to reflect modern living aspirations.

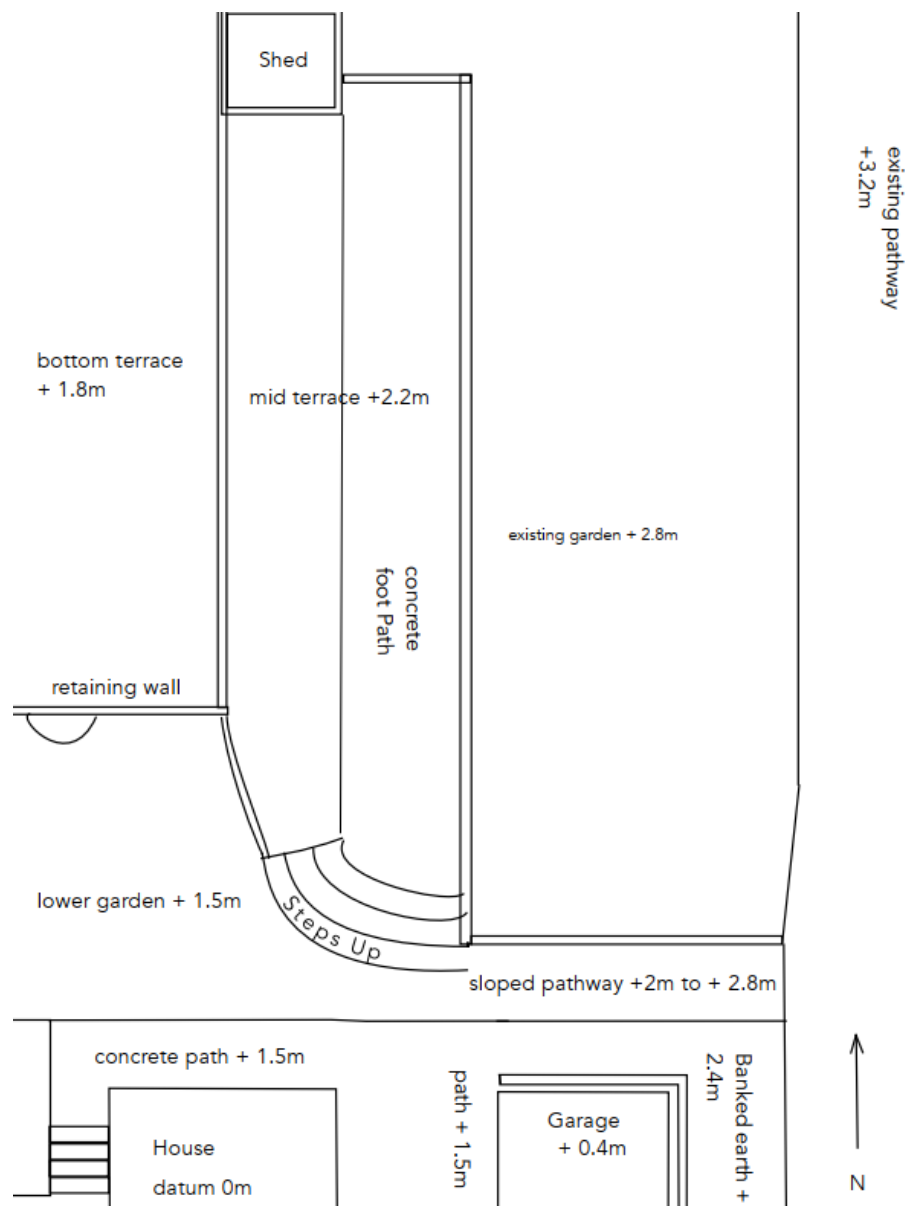
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. In addition, Section 72 of the Act states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Chapter 20 of the National Planning Policy Framework recognises heritage assets as an irreplaceable resource that should be conserved in a manner appropriate to their significance. Policy HE4 requires development proposals affecting heritage assets, including any contribution made by their setting, to avoid or minimise harm to significance and to conserve that significance wherever possible. Policy HE5 states that development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting). Policy HE6 further states that substantial weight should be given to the conservation of designated heritage assets, and that any harm to their significance is a matter of considerable importance and weight.

In addition, Policy DP3 requires development proposals to respond positively to their context, including the history, character and features of the site and its setting, so that they integrate with and enhance their surroundings through appropriate siting, scale, form, materials and architectural detailing.

The application is an unlisted semi-detached dwelling located in the Milford Hill conservation area. The application site has received recent planning permission with reference PL/2025/08160 for *the demolition of a single storey side extension and the erection of a two storey side and rear extension* and PL/2025/08520 *Proposed demolition of an existing single storey timber garage and proposed erection of a detached two storey single garage with a first floor home office*. Additionally, the application includes the felling of an apple tree in a conservation area to facilitate the proposed garage. Works have now started on site relating these.

This application is a retrospective application to change the levels of the rear garden of the host dwelling and for the erection of a greenhouse.

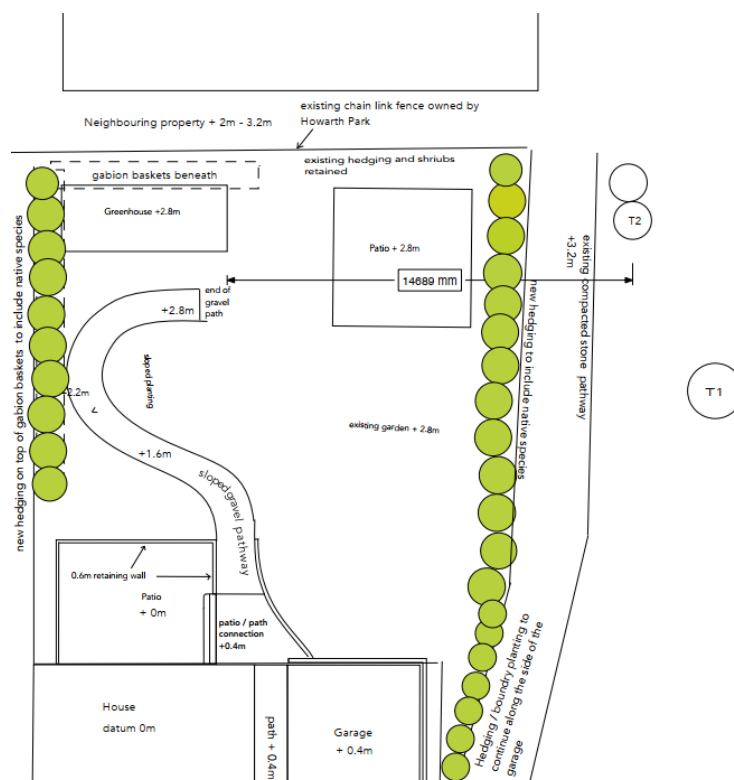


Prior to this application being submitted, the applicant began works on the construction of the extension to the host dwelling and the proposed garage. While doing those works, the applicant shifted the topography of the rear garden. During the site visit of the case officer, a pile of soil was located along the rear of the garage which was under construction. The applicant noted that this pile of soil will be levelled out.

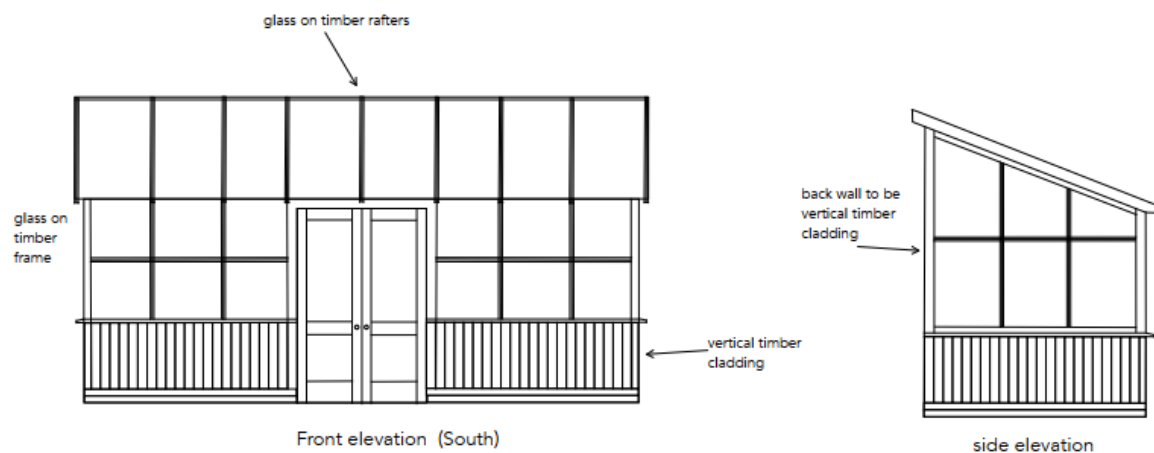
Prior to any works starting on site, the garden topographical level consisted of 3 levels. A bottom terrace at 1.8m, a mid-terrace at 2.2m and an existing garden at 2.8m. This rises from east to west. A snippet of the existing layout submitted as part of this application is shown above. Images from the initial site visit of the case officer in 2025 are also shown below.



This application then proposes to raise the level of the garden from being 3 different levels to be 1 consistent level of 2.8m which was the highest level of the garden previously. A sloped gravel pathway is then proposed from the host dwelling and garage to the top of the garden. A snippet of the plan of the proposed garden layout is shown below.



Alongside this, a greenhouse is proposed on the northwest and patio area is proposed on the northeast. The proposed greenhouse will measure approximately 6 metres in length and 2.4 metres in width. The greenhouse will have a sloping roof with the lowest roof point being 2.3 metres and the highest roof point will be 3.28 metres. The greenhouse is proposed to be located on the northwestern corner of the application site. The elevations of the proposed greenhouse are shown below.



At the time of the site visit, gabion baskets were located along the north and western edge of the application site. The application includes reference the western boundary is proposed to have new hedging on top of the gabion baskets on the west while the gabion baskets will be concealed on the northern boundary by soil and the existing hedging and shrubs which are proposed to be retained.

The proposed works to the garden will not be visible from public vantage points and as such, the proposed works are not considered to have an impact on the wider conservation area. With regards to the design and character of the proposed works, the greenhouse proposes to have vertical timber cladding and glass sheets on timber rafters. The design and scale of the greenhouse is typical of an incidental greenhouse for residential purposes such as this. The proposed changes to the garden layout are not considered to be detrimental from a design point of view. The works propose to level out the rear garden of the host dwelling and improve the use of the garden for occupants.



## 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.

Policy P3 of the NPPF requires development to contribute positively to the creation of healthy, safe and inclusive places. In particular, Policy P3(b) seeks to ensure that development provides a high standard of amenity for existing and future users and safeguards the reasonable living conditions of neighbouring occupiers. In assessing amenity impacts, regard should be had to matters including privacy, outlook, daylight and sunlight, overbearing impacts, noise and disturbance, and the overall quality of the living environment created by the development.

The proposed development has been assessed in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects.

The application site is bordered by a semi-detached residential dwelling on the west side under the same ownership as the application site. To the north is a group of residential dwellings called Howarth Park and to the east is an existing path for private use of Howarth Park (possibly as an emergency escape route). On the south is a footpath and the highway. As part of this application, neighbours living in Howarth park have objected to the part retrospective works. One of their concerns is regarding the impact of the proposed works to the neighbouring trees, this is discussed in the relevant section below.

The other objection noted that no cross sections were submitted. While this has not been submitted, the proposed garden layout has noted the levels on the plan. The proposed level will be matching the highest level of the existing garden with the aim of levelling out the garden area.

The third section is regarding surface water drainage, particularly the abrupt level change along the common boundary with Howarth Park. Prior to the works, the eastern half of the garden bordering Howarth Park was at 2.8 metres, this height is proposed to remain. The western half of the garden was previously 1.8 metres, this is now proposed to be increased by 1 metre to be 2.8 metres. The drawings indicate that the level of Howarth Park in this area is approximately 2 to 3.2 metres. With regard to overlooking and amenity issues, this application proposes an additional 1 metre increase in height in the garden area, the garden area will now be 1 level rather than 3 levels. The lowest level is proposed to be increased. On the boundary with the neighbouring dwelling on the north, a greenhouse is proposed. This greenhouse lies adjacent to an existing outbuilding of the neighbouring dwelling (also under the same ownership) This greenhouse will provide a level of screening between the application site and the neighbouring dwelling on the north. Additionally, there are no windows located on the elevation facing the application site and an existing fence is located along the boundary of the neighbouring dwelling and the application site which is believed to belong to the neighbouring dwelling. Any overlooking generated by the increase in level and proposed greenhouse will not be detrimental enough to warrant a refusal on these grounds.

Core Policy 67 of the Wiltshire Core Strategy seeks to ensure that development does not increase flood risk on-site or elsewhere and incorporates appropriate drainage measures where necessary. Policies F7 and F8 of the National Planning Policy Framework similarly require development to manage surface water appropriately and avoid increasing flood risk.

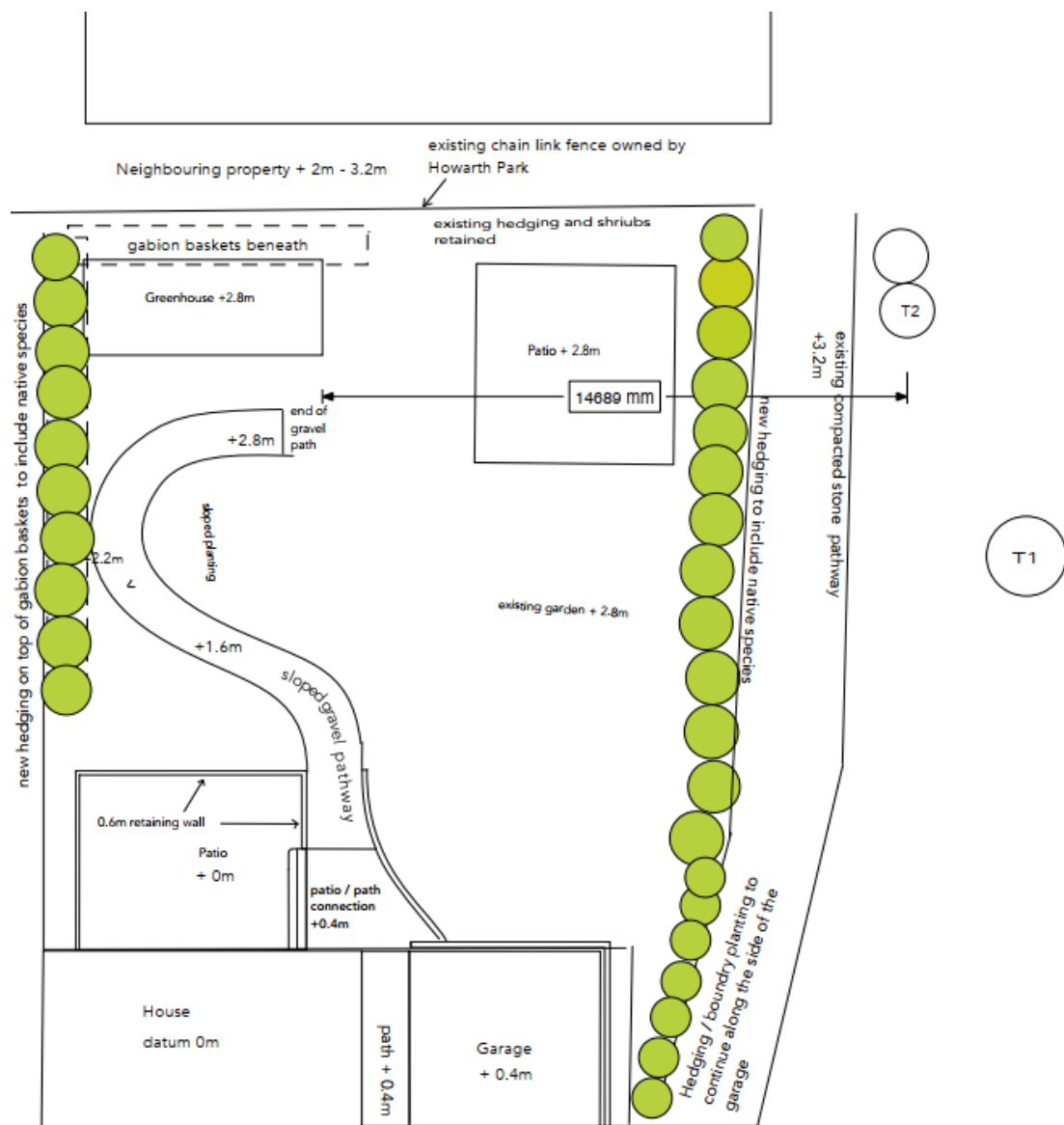
A snippet of the risk to surface water flooding is shown in brown below. It does not show that there are any surface water issues within the application site. Whilst the submitted plans do not include specific details of surface water drainage, the proposal relates to a small-scale householder development on land that is understood to be permeable. The existing level difference of approximately 1 metre along the boundary with Howarth Park is not considered so significant as to raise concerns regarding surface water runoff in this instance, particularly as the application proposes to change the levels of a residential garden, the garden remains largely as a permeable garden with only minor areas of hard standing being the proposed patio on the northeastern corner and the location of the greenhouse. Therefore, whilst the plans do not provide specific details of surface water drainage, given the limited scale of the proposal, the permeable nature of the site and the modest level difference along the shared boundary with Howarth Park, the proposal is not considered likely to give rise to significant drainage or flood risk impacts. A drainage objection is therefore not warranted in this case.



The objection has referenced the gabion baskets which were installed around the site and were present during the time of the site visit. The applicant has submitted a garden layout drawing which indicates that they are intending to plant new hedging over the gabion baskets along the western boundary and propose to erect a greenhouse with soil over the gabion baskets on the northern boundary. There are no proposed changes to the boundary shared by the application site and the neighbouring dwelling along the northern edge. The existing hedging and shrubs are proposed to be retained and the existing chain link fence owned by Howarth park is proposed to be retained.

The objection further comments about the 2 storey garage being in close proximity to the footpath of Howarth Park on the eastern side. However, this application is only regarding the level changes and not the garage as this was approved with reference: PL/2025/08520. The garden layout submitted indicates that hedging and boundary planting is proposed along this boundary of the application site.

The proposed boundary hedging are considered to create a natural edge between the application site and the neighbouring dwelling. It is not considered that the greenhouse will impede on the privacy and overlooking to the neighbouring dwelling. The northeastern part of the garden is proposed to have a patio area. This section of the garden was already 2.8 metres high, the addition of a patio are in this location does not mean that this area will be used more than it has been used previously. Therefore, the proposed works have been considered with regards to overlooking and boundaries with the neighbouring dwellings.



### Impact on Trees

Core Policy 51 of the Wiltshire Core Strategy seeks to protect and enhance landscape character, including important trees, woodland and hedgerows. Policy N2 of the National Planning Policy Framework seeks to conserve and enhance the natural environment and requires development proposals to take account of the contribution made by trees and other natural features to the character and quality of an area.

The application site is located within a conservation area. To the east of the application site is an area of trees under the ownership and in association with Howarth park. The application site is in close proximity to Beech trees located within the adjacent site. These trees have been indicated on the site plan as T1 which is a singular tree and T2 which is a group of beech trees. Beech trees typically possess shallow, extensive root systems which can extend a considerable distance from the stem.

The previous planning applications on this site did include consultation with the tree officer and no objection and no comments were made for the proposed works. As for this current application, the application includes the raising of the garden level on the western section of the application site which proposes to increase this level by approximately 1 metres. The eastern section of the application site, which is closer to the Beech trees are proposed to remain as existing with a patio area proposed. At the moment, a large pile of soil is located in this area, however the application proposes to reinstate this level back to existing and no digging down is proposed. The proposed greenhouse is a modest building which is likely to have limited foundations if any and will therefore have limited impact on any roots. Additionally, Howarth park constructed a stone pathway which is closer to the Beech tree when the land was developed. The arb officer was consulted as part of this application, they have no objections to the proposed works.

### 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.

### Public Sector Equality Duty (PSED)

In reaching this decision, due regard has been had to the Public Sector Equality Duty under Section 149 of the Equality Act 2010. This requires the Local Planning Authority to have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.

The Local Planning Authority is satisfied that the proposal would not result in any unlawful discrimination and that any impacts on protected groups have been appropriately considered as part of this assessment.

## **CONCLUSION**

The proposed development is considered to be acceptable in terms of its design, character and appearance, and would not result in any unacceptable harm to the amenities of neighbouring occupiers.

Furthermore, the proposal would not result in any unacceptable impacts in respect of heritage assets, trees and other material considerations.

The proposal is therefore considered to comply with the relevant policies of the Wiltshire Core Strategy, the National Planning Policy Framework and all other relevant material considerations. As such, the application is recommended for approval, subject to conditions.

**RECOMMENDATION: That Planning Permission be GRANTED subject to conditions.**

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 Plan Received: 22 June 2026

Proposed Green House Elevations Received: 22 June 2026

Block Plan Received: 06 August 2026

Site Plan Received: 06 August 2026

Garden Layout Received: 24 August 2026

Arb drawings Received: 11 September 2026

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

3.Materials to be used in the construction of the works hereby permitted shall be as stated on the application form.

REASON: In the interests of visual amenity and the character and appearance of the area.