

## **CASE OFFICER'S REPORT**

**Application Reference:** 19/01400/FUL  
**Date of Inspection:** 19.02.2019  
**Date site notice posted:** 19.02.2019  
**Date of press notice:**

### **Report Summary.**

The main issues discussed in this report are as follows:

Principle of the development  
Impact on the character, appearance and setting nearby listed buildings.  
Impact on the character and appearance of the Conservation Area  
Design  
Amenity  
Highway Access

### **Site Description.**

The application site consists of an area of paddock land to the south west of a group of three terraced cottages numbered 63 – 65 Martins Road, Keevil.

The site lies outside of established settlement boundary limits within the village of Keevil, which is defined as a small village within the Council's adopted Core Strategy.

### **Planning History.**

15/11499/FUL Erection of single storey rear and two storey side extension, re-thatching and associated works. Approved. 22.07.2017. (No's 63-65 Martins Road.)

15/11575/FUL Erection of single storey rear and two storey side extension, re-thatching and associated works. Approved. 22.07.2017. (No's 63-65 Martins Road.)

18/10562/FUL Retrospective siting of three new bunded oil storage tanks. Approved. 28.12.2018 (In relation to No's 63-65 Martins Road.)

18/07717/FUL Development of a single three bedroom unit house with associated double storage garage, garden, driveway and access. Withdrawn. 05.11.2018.

### **The Proposal.**

The application proposes the construction of one new dwelling on land as identified off Martins Road, Keevil, sited to the rear south west of 63 – 65 Martins Road, which are a group of three terraced thatched roof cottages and which are grade II listed. The applicant's submitted sited location plan identifies the proposed site as:



### **Planning Policy.**

Wiltshire Core Strategy 2015

Core Policy 1: Settlement Strategy  
Core Policy 2: Delivery Strategy  
Core Policy 57: Ensuring High Quality Design and Place Shaping  
Core Policy 58: Ensuring conservation of the historic environment  
National Planning Policy Framework 2019 – NPPF 2019  
PPG

### **Summary of consultation responses.**

Keevil Parish Council – Object to the application and comment as follows:

*It was agreed that the response to planning application from Keevil Parish Council should be to object and to mention the following:-*

*“The cumulative effect of visitor parking or additional cars owned by residents of the new development would exacerbate the existing parking problems in Martins Road. The tandem parking provided with the cottages and the proposed new build is deemed impractical and would also cause additional road parking.*

*There are also concerns over the height of the building with the two bedrooms in the roof space. The new building would be much higher than the neighbouring traditional bungalow ‘Olcote’.*

Wessex Water – No objections and comment in relation to surface water disposal.

Highways Officer: No objections.

Ecology Officer: No objections subject to a suggested condition and informatives.

Drainage Officer: Objection raised and comments as follows:

*There are drainage issues in Keevil; however this site appears to be outside of the surface water flood risk areas for 1 in 30/100 events; however it is adjacent to an area to be at risk from 1 in 1000 event.*

*The application form does not indicate how storm water drainage disposal will be achieved – due to the nature of the soils in Keevil discharge to ground is unlikely to be effective and no surface water sewer in the vicinity.*

*Application form indicates foul drainage disposal to main sewer – WW records indicate main sewer is in road so may be an issue in reaching it by gravity (may need to pump) and cross third party land to reach it (no right to cross third party land).*

### **Conditions:**

*Due to the lack of drainage information and proven means of foul/storm disposal the drainage team have recommended a holding objection pending the supply of such information, at which time the recommendation may be able to be changed to support with conditions.*

Conservation Officer: Objects and recommends refusal for the reasons as outlined within the following appraisal of the application.

### **Publicity.**

Eight letters/emails of representation received raising the following points:

- Inappropriate and over-development of the site- doesn't respect area
- Small sized gardens of 63-65 Martins Road.
- Poor, substandard, inappropriate design.
- Highway car parking concerns.
- Too much car parking on Martins Road.
- Inadequate car parking provision.

- No need for this development
- Harmful impact on Grade II Listed Buildings and surrounding Conservation Area
- Proposal does not respect wording of Wiltshire Council Core Policies in relation to Conservation Area.
- Substantial harm to heritage assets with no public benefit
- Proposal too tall, would “tower” over neighbouring bungalow of Olcote.
- Disagreement with information within Design & Access Statement.
- No evidence of Phases I & II of 2016 permission as referred to within Design & Access Statement.
- Not best use of the land, setting of precedent.
- Land as shown is within the residential curtilage of 63 – 65 Martins Road.
- Proposal represents harm to the local character of the area.
- Siting of fence – not best use of land.
- Infill development generally found outside of Conservation Areas.
- Site is not infill but the rear gardens of 63 – 65 Martins Road.
- Planning history of refusals in 1972 and 1981 for new dwellings on the site.
- Two storey dwelling house “too big” for the site.
- Proposal would dominate view from the public realm.
- Too tall, only been reduced by 60cm – Overbearing impact on Olcote.
- Applicant previously advised to not develop roof space of proposal.
- Obtrusive, harmful impact on residential amenity.
- Non sustainable development, “Backland Development”.
- “Gross overdevelopment” harmful impact on amenities of Olcote.
- Harmful Impact on drainage – History of drainage problems in Martins Road.
- Inaccuracy of plans in relation to Olcote.
- Site is not redundant land – Site made redundant by design.

### **Planning Considerations.**

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 application site is located within the small village of Keevil, Core Policy 2 allows for infill development within the built up area of small villages subject to meeting a number of criteria. It is considered that the site is within the built up area of the village having regard to the developed nature of the immediate vicinity and that WCS Core Policy 2 states that within Small Villages, “development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) *Respects the existing character and form of the settlement*
- ii) *Does not elongate the village or impose development in sensitive landscape areas*
- iii) *Does not consolidate existing sporadic loose knit areas of development related to the settlement”.*

It is considered that the principle of new dwelling sited at this location may be acceptable subject to a sensitive and appropriate design. Previous planning application reference 18/07717/FUL was withdrawn by the applicant as it did not respect these qualities and was inappropriate due to height, scale and mass. Therefore, to be acceptable in principle, the current proposal must have overcome these previous concerns.

#### Design Impact of proposal on Heritage Assets – Listed Buildings and Conservation Area.

Core Policies 57 and 58 sit alongside criteria (i) of Core Policy 2 and which are also relevant in considering the form of the replacement dwelling and its impact on the character and appearance of the area and the setting of the Listed Building.

In terms of the historic environment the primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas.

The National Planning Policy Framework NPPF February 2019 outlines government policy towards the historic environment. Section 16 "Conserving and Enhancing the Historic Environment" sets out an overall aspiration for conserving heritage assets. In particular paragraph 193 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Wiltshire Core Strategy Policy C58 relates to Ensuring the Conservation of the historic environment and states that designated heritage assets and their settings will be conserved.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The National Planning Policy Framework makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification.

The Council's Conservation Officer has been formally consulted on this application, who has objected and raised the following areas of concern, such that any proposal must comply with Council's Core Policies 57 and 58 and comments:

*"Core Policy 57 of the Wiltshire Core Strategy states: "A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. 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... being sympathetic to and conserving historic buildings"*

*Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets."*

The Conservation Officer is aware of the planning history to this area of land and comments that:

*"The Grade II listed cottages to the front of the site have just been restored to working order. This site makes up the rear half of the long gardens of the three properties at the front. However prior to around 1900 – 1910 the gardens were only half as long as at present. The rear portion being orchard or other wooded area, now gone. Therefore, the shortening of the gardens would not result necessarily in a deleterious loss of setting to the listed building, because the garden size has changed over time – the current application would return the garden size to its pre-1900 size. The question remains then: can this area be used for a new building?"*

The Conservation Officer therefore continues to by assess the proposal and further comments:

*“This application is a resubmission following a withdrawn earlier scheme. The newly proposed dwelling would only be 500 – 600 mm lower than the previous proposal, which was considered to be too large, and height was a strong component of that view.*

*The proposal in its current form I would still say that harm would be caused to the settings of the listed buildings and to the character of the Conservation Area. This harm would be caused by the mass and scale of the proposed building which remains too tall resulting in a mass of built form that would conflict with the listed buildings. The setting of the listed buildings and the Conservation Area is one of an edge of village location as the rear garden blends into the countryside beyond. This mass of building would obliterate that historic setting and therefore is harmful to that historic setting.*

*The previously proposed garage has been replaced by a proposed car port. The car port would have a hipped roof which would still render it out of scale with the immediate area and have a poor relationship with the proposed dwelling as well as the nearby listed buildings. The car port is also harmful due to its form and siting, and any future proposal or revision of this scheme should omit the garage entirely.”*

Therefore, for these reasons as stated, the officer cannot lend support to the scheme and concludes that:

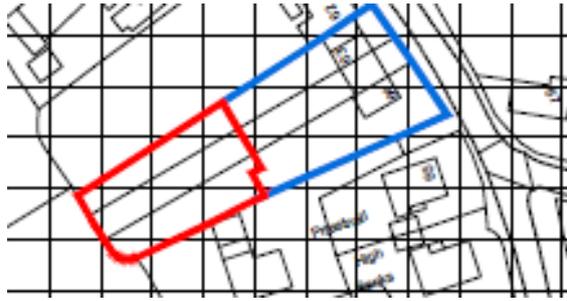
*“For the above reasons the proposed scheme would result in less than substantial harm to the settings of the nearby listed buildings and to the character of the Conservation Area. This harm is considered to be at the upper end of less than substantial harm. Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I cannot see any public benefit from a conservation perspective to outweigh this harm. Therefore this application should be withdrawn or refused for the above reasons”.*

For the above reasons, the proposal is considered to be contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas and is also contrary to Paragraphs 193, 194 and 196 of the NPPF; with such paragraphs dealing with harm to a designate heritage assets such as the surrounding Conservation Area and nearby listed buildings.

It is further concluded that the scheme does not comply with CP 57 and CP 58 in that its design is not appropriate for the location and that it does not protect, conserve nor enhance the surrounding heritage assets and has not succeeded in overcoming the concerns of the case officer with regard to previous application reference 18/07717/FUL.

#### Highway Access.

The Council’s Highways Officer has not raised any objections to the proposal, however, it is noted that the site’s red line has not been extended from the planning application site to the public highway, this being as shown within the snippet below of the as submitted site location plan:



This is of relevance because the site would be accessed via the private track to the side of No's. 63 – 65 Martins Lane and also shared by these existing three dwellings. The proposed development would bring the total number to four dwellings utilising a shared private access road.

Local residents have raised concerns in relation to the use of the private road, and that the applicant has not included the proposed access up to the adopted highway. The main issue therefore is that the application has not expressly identified this as the means of access within the site location plan. As a consequence, the application has failed to meet the requirements of Article 5(3) of the Development Management Procedure Order 2015 (DMPO) which states that the application must state the area or areas where access points to the development proposed will be situated. This being the case, access to the proposed development has not been expressly identified or defined and that access lane could not be reasonably controlled, as it falls outside the application boundary.

It is further noted that the site location plan, within the red lined site, shows the land as a continuation of the gardens belonging to numbers 63 – 65, which are understood to be separate and which have individual residential curtilages. Whilst the area of land may have been severed from these three dwellings, this is not shown in the site location plan and it is further noted that within part 25 of the planning application form, that certificate A has been signed by the agent, as opposed to certificate B, indicating notice as having been served on these households.

#### Residential Amenity

Core Policy 57 seeks to protect the residential amenity of existing neighbouring occupiers. The proposed house would be in close proximity to the residential property known as Olcote to the immediate south of the proposal, with there being approximately a 4-5 metre separation distance between the two dwellings.

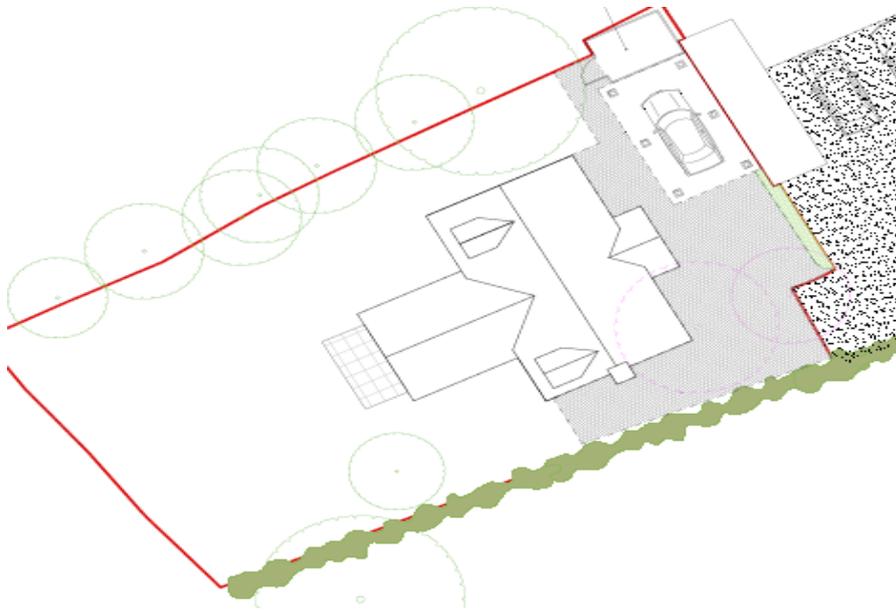
The proposed dwelling would have a ridge height of approximately 6 metres, having been lowered by some 500 – 600 mm in direct comparison to the previous scheme within application reference 18/07717/FUL; as withdrawn by the applicant. The previous case officer dealing with this application made it clear that a two storey dwelling in this location, given the site's constraints was not appropriate and that " a genuinely single storey property with no accommodation in the roof " may be acceptable, depending on design. Following the withdrawal of the 2018 application, no pre-application discussions were undertaken with the Council and the current scheme was submitted.

The proposed scheme is considered to be unsuitable within this location due to its overall impact on Olcote, due to its height, scale, length, mass. Such concerns were relayed to the planning agent via emails and a site meeting, who does not agree with the Council's concerns on this matter. The agent has responded in part by providing a plan showing the relative roof heights of neighbouring buildings, as justification for the proposal, with the following snippet below showing this:



The plan serves to show the relative roof heights of 55, 58 & 60, 62, 63, 64 & 65 Martins Road, which are all higher than the proposal's, however, whilst this may be the case, they are not within the immediate vicinity of the proposed dwelling and so therefore are of limited consideration. Of more relevance is the relationship of the proposal to the immediately neighbouring bungalow of Olcote, which the above plan shows as being significantly higher and as being overwhelmed by the proposal. Such material concerns were relayed to the agent but have not been addressed.

It is also further noted that with the proposal being two storey in height, it would have two high level dormer windows which would be able to look into the private garden area of Olcote, this being as shown within the snippet below taken from the proposed site plan:



Such overlooking is contrary to CP 57 which states that new developments should have: *"... 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.."*

Core Policy 57 therefore, seeks to ensure adequate levels of amenity for future occupiers of new dwellings. For the reasons as discussed throughout, it is appraised that the amenity of Olcote would be harmed and that despite numerous attempts by both the Council's Conservation Officer and Case Officer to reduce the overall height and size of the scheme, no revised plans addressing the Council's concerns have been submitted.

### **Conclusion (The Planning Balance)**

The application proposes an infill dwelling in the village of Keevil and for the reasons as discussed throughout, is considered to be not acceptable in principle. The application is therefore recommended to be refused for the following three reasons, which serve to address the concerns of the Council, as highlighted throughout.

**RECOMMENDATION:** Refuse for the following reasons.

- 1 The proposed scheme, by reason of its height, scale and massing, would result in less than substantial harm to the settings of the nearby listed buildings and to the character of the Conservation Area, with such harm being at the upper end of less than substantial harm, with there not being any public benefit derived from the proposal and which would be contrary to Core Policies 57 and 58 of the adopted Wiltshire Core Strategy (2015) and Paragraphs 193, 194 and 196 of the NPPF.
- 2 Due to its close proximity, the proposed two storey dwelling by reason of its height, scale and massing would have an overbearing impact on the nearby dwelling of Olcote and which would be harmful to the amenities currently enjoyed by its the occupiers, being contrary to Core Policy 57 of the adopted Wiltshire Core Strategy (2015).
- 3 The red line development site does not provide for access to the public highway, being contrary to Core Policies 57 and 61 of the adopted Wiltshire Core Strategy (2015).