

CASE OFFICER REPORT

Application: 20/08169/FUL

1. PURPOSE OF REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be REFUSED. Following discussion with the local ward member, the referral to the Southern Area Planning Committee has been withdrawn and the local ward member is content for the application to be determined by Officers in accordance with the Council's Scheme of Delegation.

2. REPORT SUMMARY

The main issues to consider are:

1. Principle of the Development
2. Scale, Design and Heritage Impact
3. Residential Amenity
4. Highway / Transport considerations
5. Drainage / Flood Risk
6. Biodiversity

3. MAIN POLICIES

Wiltshire Core Strategy (adopted January 2015):

- Core Policy 1: Settlement strategy
- Core Policy 2: Delivery strategy
- Core Policy 3: Infrastructure requirements
- Core Policy 27: Spatial Strategy: Tisbury Community Area
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 60: Sustainable transport
- Core Policy 61: Transport and development
- Core Policy 62: Development impacts on the transport network
- Core Policy 63: Transport strategies
- Core Policy 64: Demand management
- Core Policy 67: Flood risk

Supplementary Planning Guidance: Creating Places Design Guide SPG (Adopted April 2006)

National Planning Policy Framework (NPPF), in particular Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment).

National Planning Practice Guidance (PPG)

Sections 66 & 72 Planning (Listed Building and Conservation Areas) Act 1990

Tisbury Conservation Area Appraisal and Management Plan

Tisbury Neighbourhood Plan ('*TisPan*')

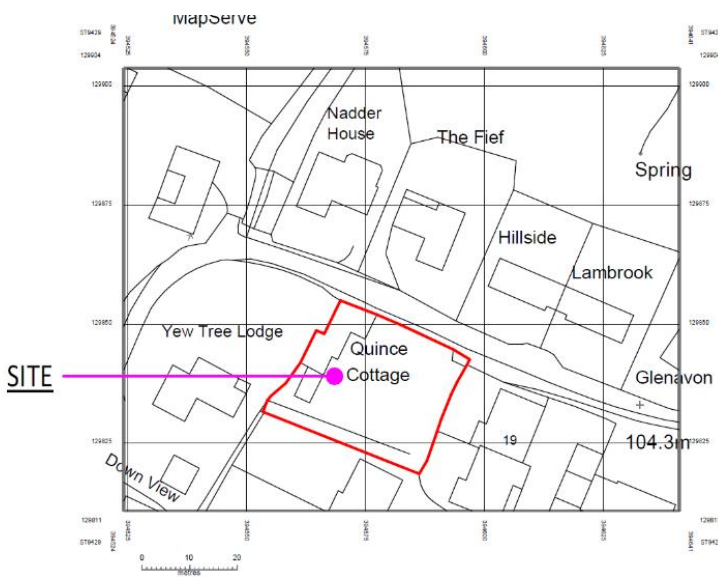
Cranborne Chase AONB Management Plan 2019-2014

4. SITE AND SURROUNDINGS

Quince Cottage is a traditional stone and thatch cottage on the south side of Duck Street in Tisbury. It is set close to the road and extends into the site to the rear, adjacent the west site boundary. There is a traditional stone wall to the site frontage east of the cottage extending to an existing access leading to a garage set close the east site boundary. The existing garage is a part concrete block structure with some timber cladding. It has a shallow sloping corrugated roof with an open bayed frontage. The eastern end is open sided with the roof supported on timber posts on a concrete plinth abutting a high stone boundary wall.

The access drive is part concrete / part gravel surfaced. The land slopes up from the road and the access drive has an associated gradient to the existing garage. The site levels continue to rise further into the site with the lower part of the rear garage wall effectively acting as a retaining wall with the garden at a higher level to the rear. There is a timber shed attached at the immediate rear of the garage set at a higher level, accessed via a pathway at the rear of the garage. The rear (east) wall of the shed appears to be a stone wall built up onto the boundary wall. The garden level is higher still to the rear (south) of the shed where there is a group of conifer trees close to east boundary.

The site is located within the Tisbury Conservation Area. Quince Cottage is a Grade II Listed building. The locality is predominantly residential. There is another listed property (Duck Street Farmhouse), a short distance to the north west but the housing immediately adjacent the site is modern. The new development to the east and south (Lady Down View) on the hill slope is prominent. Nos. 19, 18 (Amber House) and 17 (Tyntes Place) in Lady Down View and Yew Tree Cottage in Duck Street have garden boundaries with the application site. The site falls within the wider designation of the Cranborne Chase Area of Outstanding Natural Beauty AONB).



location plan



aerial photo (2014)

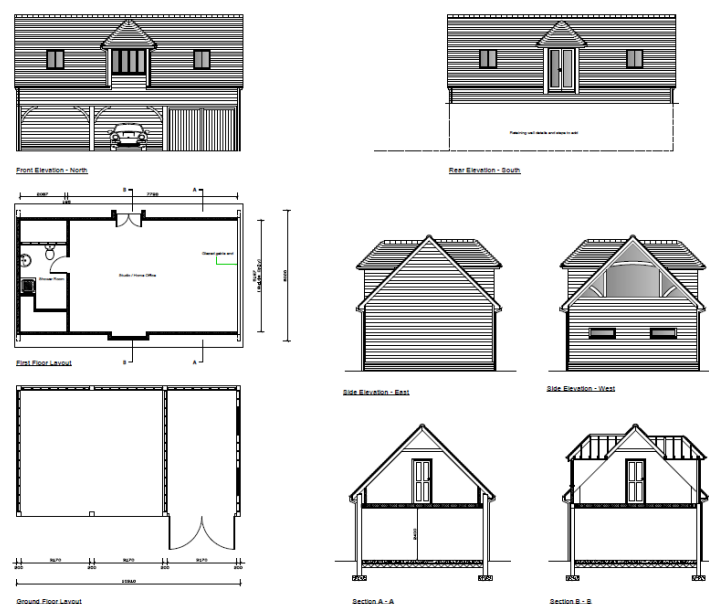
5. THE PROPOSAL

It is proposed to demolish the exiting garage / car port building and shed immediately to the rear and replace with a new garage building. The replacement building would have a larger footprint to accommodate 3 garage / parking bays with a footprint shown as 10.3m wide x 6m deep. The front of the replacement building would be approximately on the same alignment as the existing but deeper and wider. The existing building has timber

posts on concrete plinth set adjacent the east site boundary wall whereas the east elevation wall of the proposed building would be set slightly further away from the boundary wall (approximately 1m) and being wider would extend into the garden towards Quince Cottage by approximately a further 3.5m. An existing garden wall within the garden running from the front boundary wall to the western end of the existing garage will be removed and a new wall constructed further towards Quince Cottage with an enlarged hardstanding area to be provided in front of the new garage.

A specific measurement has not been given for the height of the replacement building but scales from the plan as approximately 6.2 m to ridge. It is also proposed to construct the replacement garage with a lowered floor level (compared with the current floor level) by approximately 0.5 m. This would require the drive / parking area to be re-graded with a shallower gradient down towards the access / road. The garage would have three car spaces comprising two open fronted bays and a garage space with door. The proposed structure is of traditional oak framed construction with timber cladding under a tiled pitched roof. With higher garden ground levels to the rear, the rear wall of the existing garage is already partly retaining and excavation / lowering of the floor level will presumably increase the extent of the retaining wall elements to the rear and possibly some retention to the sides (although this is difficult to see from the plans).

Whilst not specifically mentioned in the description, the building clearly includes space (labelled on the plans) as a home studio / office with shower room. A traditional pitched roof dormer window is proposed centrally within the front slope and a large glazed window feature occupies the majority of the gable roof apex facing Quince Cottage. Access to the roof space accommodation is from the rear, where a central dormer feature similar in size to the front dormer is proposed with a glazed entrance door (French doors). To access this door, the existing path at the rear of the garage would be modified / re-profiled and an external staircase / steps up and landing (from the drawings this is estimated to be just under a metre high) to reach the first-floor level within the roof space. Two conservation rooflights are proposed in the rear roof slope either side between the entrance door and gable ends. The east facing gable contains no windows.



Proposed floor plans & elevations

6. PLANNING HISTORY

S/1996/1612- Demolition of single storey extension and replace with new. Approved 16/12/96.
S/1996/1613 – L/B application. Demolition of a single storey area and replace with a new extension. Approved 19/12/96.
S/1999/0543 – Re -thatching with African Velt. Withdrawn.
S/2002/1979 - Demolition of wooden garage and replacement with landscaped area for parking. Approved 22/11/2002..
S/1998/1224 - Construction of one detached house and access drive. Refused 18/12/1998
S/1989/2237 – Outline application for residential development Refused 19/09/1990.
S/2011/0457 – Proposed replacement open porch. Approved 11/05/2011.
13/00355/LBC - Replacement of bathroom fittings and relocation of w/c waste pipe. Approved 21/06/2013.

7. REPRESENTATIONS

Salisbury Civic Society

“...To judge if the proposal to rebuild the existing garage with ancillary space over may or may not be a reasonable proposition one would need adequate drawings. This ability to understand and judge the appropriateness of the proposal’s scale and materiality is especially important given the listed building status of Quince Cottage and the proximity to both the neighbouring buildings (the Fief opposite and no. 19 adjacent) and Duck Lane. As the applications stand we feel these drawings are missing or inadequate.

We recommend as a minimum a block plan at a scale of 1:200 with the all of the neighbouring buildings and Quince Cottage included and, as there is will be an impact to all buildings with a significantly higher roof line, we would also recommend two site sections at a similar scale; a long section to show the relation of the new roof line to the adjacent buildings and a cross section to show the relationship of the proposed garage to Duck Lane and Fief and the existing sloped site. This should also then describe how one accesses the upper floor of the proposed garage.

The excavation into the site by 500mm seems sensible as the floor level of the existing garage is at least that much higher than the lane and back garden of Quince Cottage. When the recommended cross section is created, with levels, this excavation depth might well be increased.

Again, in an effort to lower the proposed ridge height we would also question the 2.4m clear head height of the proposed garage...”

Tisbury Natural History Society. Summary of main points raised: -

- Bats may be present – developer should commission a bay survey
- Bats are protected by law
- Developer should install roosting box within open part of car port
- Developer should find ways provide swift nest box
- Refers to The Ministry of Housing, Communities and Local Government Guidance: Natural Environment Jan 2016 updated July 2019, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Two letters of objection from occupiers of neighbouring properties. Summary of main points raised: -

- Large bulk / size and height
- Footprint larger in depth and width
- Topography not taken into account – gardens all on different levels
- Overlooking from French doors (garden of neighbouring property lower than garden of Quince Cottage)
- Overshadowing / loss of light
- Would harm buildings in Conservation Area
- Would not preserve / would harm setting of listed Quince Cottage
- Plans are unclear with respect to height, location and distance from boundary
- Incorrect description (no mention of 2nd storey)
- Plans not complete / inadequate (no cross section showing level differences between site and neighbours.
- Heritage Impact Assessment – photo of rear of garage inconsistent with statement that garage roof almost level with the garden terrace behind

8. CONSULTATIONS

Conservation Officer:

The Conservation officer supports the proposal subject to conditions, whose comments are attached to the Listed Building application (20/02492/LBC). As they also pertinent to the planning application, they are also reproduced here: -

Quince Cottage is a grade II listed building and is also within the Tisbury conservation area.

The application is supported by a thorough heritage assessment and I concur with the conclusions. The existing garage/carport is of no historic interest so I have no objection to its demolition.

Providing that the driveway is excavated as the application states (and the heritage statement see 8.3), so that the proposed garage/studio will be set lower on the site than the existing carport, I do not consider that the proposed new structure will have an overbearing impact on Quince Cottage and will preserve its setting.

Conditions:

Approval of the roof tiles. (I would request that these are interlocking clay tiles which are more appropriate to an outbuilding);

Approval of the rooflights;

Garage doors to be side-hung timber plank doors;

Sample of the feather-edged timber cladding;

Gable glazing to be set behind the truss.

WC Highways

The Highway Officer has no objection in principle and subject to approval of further detail. Comments: -

In principle I have no highway objection to the proposal, however the application form states that the existing access is to be regraded to a lower level and the existing parking extended. If the existing vehicle access to the highway is to be altered a drawing indicating the proposals would be required and the informative below included.

However if the alterations are purely internal then I wish to raise no highway objection providing the following conditions are imposed:

(WD1) The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

(WD3) The vehicle access shall remain ungated.

REASON: In the interests of highway safety.

(WD4) The gradient of the access way shall not at any point be steeper than 1 in 6 for a distance of 5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

(WG2) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

Informative

The applicant(s) is advised that the discharge of this condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.

Informative

The application involves an extension to the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

Tisbury Parish Council

P.Cnllrs resolved to object to this application on 3 planning grounds and also for the lack of information allowing a proper judgement to be made.

1. From the drawings provided the overall height appears to be twice that of the existing structure and on an increased footprint. This was thought to be overly intrusive in terms of mass and height.
2. The increased height would be both intrusive to neighbours and impact on available light.
3. Although the materials specified were considered appropriate for a listed property, it was not felt that the design and overall impact on the Streetscene was acceptable.
4. a. The lack of comparative plans for existing and proposed structures to the same scale and format made it very difficult to assess the impact on neighbouring properties and also Quince Cottage itself.
b. The overall height of the proposed structure is not evident.

c. A plan showing the relationship of the proposed roof line to the adjacent buildings is not available, making it impossible to judge the impact of the proposal on any neighbouring properties and Quince Cottage itself.

ADDITIONALLY – if Planning Officers are minded to approve this application, P.Cnllrs have asked Wiltshire Councillor Tony Deane to ‘call in’ the proposal.

9. ASSESSMENT

(9.1) Principle of the Development

Wiltshire Core Policy 1 (Settlement Strategy) identifies settlements where sustainable development will take place. Tisbury is categorised as a ‘local service centre’ serving a surrounding rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self-containment. Local Service Centres will provide for modest levels of development in order to safeguard their role and to deliver affordable housing.

Core Policy 2 (Delivery Strategy) states that a more detailed distribution is set out in the Community Area Strategies and development proposals should also be in general conformity with these. Core Policy 2 includes the following statement:

“...Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages...”

The proposal relates to development within an existing residential curtilage associated with the use of Quince Cottage and within the defined limits (settlement boundary) for Tisbury. In principle there is no planning policy objection to a replacement garage / car port. In this case the acceptability of the proposed development rests with the resultant site-specific impacts, assessed against relevant development plan policy and national planning policy. These material considerations are assessed below.

9.2 Siting, scale, design and heritage impact

It is important that the proposed development visually integrates into the street scene and the surrounding area in an acceptable manner such that it will respect the character and appearance of the area. Core Policy 57 (Ensuring high quality design and place shaping) states that: -

“...a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary 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...”

A number of criteria are as specified in relation to this requirement, including:

“ (i) Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the exiting pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced

(ii). The retention and enhancement of existing important landscaping and natural features, (for example trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development

(iii). Responding 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...

The Government attaches great importance to the design of the built environment and the Framework states that “...*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...*” (paragraph 124). The Framework states that planning policies and decisions should ensure that developments....

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF outlines government policy, including its policy in respect of the historic environment (Section 16). Paragraph 193 of the NPPF states that ‘...*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....*’

Quince Cottage is a Grade II listed building. The listing describes the cottage as follows: -

4/221 Quince Cottage

GV II

Detached cottage. C17. Rubble stone, thatched roof with brick and limestone stacks, coped verges. L-plan with entrance to rear. Single storey and attic, 3 windows. Rear wing has plank door and 2-light casements with 3-light recessed chamfered mullioned casement to C17 range to left. Range parallel to road has 3-light and 2-light casements and attic dormer with 2-light casement, rear of this range has blocked

doorway and 2-light and 3-light casements, left return has C20 oriel to first floor. Interior not accessible at time of survey (January 1986).

Listing NGR: ST9456429845

The garage / car port and shed to be demolished are not listed separately and the Heritage Impact Assessment describes the age of the building as mid-20th century.

The Planning (Listed Building and Conservation Areas) Act 1990 (sections 16 & 66) requires proposals affecting listed buildings or their settings to seek to preserve the special interest of the buildings and their settings. The principal considerations are to ensure that new development protects the significance of listed buildings and their settings and prevents harm to their significance. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a duty to require that '*special attention*' shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In paying 'special attention/regard' to the character and appearance of the conservation area and the setting of nearby listed buildings an assessment must be made as to whether the proposals cause any 'substantial harm', or 'less than substantial harm'.

The council's design guide (Part 11) explains that designation of a Conservation Area does not preclude the possibility of new development but it is expected to be of a standard high enough to maintain and enhance the quality of the Conservation Area and be sensitive to its character and appearance. In considering applications for new development in conservation areas, the Council will seek to ensure that the form, scale, design and materials of new buildings are in character with the Conservation Area.'

Ensuring that any proposal does fit in with the existing development and does not stand up and create an irregularity is important within a Conservation Area.

Part 15 of the design guide goes onto to advise '*...Applicants must be aware however, that failure to appreciate the immediate context, scale and detail within their proposal will result in an incongruous development, clearly at odds with the immediate setting....*'

Paragraphs 195 and 196 of the NPPF require an assessment of any harm to designated and non-designated heritage assets. Paragraphs 196 & 196 state:

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

196. 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.

WCS Core Policy 58 states, *inter alia*, that:

“Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

- i. Nationally significant archaeological remains*
- ii. World Heritage Sites within and adjacent to Wiltshire*
- iii. Buildings and structures of special architectural or historic interest*
- iv. The special character or appearance of conservation areas*
- v. Historic parks and gardens*
- vi. Important landscapes, including registered battlefields and townscapes.*

Distinctive elements of Wiltshire’s historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57...”

The Tisbury Neighbourhood Plan (*TisPlan*) contains policies for Tisbury plan area that seeks to ensure that the design of new development will be sensitive to the local character, landscape and vernacular, whilst also containing a policy in relation to new development in the Tisbury Conservation: -

Policy BL.4 Design and Landscape In line with Wiltshire Core Strategy CP51 and the Cranborne Chase and West Wiltshire Downs AONB Management Plan (2014-2019 and any subsequent revision thereof), great weight will be given to conserving and enhancing landscape and scenic beauty in the consideration of any planning application. All forms of development must plan positively for the achievement of high-quality design, for example the use of local and traditional building materials (the use of local stone is preferred) to ensure respect for the local vernacular. Development proposals must appropriately demonstrate regard for the defining characteristics of the Neighbourhood Area as set out in the Salisbury District Landscape Character Assessment Settlement Settings Assessment 2008 or successor document.

Policy HNA 2: Tisbury Conservation Area

Any proposal for development within or adjoining any of the Conservation Area should conserve and enhance its character and appearance.

Proposals should seek to protect the natural and historic features of the Conservation Area, having regard to the Tisbury Conservation Area Appraisal and Management Plan (2009, and subsequent revisions thereof).

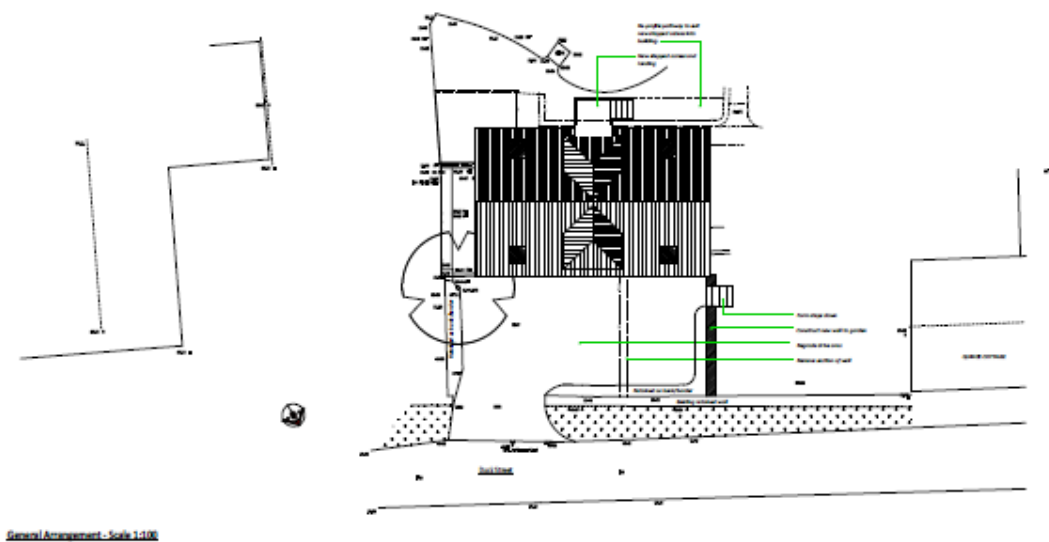
To be supported, proposals must identify and address appropriately, any impacts on the following:

- 1. The existing street pattern*
- 2. Important views and vistas*
- 3. Important areas of open space*
- 4. Important trees or groups of trees*
- 5. Listed buildings or local unlisted buildings of architectural or historic interest*
- 6. Local earthworks or other archaeological features*

Any planning applications which would remove or detract from original features will be refused. The mainly Victorian character of Tisbury High Street with its historic frontages of shops, businesses and residencies should be respected.

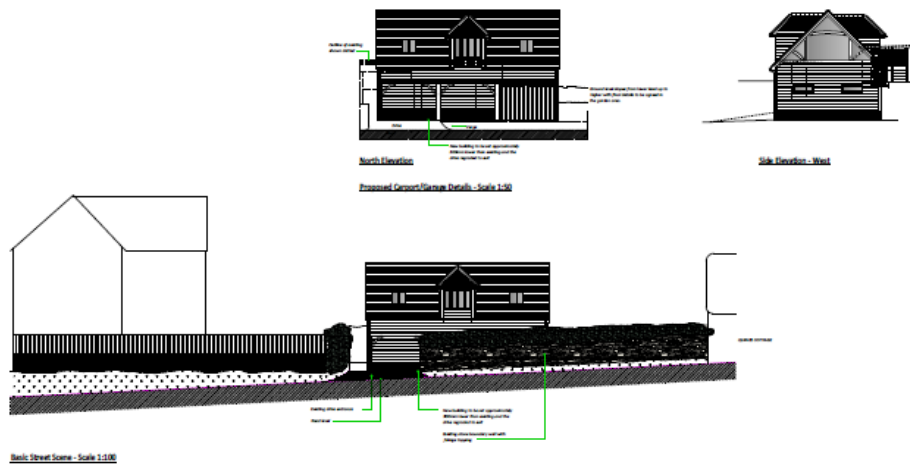
The NPPF explains that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss and 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. The NPPF requires that the applicant to describe the significance of any heritage assets affected, including any contribution to their setting.

The proposed replacement building would clearly be larger in scale and height than the existing structures and will be more visible in the street scene, particularly when viewed through the existing access off Duck Street and includes a relatively large dormer window in the roof slope facing the road. However, the proposed traditional design and form of the proposed new building including an oak frame with weatherboard cladding and clay tiles would be sympathetic to its location within the curtilage of Quince Cottage and the increase in bulk and footprint would not result in an unduly cramped form of development in the street scene.



proposed general arrangement

Whilst a relatively substantial and high structure for a separate curtilage building, the setting of the building some 500mm lower than the floor level of the existing building would partly mitigate the impact of the increased height of the replacement building on Quince cottage. Subject to the receipt of further details, the necessary re-grading of the drive is unlikely to have any significant and adverse visual impact on the setting of Quince Cottage LB and Conservation Area.



street view

The Heritage Statement submitted in support of the application takes into account the significance of heritage assets potentially affected and the impact of the proposed development on those heritage assets, which in this case principally relates to the ‘designated’ heritage assets of Quince Cottage as a Grade II listed building and Tisbury Conservation Area. The HS concludes the following:

“Quince Cottage is a Grade II listed building the significance of which mainly derives from its age, materials and method of construction.

9.2 The existing garage and carport have a poor appearance that detracts from the setting of the cottage.

9.3 Despite the replacement building being larger than the existing, it would remain subservient to the cottage.

9.4 There would be an enhancement to the setting of the cottage due to the building’s improved appearance.

9.5 The proposed scale, design, materials and siting of the proposed building would be appropriate to its context within Duck Street.

9.6 The proposals would preserve the setting of the listed cottage and in turn its significance, the character and appearance of the conservation area and the group value with the Grade II listed farmhouse to the north-west.

9.7 The proposals would therefore satisfy the policy requirements of the current development plan, which seek to protect the historic environment.

9.8 Moreover, the proposals would sustain the significance of the listed building and conservation area and ensure their conservation in line with the requirements of the NPPF. They would also preserve the listed building and conservation area in accordance with the Act”

Objections have been received on the grounds of, *inter alia*, the impact on the CA and Quince Cottage LB. Officers consider that notwithstanding the increase in scale of the replacement building, its design / external appearance is considered to be of sufficiently high quality for this location. Taking into account the comments of the Council's Conservation Officer, the overall conclusion of the Heritage Statement is considered to represent a reasonable assessment of the heritage impacts, subject to the further assessment of details of some of the external works (see further below in this report) and conditions would be required to agree the external materials / finishes.

(9.2) Residential Amenity

Policy 57 (vii) of the Wiltshire Core Strategy 2015 states that development must also '*have regard to the compatibility of adjoining buildings and uses, the impact on the amenity of existing occupants*'.

The NPPF Section 12 has a more qualitative requirement that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. (para. 127 (f)).

Objections have been received from two neighbouring properties on the grounds of, *inter alia*, the impact on their amenity / living conditions.

The proposed building contains a home office / studio with WC / shower) within the roof space accessed separately through a door at roof level from the garden at the rear. Provided the accommodation remains incidental to the use of Quince Cottage as a single dwelling, in principle, the use is not considered to be objectionable in planning use terms subject to a planning condition to control the use of the building in order to ensure it is not occupied as a separate self-contained living accommodation / dwelling, which would give rise to different amenity considerations (and highway impacts).

The increased scale of the replacement building would be manifested by an increase in bulk and height, compared with the existing building, set close to the east site boundary with the rear gardens to the relatively new houses in Lady Down View to the east, which do not have very deep rear gardens. The increase in height of the replacement building will be partly mitigated by the lowering of the floor level by some 500mm but inevitably there would be an appreciable part of the building / roof that would be visible above the boundary wall with No.19 Lady Down View, which is itself a significant / tall feature when viewed from the rear and rear garden of No.19. with the ground levels rising within the garden of Quince Cottage. The upper section of the existing shed at the rear (to be removed) can be seen above the garden wall. Although the gable end of the replacement wall would be set further in from the boundary wall, it would be significantly higher and would result in a more overbearing feature than the current buildings on the site.

An objection has also been received on the grounds of overshadowing / loss of light. No assessment of shadow paths has been submitted by the applicant or objector. Photos submitted with the objection from the occupiers of No.19 give an indication of the current shadow impact but this will clearly vary with the time of day and year. In general terms, potential overshadowing caused by the upper section of the replacement garage above existing boundary wall is likely to occur in the later afternoon and at times of the year when the sun will be lower in the sky. In some circumstances, it is considered that this would not be of such significance. However, taking into account the height of No.19 itself, its limited garden depth, the existing tall rear boundary wall and the shadowing that may already be caused by the tall conifer trees in the higher part of the garden of Quince Cottage, it is considered that the additional impact of the building mass and any further overshadowing is

likely to diminish the living environment currently enjoyed. It is judged that the impact on Amber Cottage (directly adjacent No.19 Lady Down View) would not be affected a greatly as No.19 in terms of dominance and potential overshadowing, being located further south from the proposed siting of the garage. There may be some loss of views across the site to the north west but in itself is not a material planning consideration.

The first floor has a gable end window at roof / first floor level and two smaller ground floor windows would face towards Quince Cottage but does not give rise to any loss of privacy issues for third parties, being the applicant's property. However, objections have been received from the occupiers of neighbouring properties on grounds of overlooking. There are no windows in east elevation of the replacement building that would directly overlook No.19. The proposed French doors in the rear elevation would face south over the higher parts of the rear garden to Quince Cottage. The occupier of Amber cottage has, however, raised concerns regarding overlooking and loss of privacy due the differing ground levels (photos submitted). It is noted that the first floor level of the proposed garage is higher than the current path level leading the exiting shed (to be removed) and to enable access to the entrance door, new external steps up are proposed up to a landing with railings in front of the entrance doors. There are also two small roof lights set in the roof slope that are not set high enough to avoid views in the same direction. Whilst it may be possible to gain views over neighbouring properties from higher parts of the existing garden, the proposal would effectively be permanent accommodation, capable of regular use and frequent use. Although, overlooking from the rear entrance to No.19 is likely to be partly blocked by the roof slope of the proposed garage itself, it is estimated that there would also be some overlooking to the rear of the southern part of the house. The submitted plans do not provide any details for any new boundary or landscape treatment following removal of the she. It may be possible to modify the design to mitigate these impacts but, as proposed it is judged that the development would result in some harm to living conditions for the occupiers of Amber House and No.19 Lady Down View, contributing further to the amenity concerns.

The impact on the dwellings opposite Quince Cottage on the north side of Duck Street (The Fief and Hillside being the nearest) has been considered. The replacement garage would be more noticeable in the street when viewed the front of these properties due its increased scale in comparison with the existing structure. Although Duck Street is narrow, these dwelling houses are themselves are set back from the carriageway and with the replacement garage to be sited in roughly the same position and separation distance, it is considered sufficient not to cause any direct overbearing impact of concern that would unduly affect the living conditions for occupants of these properties. No 16 Lady Down View is a house located adjacent the application site to the north. It is orientated with a gable end close to the application site boundary. It is located higher on the hill slope and separated from the proposed replacement garage by an area of garden to Quince Cottage containing shrubs and trees. It is judged that the proposal would not have a materially harmful impact on the amenity /living conditions for occupants of this property in terms of any overbearing impact or loss of privacy.

(9.3) Highway / transport impact

The proposal would provide 3 covered parking spaces and an enlarged associated hardstanding / turning area. Duck Lane is an adopted but unclassified road. The access is existing and the drive currently slopes up from the road to the current floor level of the existing garage building. The proposed replacement building would have a lower floor level by some 500mm and, therefore, the drive would need to be re-graded to a shallower gradient to suit. There would also be an enlarged parking area between the new garage and stone wall to the road frontage, which would appear to require some reduction / re-grading, and a new wall constructed. The precise details of the re-profiling / regrading / ground works are not shown on the plans.

The Highways Officer has not objected in principle on highway safety grounds but if the existing vehicle access to the highway is to be altered a drawing indicating the proposals would be required and would also require a license from the highway authority for any works to the highway or verge. The application drawings suggest some minor adjustment to the access splay where it crosses the highway verge, suggesting that this may require a license for such works, e.g. resurfacing and drainage.

(9.4) Drainage and flood risk

The site is in Flood Zone 1 (lowest probability of flood risk- i.e. outside of Flood Zones 2 or 3) and a Flood Risk Assessment is not required. The proposal would result in little difference to water run-off between the current buildings to be removed and the proposed new buildings and would be controlled under Building Regulations. The enlarged parking area is proposed to be surfaced in permeable gravel or similar. There is not considered to be any material flood risk issues of any principle concern, subject to further drainage details required in connection with any highway requirements, as referred to above.

(9.4.) Biodiversity impact

The proposed replacement garage and associated works would affect existing built development and domestic garden, which appears to be of no intrinsic high ecological value.

Concern has been raised (Tisbury Natural History Society) regarding the possible presence of bats for summer roosting and a bat survey should be carried out. Notwithstanding this, under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species (including bats) or to damage or disturb their habitat or resting place and the grant of any planning permission would not override the statutory protection afforded to any such species. In the event that the proposal could potentially affect a protected species, the applicant would need to seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. An Informative to this effect can be placed on any decision and would similarly cover any potential breeding birds (such as swifts referred to by TNHS).

(9.5) Other matters

A number of objections / comments have been received regarding the inadequacy of the plans / drawings. It is considered that there is some deficiency in the level of detail, such as in terms of the architectural / building details and various external works. Whilst it might be possible to condition some of the more detailed information required, it would be appropriate to secure some further details for assessment if officers were otherwise recommending approval. Officers also note the concern of third parties regarding the lack of information showing the development in context with adjoining properties to show the impact, for example, in relation to differing ground levels. Additional / appropriate cross sections in relation to adjacent properties may well be more helpful, particularly for third parties. Nevertheless, officers consider that the recommendation below can be reasonably made based on the details / plans as submitted and other information available.

10. CONCLUSION

It is concluded that the balance of planning consideration weighs against the grant of planning permission, which in this case is principally due to the impact on the amenities of neighbouring properties located adjacent, east of the application, as detailed above in this report.

11. RECOMMENDATION

REFUSE