

Item Number: **Ward:** Chiseldon And Lawn
Application Number: S/19/1186/CHHO **Parish:** Chiseldon

Case Officer: Charlotte Hopkins (chopkins@swindon.gov.uk)

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scheme (S/19/0095), although the dormer windows have been removed and the dwellings have been rotated by 90 degrees from an east-west axis to a north to south-axis with the gable ends now facing north and south. The internal layout has been amended and the integral garage removed.

The Site and Surroundings:

4. The application site forms the garden curtilage of the host dwelling at Hillsborough which is a bungalow. The site is adjacent to residential dwellings to the south and north, on a row of ribbon development along Marlborough Road. To the west of the site is open countryside. To the east of the site is Marlborough Road (A346). The site is located outside but adjacent to the defined Chiseldon settlement boundary, as shown on the Swindon Borough Local Plan 2026 Policies Map. The site is also located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the Down Plain Landscape Character Area.

Representations:

5. Neighbours: 4 no. letters of objection received from: Sunnyside, 31 Butts Road, Hilldrop 29 Butts Road, The Fairway. Objections raise one or more of the following points:

- Significant harm to the AONB by allowing additional buildings in rear garden
- Over development, not in keeping with the area and ribbon development along Marlborough Road and Butts Road
- The proposed development would appear to be a blatant example of "garden grabbing" serving no beneficial purpose to the village
- Not a brownfield site but a residential garden which contains numerous trees and shrubs providing a habitat for wildlife in an area of outstanding natural beauty.
- Restrictive covenant on the land preventing the construction of more than one dwelling and associated outbuildings
- Loss of privacy due to removal of trees and overlooking to neighbouring gardens
- The orientation of the bungalows has changed. The dormer windows have been replaced by Velux windows now facing east and west. The velux windows do not overlook Sunnyside but the 4no. front windows of each property overlook the garden of Sunnyside
- Concern raised that the Applicant and Agent are members of Chiseldon Parish Council, with the applicant also a member of Planning Committee
- Concern over access and road safety - increased vehicle movements on a busy road.
- Issues with access for construction vehicles - significant number of trees will need to be removed in order to allow for contractors access, this will impact upon the environment, the area and ground in which the land will be developed. The impact of the removal of these trees has not been addressed in the application.
- Proposed houses would exceed height of existing property (single storey)
- New properties would bring additional noise, potential disturbance and pollution from vehicle exhausts.
- 4no. vehicles would be parked adjacent to the boundary with Sunnyside
- The plans show the new proposed main drainage close to the roots of two 60 ft conifer trees. Is this correct?
- Flood risk of the area. The proposed bungalows plus driveway will exacerbate the risk by increasing the permeable area.
- The Blue Atlas cedar trees now have a tree preservation order on them and the plasticity index of 10-20% is quoted. This is relatively high (PI>17% is defined as high). This means the soil is not very permeable and reinforces argument about the flooding.

6. Chiseldon Parish Council: Objection. The housing density within the plot of land is not in keeping with an area inside the North Wessex Downs AONB. It could set a precedent for all properties along this road. There are concerns over privacy issues with neighbouring properties due to the current design plans of the new dwellings. There is a possible flood risk on the property that the Parish Council would like considered. Concern over the removal of trees within the property.

7. Highways: No Highway objection raised subject to conditions.

8. Landscape: Objection in principle. Harm to a number of fine and important trees within the rear garden, specifically the Cedar Tree (which is now subject to a Tree Preservation Order (TPO)). A Tree Protection Order was placed on this tree as it is under threat from development could cause harm to it or its setting. The revised application continues to include a layout that is harmful for this protected tree and its setting. The statement in the submitted Design and Access Statement (DA) regarding the 'tree root zone' and 'setting' appears to confuse the two things. A RPZ is a dimension that can be calculated (based on the girth of the tree etc). 'Setting' is a wholly different concept and is not based on any calculation per se, but would be widely defined as 'the area within which the tree can be appreciated'. It is primarily the latter that will be harmed by this application. Further detail in the DAS regarding roots and soil type do not change the harmful effect on setting. Additionally, revised drawing JJ2 also shows a new drainage pipe being cut through the roots of the boundary vegetation. This is also unacceptable.

9. Tree Officer: The current proposals have not been supported by the submission of any site specific arboricultural information or arboricultural impact assessment. In addressing the request for specific arboricultural information in respect of the Cedar Tree which is the subject of a TPO, the applicant has sought to demonstrate throughout the Design and Access Statement that the proximity of the development is acceptable, without actually presenting any data. The guidance quoted by the applicant in this regard is irrelevant. The use of the NHBC tables relates to foundation depth needed to avoid future damage from the tree; it has nothing to do with the assessment of damage that construction might cause the tree. Assessment will need to be undertaken based on the guidance set out within BS5837:2012. Plot 1 is located within close proximity to the group of trees that form the western boundary. Further arboricultural information is needed to demonstrate that construction can be achieved as proposed without detriment to the long term health of the trees. Irrespective of the direct impact, concern also raised that the retention of these trees will cause a significant conflict with the future occupiers' enjoyment of their garden. The canopy overhang and the shading will limit the usable garden space to such an extent that pruning will be inevitable. Pruning to enhance the usable garden space of Plot 1 will significantly diminish the screening function of the very boundary vegetation that the applicant is relying on to overcome intrusion within the AONB. Providing the future occupants with sufficient usable garden space within the proposed layout is not compatible with retaining the tree screen.

10. Drainage: No detailed formal comments to make on this application, but provide informative comments/advice.

Relevant Policy:

11. Adopted Swindon Borough Local Plan 2026

- Policy SD1 - Sustainable Development Principles
- Policy SD2 - Sustainable Development Strategy
- Policy DE1 - High Quality Design
- Policy HA1 - Mix, Types and Density
- Policy EN1 - Green Infrastructure Network
- Policy EN5 - Landscape Character and Historic Landscape
- Policy TR2 - Transport and Development

Supplementary Planning Documents

- Adopted Swindon Residential Design Guide (2016)
- Adopted DCGN Technical Guidance on Parking Standards (2007)

Other Material Considerations

- The North Wessex Downs Area of Outstanding Natural Beauty Management Plan

2014-2019

- Landscape Character Areas Supplementary Planning Guidance (2004)

National Planning Policy Framework (NPPF)

Planning Considerations:

Key Considerations:

12. The main issues to be considered are the principle of the development, whether the proposal has provided a high standard of design, the impact on the character and appearance of the area including the AONB and the preservation and setting of important trees, the impact on the amenity of neighbouring properties, the impact on the living conditions of the future occupiers and whether the proposal site provides safe access and adequate parking.

Principle:

13. Policy SD1 'Sustainable Development Principles' of the Swindon Borough Local Plan states to enable the delivery of sustainable development and support sustainable communities in the Borough all development proposals will: be of high quality design; promote healthy, safe and inclusive communities; respect and conserve, and/or enhance the natural built and historic environments; be accessible by walking, cycling and/or public transport.

14. Policy SD2 'The Sustainable Development Strategy' of the Swindon Borough Local Plan delineates between parts of the Borough in which the principle of development would be generally acceptable (within settlements) and those where it would not (in the countryside). The proposed application is located outside the Chiseldon (rural) settlement boundary as shown within the Local Plan policies map. The policy states that development proposals in rural and countryside locations outside the rural settlement boundaries will be permitted where:

- local needs have been identified and allocated through a Neighbourhood Plan or Neighbourhood Development Order; and/or
- it supports the expansion of tourist and visitor facilities in appropriate locations where identified needs are met by existing facilities in a rural service centre; or
- It is in accordance with other policies in this Plan permitting specific development in the countryside.

15. In this respect, as the proposal does not meet any of the above criteria, it is not in accordance with Policy SD2.

16. The starting point for determining planning applications is the development plan. As is set out above, the application is in conflict with Local Plan Policy SD2. As a conflict with development plan policy is identified, it is then necessary to look at other material considerations which indicate that planning permission should be granted notwithstanding that conflict.

17. The NPPF at Paragraph 73 requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. At the planning inquiry for Land at Hill Cottage Blunsdon (Planning Inspectorate reference: APP/U3935/W/17/3192234, SBC reference: S/OUT/17/1032) the Council's position was that it is able to demonstrate 2.7 years' supply of housing land in the Borough. It is acknowledged that at present, Swindon Borough Council cannot demonstrate a five year housing land supply.

18. In this instance the provisions of paragraph 11 of the NPPF is invoked. That is where there are no relevant development plan policies, or the policies which are most important for determining the

application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

19. Footnote 7 confirms this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

20. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval, rather, those local policies which concern the supply of housing cannot alone be the basis of a refusal. The proposal therefore has to be assessed against the policies within the NPPF taken as a whole and other Policies in the Local Plan which are not considered relevant to the supply of housing. In this instance the element of Policy SD2 referring to settlement boundaries cannot be considered as a reason for refusal alone.

21. In the case of the current application, section i. as detailed above explains development should be restricted if the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This includes Areas of Outstanding Natural Beauty (AONBs) as confirmed in footnote 6 of the NPPF.

22. The 'specific policies' are those in paragraphs 172 (AONB) of the NPPF. Those policy tests are considered in turn below. If the specific NPPF policy tests applicable to AONBs are judged to be passed, the proposal would then be considered against the second bullet point of paragraph 11. Paragraph 11 does not displace or abrogate the statutory presumption in favour of determining planning applications in accordance with the development plan unless material considerations indicate otherwise. Instead, it is an 'other material consideration' which may indicate that an application should be determined otherwise than in accordance with the development plan.

23. Paragraph 11 of the NPPF states that the decision maker should assess whether the adverse impacts of permitting the scheme, would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

24. It should be noted that two dwellings would make a minor contribution to the Borough's 5 year housing land supply. The availability of supporting services within Chiseldon including a primary school, 2 doctors' surgeries, a parish church, pubs and hotels, a Farm Shop, a Spar and a garage, also make this a relatively sustainable location. Nevertheless, there are other factors to be considered

Landscape

25. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the Down Plains Landscape Character Area. Policy EN5 (Landscape Character and Historic Landscape) of the Swindon Borough Local Plan, states proposals for development will only be permitted when; the intrinsic character, diversity and local distinctiveness of the landscape within Swindon Borough are protected conserved and enhanced; the design of the development and materials used are sympathetic to surrounding landscape; unacceptable impacts on the landscape are avoided; where other negative impacts are considered unavoidable, they are satisfactorily mitigated. The policy states: 'The North Wessex Downs Area of Outstanding Natural Beauty (AONB) is a nationally recognised area of landscape protection. Proposals within the Borough which are within and/ or abuts the North Wessex Downs AONB must accord with relevant criteria in the AONB Management Plan and paragraph 115 and 116 of the NPPF'. *These paragraphs of the NPPF have

now been superseded by Paragraph 172 of the NPPF (2019)*

26. The North Wessex Downs AONB Management Plan states "the appropriate and sympathetic design and siting of all new developments, reflecting local landscape character, architecture and the use of local materials, is vital to ensuring that development maintains the essential character of the AONB and the settlements within it". Further the "unsympathetic incremental expansion of the settlements of and adjacent to the AONB, detracting from the surrounding countryside" is noted as a key issue.

27. As detailed previously, where a Local Plan's relevant policies on housing are considered out of date due to the absence of a 5-year housing supply, the NPPF's presumption in favour of sustainable development applies in most areas - meaning that the proposal should normally be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole; or specific policies in the Framework indicate development should be restricted. In AONBs the specific policies - those in paragraph 172- apply instead of the presumption in favour of granting permission.

28. Paragraph 172 of the NPPF requires decision-makers to attribute 'great weight' to conserving and enhancing landscape and scenic beauty in AONBs, which have the 'highest status of protection in relation to landscape and scenic beauty'. Policy EN5 of the Swindon Borough Local Plan seeks to protect and enhance the character and quality of the environment and development will only be permitted where it takes account of this.

29. Landscape Officers raise concern that the loss of trees/vegetation to accommodate the development would have a harmful effect on the landscape character, contrary to Policy EN5 of the Swindon Borough Local Plan.

30. There are a number of existing trees on the site, including a mature Atlantic Cedar to the southwest of the existing dwelling within the rear garden, which is one of a pair in the immediate area and is visible from Marlborough Road. This tree is now the subject of a Tree Preservation Order (TPO). There are a number of other trees and shrubs within the rear garden, which is bounded along the west by a maturing group of mixed tree species, and a hedge and two conifers along the northern boundary. Plot 2 will result in the direct loss of several trees (including Apple, Holly and Blackthorn), however the Tree Office acknowledges that these are an internal feature and, were space available, their loss could readily be mitigated within new landscaping.

31. Policy EN1 'Green Infrastructure Network' of the Swindon Borough Local Plan states that development must provide for the protection and integration of visually and ecologically important trees, hedges and woodland. At section 4.326, the Local Plan notes: Where trees, hedges or woodlands are present on or adjacent to a development site, a full report to BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' will be required when considering the proposal. This will define the minimum distance between construction and retained trees and hedges which the Borough Council may increase where appropriate to account for site specific circumstances and to eliminate post development pressure on trees, hedges and woodlands.

32. The protected Cedar Tree is an important part of the wider character of the landscape, in this case, an Area of Outstanding Natural Beauty' (AONB). Refusal reason 1 of previous permission S/19/0095 stated that the proposal failed to demonstrate that this important and protected tree on the site, and its setting, would be preserved. The current proposal has not been supported by an Arboriculture Impact Assessment based on the guidance set out within BS5837:2012 and as required under Policy EN1. Both the pre-application advice and previous comments from the Landscape Officer have clearly stated this requirement. In addressing the request for specific arboricultural information, the applicant has sought to demonstrate that the proximity between the root protection zone (RPZ) of the TPO Cedar Tree and construction area is acceptable, through

presenting the NHBC national data table. However, the Tree Officer advises that the guidance quoted by the applicant in this regard is irrelevant. The use of the NHBC tables relates to foundation depth needed to avoid future damage from the tree; it has nothing to do with the assessment of damage that construction might cause the tree. The revised proposal has therefore failed to address refusal reason 1 of the previous permission.

33. A further consideration in respect of the TPO tree is that it needs to have an appropriate amount of space as its 'setting', meaning that even if it were physically possible to fit the development outside the RPZ, the harm to the setting would be grounds for objection from a landscape stance. The statement in the DAS regarding the 'tree root zone' and 'setting' appears to confuse the two things. A RPZ is a dimension that can be calculated (based on the girth of the tree etc). 'Setting' is a wholly different concept and is not based on any calculation per se, but requires ample open space around the tree and would be widely defined as 'the area within which the tree can be appreciated'. This is irrespective of where the tree is located i.e. within a private garden or in a public park. The proposal for 2no. dwellings within the rear garden would destroy that setting, resulting in a cramped and discordant layout of development in relation to the surroundings, which would be visible from glimpsed views along the street and from the adjacent properties. The proposal represents an overdevelopment of the site which is not in keeping with the general character of the area, contrary to Policy EN5 which requires the intrinsic character is enhanced and unacceptable impacts on the landscape are avoided.

34. Plot 1 is located within close proximity to the group of trees that form the western boundary. The allocated parking for the dwelling is also sited within the canopy spread of the trees. The Tree Officer advises that as there is no specific tree related data, it is not possible to accurately assess the impact that construction of the dwelling will cause to the trees. A cursory inspection, however, is sufficient to determine there is a likelihood that the footprint is within the root protection area (RPA) and that a design foundation will be needed to avoid the severance of roots. Further arboricultural information is needed to demonstrate that construction can be achieved as proposed without detriment to the long term health of the trees. At present, it has not been demonstrated that the boundary trees and vegetation which contribute positively to the character and appearance of the area will be protected, contrary to Policy EN1 and EN5 of the Local Plan. Further, the Tree Officer is of the view that providing the future occupants with sufficient useable garden space within the proposed layout is not compatible with retaining the tree screen. The canopy overhang and the shading will limit the usable garden space to such an extent that pruning will be inevitable. Pruning to enhance the usable garden space of Plot 1 will significantly diminish the screening function of the very boundary vegetation that the applicant is relying on to overcome intrusion within the AONB.

35. The access drive is located adjacent to the northern boundary and is plotted to manoeuvre around the two Conifers, whilst there is a notation on the plan that the vegetation forming the hedge will be cut back. There is a foul water sewer, shown to the north of the Conifers, which is to connect into the existing drain. It is not clear if the existing drain run extends as far back as the Conifers but, if the section adjacent to the trees needs to be constructed, both the trees will be lost.

36. It is accepted that views of the development will be generally limited to short distance due to mature trees and hedges at the boundaries of the site, however this does not make the development acceptable and the reasoning given above is still justified. Moreover, that a development would be screened is not a reason to allow development which is inherently unacceptable. In addition, it has not been demonstrated the Cedar tree subject to the TPO would be protected and therefore there is the risk that this tree along with other boundary vegetation would be lost or physical harmed/weakened by the proposed development, opening up more extensive views into the site.

37. The proposal has failed to demonstrate that the intrinsic character, diversity and local distinctness of the landscape will be protected, conserved and enhanced or that unacceptable impacts on the landscape will be avoided, with the proposal representing an over development of the site which is not in keeping with the character of the surrounding area and failing to submit

satisfactorily detail to confirm that the Cedar tree and other important trees would be protected, contrary to Policy EN5 and Policy EN1 of the Swindon Borough Local Plan. The scheme is also contrary to paragraph 172 of the NPPF and neither conserves or enhances the character and appearance of the AONB.

Layout, Design and Amenity

38. The proposed dwellings represent development in the rear garden of the application site. The NPPF states that development should be sympathetic to local character (paragraph 127) and states that local policies should look to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (paragraph 70).

39. Policy DE1 'High Quality Design' of the Swindon Borough Local Plan requires high standards of design and amenity for all types of development and sets a number of principles in which development will be assessed against, these include: context and character, layout form and function, amenity, and public realm.

40. Local Plan Policy HA1 'Mix, Types and Density' states housing should be design-led and that densities, house types, and sizes should respect the character of the surrounding area and meet local needs. The proposal is for the erection of two detached 1.5 storey dwellings, which in general is considered to reflect and contribute to the house types in the area.

41. The Swindon Residential Design Guide provides guidance on the types of backland (garden) development that is acceptable. Paragraph 2.32 refers to tandem development, whereby a new dwelling is placed immediately behind an existing dwelling and served by the same vehicular access, which the proposed development can therefore be considered as. Paragraph 2.32 goes on to state that such schemes often incur problems with overlooking, loss of amenity, overdevelopment, and impact adversely on the character of the area, and thus are often resisted.

42. The immediate area is characterised by a pattern of ribbon development along Marlborough Road, which also extends along Butts Road. Properties are typically characterised by large plot sizes with generous gardens to the rear. Although The Fairway and No.31 Butts Road to the south occupy smaller plots, they still retain highway frontage and relate to the ribbon pattern of development. The proposed 2no. dwellings within the rear garden of Hillsborough, would represent development at odds and out of character with the general linear pattern of highway fronting dwellings along Marlborough Road and Butts Road. The resulting garden spaces for the proposed new dwelling and host dwelling would be significantly smaller than the surrounding neighbours. The proposed scheme is overbearing on the immediate environment and will have a negative impact on the amenity of the existing property at Hillsborough, as well as other neighbouring properties. It cannot be argued that the proposed backland development would successfully harmonise with the prevailing development within the area in respect of the pattern of ribbon development with highway frontage and generous plot sizes, thus appearing out of context. As a result, the proposal would appear cramped and discordant and would erode the openness of the area and the feeling of space at this location which contributes positively to its character. As discussed above, the potential loss of trees/vegetation to accommodate the development or damage to trees during construction, would have an adverse impact on the character and visual amenities of the area. The proposal fails to accord with Policy DE1 and specific guidance contained within the Residential Design Guide which seek to prevent inappropriate backland development.

43. Policy DE1 also requires amenity is protected in respect of light, outlook, privacy, noise, disturbance and smell. Paragraph 127 f) of the NPPF requires a "high standard of amenity for existing and future users". The nature of the site, being located in a rural setting means more generous separation distances between neighbouring properties are not uncommon. It is acknowledged that the dormer windows as proposed in the initial scheme have been removed and the dwellings rotated by 90 degree with velux windows in the east and west roof slopes. However, an upper floor window serving a bedroom is proposed in both the north and south facing gable ends of

each property. There would be a separation distance of approximately 6.5 metres between the first floor habitable room window of Plot 1 and the garden of 'Sunnyside' to the north and a separation distance of approximately 12.5 metres between the first floor habitable room window of Plot 2 and the garden of 'The Fairway' to the south. Whilst the Residential Design Guide does not provide set separation distance between windows which would overlook neighbouring gardens, it is considered that the proposal would introduce a new element of overlooking towards private garden areas that does not reflect the existing pattern and layout of development, thus having a harmful impact upon existing levels of privacy enjoyed by neighbouring properties contrary to Policy DE1, the Residential Design Guide and the NPPF. Although existing mature vegetation has the potential to restrict some of this overlooking, particularly to Sunnyside to the north, the Swindon Residential Design Guide states a relaxation will not be made solely because of high vegetation or blocked view. It is also noted some of the existing vegetation is to be removed and limited detail has been provided on how the retained vegetation would be protected, therefore the scheme has the potential to open up views into neighbouring gardens. Further, there would be a separation distance of approximately 10-11 metres between the rear of the host dwelling and the side elevation of the dwelling at Plot 2. The Residential Design Guides sets a minimum distance of 12 metres to help relieve the impact of development on existing residents and to ensure good solar access to rooms and gardens all year round. As the siting of the dwelling at Plot 2 in relation to the host dwelling (Hillsborough) falls short of the standard and in considering the orientation, it is expected that the rear of the host dwelling and garden area will experience some loss of sunlight in the late afternoon and evening. For these reasons, the proposal fails to adequately safeguard existing levels of amenity for both neighbouring properties and the occupiers of the host dwelling, contrary to Policy DE1 and the Residential Design Guide, as well as the provisions of the NPPF.

44. The driveway for the existing dwelling is to be extended alongside the entire northern boundary and adjacent to the dwelling and garden area at Sunnyside. The proposal would result in an additional 4 no. parking spaces being provided. This would introduce additional vehicle movements along the access, which would be likely to cause disturbance to the occupiers of Sunnyside, particularly when they were using their rear garden, having a harmful effect on the living conditions of Sunnyside. The proposal would be contrary to Policy DE1 of the Local Plan and the provisions of the NPPF in this respect, which both seek to protect neighbouring amenity.

45. It is considered that the occupiers of the proposed new dwellings would have sufficient access to natural light and outlook and an adequate amount of external private amenity space, although as stated above, the external amenity space would not reflect the spatial qualities of the surrounding area. A reasonable standard of amenity would be provided for the future occupiers of the new dwellings in accordance with Policy DE1 and the Residential Design Guide.

Highways

46. The primary matter of interest to the Highway Authority is that the 2no. proposed dwellings have sufficient parking provided and that the site access is suitably safe for the increased use these dwellings shall introduce.

47. Policy TR2 'Transport and Development' of the Swindon Borough Local Plan states development shall be permitted where proposals provide access that is appropriate to the scale, type and location without detriment to highway safety and local amenity and where there is an existing safe and convenient pedestrian access or provision is made for such access. The site benefits from an existing vehicle access, in the form of a crossover from the A346. The crossover provides access to a narrow track, which serves car parking for the existing bungalow. The proposal involves the extension of this existing track to serve the new dwellings. The application site fronts the A346 Marlborough Road which is a primary route and subject to a 40mph speed limit at this point. A single carriageway, there is a ghost island at this location, providing protection for right turns to Butts Road and Medbourne Lane immediately to the south of the development site. Critically the ghost island includes within it a kerbed island immediately adjacent to the development site. Concerns were initially raised within the pre-application advice about the potential difficulties that may be

encountered by vehicles performing right turns into or from the site onto Marlborough Road [A346]. However, following an on-site meeting with the TDM Principal Transport Manager, it was confirmed that the Highway concerns raised in the original pre-app response have been resolved. It was confirmed in an email from the TDM Principal Transport manager dated 19/09/2018 that the proposed development would not be the subject of an objection by the Highway Authority on the grounds of visibility, provided that there are no material changes to current highway conditions. On the matter of turning movements to and from the property, the position and dimension of the kerbed island within the major road ghost island were noted and it was considered that the island does not obstruct the right turn out of the property and is wide enough to give protection to that movement, allowing the right turn out of the property to be made more safely, in two discreet movements. On the matter of the turns into the site, it was noted that the wide verge within the demise of the property offers a safe standing point in the rare event that arriving and departing vehicles meet at this point. The open views into and out of the property assist drivers leaving the major road.

48. In relation to the current proposal, Highways Officers advise that whilst the driveway is only wide enough for one vehicle, there is an area for vehicles to wait should vehicles meet coming in the opposite direction. Policy TR2 also requires parking provision, including secure cycle and motorcycle parking should be provided in accordance with the Council's adopted Parking Standards. This requires a single family dwelling with up to 4no. bedrooms provides 2no. parking spaces measuring 2.4 x 4.8 metres. The dwellings are proposed with 2 parking spaces each, which measures to SBC's Parking Standards. It is noted by Highways Officers that the parking space labelled as '4' protrudes into the driveway, however this can be covered by condition, in order to not compromise the driveway. There is a turning area available within the site that is sufficient to allow vehicles to turn and egress in a forward gear.

49. It is not considered that the increased use of the existing access from 1no. dwelling to 3no. dwellings, would detrimentally impact on safety at the access or within the highway network generally. On this basis, the proposed scheme is not considered to cause detrimental harm to highway safety in accordance with Policy TR2.

50. A condition requiring a construction management plan is to be submitted to the Local Planning Authority prior to commencement of works on site, could be added to any grant of planning permission to ensure the impact of the construction period is satisfactorily managed to mitigate and reduce highway safety issues.

Other Considerations:

51. In relation to points raised within the representations which have not already been addressed:

- A covenant is not a material planning consideration upon which the Local Planning Authority can refuse the development

CIL:

52. This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development.

Concluding Comments:

53. In summary, although the site is located outside the rural settlement boundary of Chiseldon and thus the proposal is contrary to Policy SD2 of the adopted Swindon Borough Local Plan, as the Council cannot demonstrate a 5 year housing land supply, paragraph 11 of the NPPF is engaged. The key considerations are whether the application of policies in this Framework that protect areas or assets of particular importance including AONB's, provides a clear reason for refusing the development proposed or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

54. Following the application of policies in the framework (NPPF) that protect areas/assets of

particular importance it is deemed that section 15, paragraphs 170 and 172 of the NPPF provide a clear reason for refusing the application with regard to harm to the character and appearance of the AONB.

55. Whilst there is no need to apply both limbs of part d of paragraph 11 of the NPPF in this case (as a result of the proposal failing the first) it is deemed worthy to not only summarise the adverse impacts outlined above but also outline the benefits of the development. In this context, the adverse impacts of the development have been identified to be the conflict with Policy SD2 of the adopted Swindon Borough Local Plan (albeit that the housing provision part cannot currently be considered to be up-to-date), harm to the landscape and its status as part of an AONB by virtue of the development being out of character, whilst also failing to demonstrate a Cedar Tree to which a Tree Preservation Order is attached and other important trees will be protected, harm to residential amenity. The benefits of the development are identified to be the provision of housing (although only a small amount) and the short term economic benefits created during the construction phase. The resulting balancing exercise concludes that the adverse impacts identified would significantly and demonstrably outweigh the small scale benefits. The development should therefore be refused.

Recommendation:

56. That planning permission be REFUSED

Reasons

1. The proposed development would result in an inappropriate and uncharacteristic form of backland development outside the defined settlement boundary, and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), which would fail to reflect the prevailing ribbon style development of properties within the vicinity set within generous plot sizes. The proposal would thus appear out of context, eroding the open spacious character, resulting in harm to the character and appearance of the AONB. Further, the proposal has failed to demonstrate that an important (and protected) tree on site and its setting would be preserved, along with other important trees, which would result in harm to the character and appearance of the AONB. The proposals thus fails to accord with Policy SD2 of the Swindon Borough Local Plan 2026 (2015) in respect of being located outside the defined settlement boundary, whilst also failing to accord with policies EN5, EN1, and DE1 of the Swindon Borough Local Plan 2026 (2015) that (individually) seek to protect, conserve or enhance AONB's, valued trees and ensure development is respectful of context and character. For these same reasons, the proposal is also contrary to the Swindon Residential Design Guide (2016) and the provisions of the NPPF (2019).

2. The proposed development would cause unacceptable harm to existing levels of amenity enjoyed by neighbouring properties in respect of overlooking and loss of privacy to neighbouring gardens, disturbance as a result of the extension and intensification of use of the access driveway and loss of light to the rear of the host dwelling (Hillsborough) and garden area. The proposal is therefore contrary to Policy DE1 of the Swindon Borough Local Plan 2026 (2015), the Residential Design Guide (2016) and the NPPF (2019) in that it fails to safeguard residential amenity.

Informatives

1. This decision shall be in respect of dwg number JJ.2 and Design and Access Statement received by the Local Planning Authority on the 9th August 2019.

2. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

End of Report

