



S/Hav/21/0960

12/07/21

**Bourton Lodge, 11 The Avenue, Stanton Fitzwarren,  
Swindon, Wiltshire SN6 7SE**

**DESIGN, ACCESS and HERITAGE STATEMENT**  
to accompany a Full Planning Application

July 2021

This document is to be read in conjunction with the following documentation, submitted in support of this application:

### **Drawings**

#### Site Plans:

- 312-SL-01 Site Location Plan
- 312-SL-02 Block Plan

#### Existing:

- 312-PL-01 Existing Ground and First Floor Plans
- 312-PL-02 Existing Second Floor and Roof Plans
- 312-PL-03 Existing Elevations (Sheet 1 of 2)
- 312-PL-04 Existing Elevations (Sheet 2 of 2)

#### Proposed:

- 312-PL-05 Proposed Ground Floor Plan
- 312-PL-06 Proposed First Floor Plan
- 312-PL-07 Proposed Second Floor Plan
- 312-PL-08 Proposed Roof Plan
- 312-PL-09 Proposed Elevations (Sheet 1 of 2)
- 312-PL-10 Proposed Elevations (Sheet 2 of 2)

### **Reports**

- Arboricultural Report (Ref.20132, Nov.2020)
- Arboricultural Method Statement (Ref.20132/AMS, Nov. 2020)

## 1. PROPOSAL

### 1.1 Overview

This application is for the following works:

**Side extension to existing garage block to provide double garage space, with studio accommodation over.**

Prior to the submission of this application a request for pre-application advice was sought in relation to the submitted proposal.

As such, we have included the following information:

- Appendix A – Pre-application advice received from Swindon Borough Council, dated 12<sup>th</sup> August 2020

### 1.2 Appearance and Scale

In developing the design proposals for this site it has been accepted that the primary building and site are significant to the Conservation Area, and as such the 'original form' is preserved and substantially enhanced.

It is proposed that the new extension will be detailed to fit in with the local built form, using materials and well proportioned building components that reflect details found throughout the Conservation Area.

The proposed extension has been limited in footprint to ensure that it sits comfortably within the surrounding landscape and next to the primary building.

The design ensures that no adverse impact will be made on the character of the area or the amenities of adjoining properties.

### 1.3 Daylight

Although the proposed extension abuts the primary building, the design has been conceived to ensure that it does not have any negative impact on the primary building or any other neighbouring properties.

To maximize daylight within the proposed extension, rooflights, Dormers, and considerable glazing to the North-East face of the extension (facing the garden) have been carefully considered to ensure that adequate daylight reaches all habitable rooms.

### 1.4 Access

The extension has been designed making provision to ensure that it is reasonably accessible and usable to all people, regardless of disability, age or gender.

It is the applicant's intention to comply where appropriate with the inclusive design standards contained in Approved Document M, BS 8300:2009+A1:2010 ('Design of buildings and their approaches to meet the needs of disabled people – Code of Practice'), and in Parts 2 and 3 of the Equality Act 2010.

The layout of the proposed extension uses an existing adequate and safe pedestrian access.

There is a primary entrance to the extension facing the car parking area, with other entrances facing the Garden. All entrance doors are designed with no obstructions and hazards impeding the access, and they offer stepped access adequate for use by ambulant disabled users.

The main entrance door shall be clearly identifiable through architectural features. The minimum effective clear width to this access doors is at least 900mm and the door furniture is to be clearly distinguished from the door leaf.

Access for emergency services would remain as existing.

Although close consideration has been given to the vehicular access arrangement for the off-street parking, it is not proposed that the already well established access would receive any additional treatment.

## **2. TREES AND LANDSCAPING**

Trees are a significant aspect of the site and the wider conservation area. Prior to the commencement of design an Arboricultural Report was commissioned by Sylva Consultancy. This report informed design solutions, with a single poor quality tree proposed for removal to allow better quality trees to thrive.

An Arboricultural Report (dated November 2020) and an Arboricultural Method Statement (dated November 2020) are included with this application. These provide further information regarding the buildability of the proposals.

Boundaries will keep their green aesthetic, retaining the current feel of the existing adjacent road thus enhancing the area for years to come.

## **3. PLANNING CONDITIONS**

In making the application the applicant acknowledges that planning conditions may be applied to any consent and, based on the advice received at pre-application.

## **4. SUMMARY**

We believe the proposals demonstrate how a sensitive design approach can successfully add to the locality without causing a negative impact on either the environment or the surrounding neighbourhood.

The proposed design, scale, siting of the extension is very sympathetic to the prevailing character and appearance of the conservation area and beyond, and the proposal will enhance the primary Building and the Conservation Area, while also providing a family home.

The design of the proposed extension and its relationship to adjacent buildings would not lead to over dominance or loss of light.

The living conditions of the occupiers of the nearby buildings in respect of visual impact, privacy and noise would not be harmed.

We commend the above proposal as a high quality design, and we believe that the scheme will draw from the neighbouring buildings to enrich the area.

**APPENDIX A**  
Pre-application advice received from Swindon Borough Council, dated 12<sup>th</sup>  
August 2020

Swindon Borough Council Pre-Application Advice			
Application Ref:	S/PREHOU/20/0793	Date of Enquiry:	28th June 2020
		Date of Report Issue:	12th August 2020
Site Address:	Bourton Lodge 11 The Avenue Stanton Fitzwarren Swindon SN6 7SE		
Proposal:	Proposed double garage to create studio room.		
Case Officer:	Emma Millband	Email Address:	EMillband2@swindon.gov.uk

#### Relevant Policy and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Adopted Swindon Borough Local Plan 2026 (adopted on the 26th April 2015)
- Policy SD1 (Sustainable Development Principles)
- Policy DE1 (High Quality Design)
- Policy EN10 (Historic Environment & Heritage Assets)
- Policy TR2 (Transport and Development)
- Adopted SPD Residential Extensions and Alterations (2011) The adopted Supplementary Planning Document Residential Extensions and Alterations (2011) is a material planning consideration

All Swindon policies, guidance are available online.

All policies, the extensions SPD and the framework can be read in full online.

[https://www.swindon.gov.uk/download/downloads/id/1795/residential\\_extensions\\_guide.pdf](https://www.swindon.gov.uk/download/downloads/id/1795/residential_extensions_guide.pdf)

#### Assessment

- Located within the Stanton Fitzwarren Conservation Area
- Located in close proximity to an area of woodland which is the subject of a tree preservation order. The tree belt is an important feature of the conservation area and adds to the general character of the area.
- The proposal creates a side extension of considerable size and height which appears to be quite dominant in form.
- SPD recommends garages have a maximum height of 4.2m and be subordinate to and ancillary in use to the main dwelling
- The Conservation Officer is concerned that the additional depth gives the garage an elevated status, which competes with the main dwelling and suggests that the two dormer windows accentuate this dominance and status of the proposed garage building giving a discordant appearance which would not be in keeping with local character or distinctiveness.
- The intention for the proposal is unclear. First floor accommodation with separate staircase to the main dwelling suggests an annexe.

- An annexe for use by a family member and linked to the main dwelling may be acceptable in principle, the creation of an entirely separate dwelling in this location would not be supported.
- The materials match host dwelling
- The proposal would appear to safeguard the amenity of neighbouring residents

#### Officer Recommendation

*In its current form the proposed double garage development is unlikely to be supported by officers. The scale of the development appears disproportionate to the main dwelling with the additional depth having a dominant impact.*

*The proposed development would intrude into the root protection zone of the woodland area to the north of the site. This area is subject to a TPO and is an important feature of the conservation area.*

*Given the size and scale of dwellings within this locality there is certainly scope for some form of development in the manner proposed. It is therefore recommended that the proposal be reduced in scale to perhaps just one additional garage, which would bring the scheme back from the tree line and lessen any impact both in terms of visual dominance and damage to the long term health of the trees.*

*Any development would need to demonstrate that work can be undertaken without adversely affecting the long-term health of the trees and that, where there is evident conflict, sufficient tree protection measures can be taken to mitigate the impact.*

*This will likely need to include a designed foundation that minimises the ground excavation within the root protection area (such as a piling system or pier-and-beam etc.).*

*The construction of the driveway to access the proposed garage will need to utilise a technique sympathetic to the tree roots. Minimal excavation will be necessary and the applicant will need to demonstrate that this can be achieved, bearing in mind the difference in level between the base of the trees and the ground adjacent to the existing garage.*

*Any application would need to be accompanied by a tree survey, arboricultural implication assessment and an arboricultural method statement. The premise will need to be that the trees are successfully accommodated and that their long-term health is unaffected by the proposed development. As well as the footprint of the extension, consideration of the necessary working space and working access in relation to the protected trees. The presentation of all tree assessments should be consistent with BS5837:2012.*

*In addition, the purpose of the proposal needs clarification. With the first floor accommodation and a separate staircase from the main house, the intention suggests more than a studio area for children's crafts. An annexe ancillary to the main dwelling may be acceptable in principle but the creation of a separate dwelling would not gain support.*

Your application will require plans and documents, the validation checklist can be viewed at: [https://www.swindon.gov.uk/info/20030/planning\\_and\\_regeneration/493/checklists\\_for\\_planning\\_applications/4](https://www.swindon.gov.uk/info/20030/planning_and_regeneration/493/checklists_for_planning_applications/4)

#### **Community Infrastructure Levy Financial Charge on Development**

The proposed development is CIL liable. The Community Infrastructure Levy (CIL) once adopted is a mandatory financial charge on relevant development charged on a £ per sqm basis. Swindon Borough Council has been a CIL Charging Authority since 6<sup>th</sup> April 2015.

Swindon Borough Council's current adopted CIL Charging Schedule along with information on the indexation of relevant rates in it, and other information on CIL in Swindon can be viewed [here](#). The rates in the charging schedule are not the current rates that apply as at the date of this response due to indexation.

Subject to the nature of the proposed works and sqm. of floorspace, it may be possible that the works are CIL liable but minor development exempt under CIL Regulation 42, thus not generating a CIL charge. Please note it is the responsibility of the landowner /developer to establish the relevance of CIL to the proposal, and especially if the works are permitted development and no Certificate of Lawful Development Proposed or Prior Approval is being applied for.

Please note the submitted drawing have not been measured, as CIL is relevant to the final design floorspace permitted.

The following CIL information is likely to be directly relevant to your proposal:

#### **House Extensions general and CIL**

All house extensions are CIL liable by default.

It will however be necessary to establish if the proposed works combined are under 100sqm GIA sqm (excluding where an annex is proposed) and thus CIL Minor Development Exempt or not.

In the event that the totality of the Gross GIA sqm of the all the proposed floorspace exceeds 100sqm (excluding any floorspace to be demolished) and floorspace to include all areas under 1.5m in height, outbuildings, as well as extension and works to create additional habitable floorspace within existing buildings on site. *e.g. a loft conversion* that might otherwise be permitted development, then the extensions are CIL liable by default.

In the event that the combined gross GIA sqm is less than 100sqm the proposal development is most likely to be CIL Minor Development Exempt.

If they exceed 100sqm GIA sqm they are CIL liable by default, however, subject to who is proposing to undertake the works, it may be possible to submit a Claim for CIL Self-Build Residential Extension Exemption (CIL SBREE), the impact of which would be to reduce the CIL liability to £0 for the claimant. A claim is only possible if,

- i) The claimant currently or intends to occupy the property as their sole or main residence
- ii) Owns a material interest in the property

The Claim is also personal to the claimant and lapses if the extensions are not constructed and the property sold with the benefit of the planning permission in place. Any new occupier would need to make their own claim if they intend to construct.

Once a claim is in place there is no clawback unless it lapses due to sale of the property to which it relates and the development has not been commenced.

#### **Residential Annexes and CIL**

If the proposed residential extension proposal contains an annex (which includes all facilities that could allow it to be

occupied independently) whether created from using some of the floorspace of the existing property or its garages/outbuildings, as a side extension or in a self-contained building in the curtilage of the main house, it is CIL liable by default. This is irrespective of whether planning permission is required or not.

A residential annex is CIL liable no matter how little Gross GIA sqm of floorspace it contains even if it is being created from existing building footprint or floorspace.

Where an annex is combined with other extension works all the proposed development GIA sqm is CIL liable by default, even if combined this is less than 100 sqm. However it may be possible to make a claim for CIL Self-Build Residential Extension Exemption, and CIL Self-Build Annex Exemption.

The owner may be able may to apply for CIL Self-Build Residential Annex Exemption.

CIL Exemptions for Residential Annexes are in effect initially a deferred exemption from immediate payment, subject to satisfying strict occupancy and ownership restrictions for a period of 3 years from the date the Building Regulations Completion Certificate is issued. In the event that this period passes with no 'disqualifying events' it is only once that has been demonstrated to the Council that the CIL would be discharged from the Land Charges Register and no longer payable.

#### **CIL General**

- In establishing whether the extension works are CIL liable, no demolished floorspace is taken into account, it is purely based on the GIA sqm of the proposed floorspace alone. Demolished and retained floorspace may be capable of being deducted from the CIL chargeable amount, subject to it meeting the CIL Regulation 40 'in continuous lawful use' building test.
- In all events all CIL paperwork and decisions on claims for exemption must be in place before any work commences on site to construct. Commencement also includes any works to demolish existing buildings/floorspace. Claims cannot be made after commencement or on retrospective development.
- Swindon Borough Council as CIL Charging Authority for its administrative area is only responsible for starting the CIL process associated with householder development that needs planning permission.
- In the event that the enquirer intends to proceed with permitted development works this is done at your own risk as the only lawful way to establish that planning permission is not required is through the submission of a Certificate of Lawful Development Proposed, against which a formal Decision Notice would be issued confirming whether the proposed works are lawful at the time of consideration or not. Through this route the Council would seek to add an informative advising whether the works are CIL liable or CIL Minor development exempt. If CIL liable as the owner of the dwelling it is your responsibility to initiate the CIL process through the submission of a CIL Notice of Chargeable Development and complete all CIL paperwork before any works (including demolition) to implement it are carried out.
- In the event that the proposed works are permitted development requiring Prior Approval, the same CIL process would apply as to that of a Certificate of Lawful Development Proposed.
- With any application submitted Certificate of Lawful Development Proposed, Prior Approval or planning application scalable plan drawings of all existing and proposed buildings and floorspace within the site- edged red application site boundary will be necessary. Careful consideration should be given as to where the red line and blue line boundary is drawn in such circumstances for CIL purposes.
- For householder planning permissions CIL liability is only calculated based on the approved plan drawings

#### **Information about CIL**

- Government published general guidance about CIL can be found [here](#).
- Government Published information on CIL and CIL Forms can be found [here](#).

If having reviewed other available published information you cannot find the information you are looking for associated

with Swindon Borough Council specific householder development, related CIL enquires can be emailed to [CIL@swindon.gov.uk](mailto:CIL@swindon.gov.uk). The CIL Team endeavours to respond to these general enquiries within 10 working days from receipt.

If you are seeking formal confirmation in writing from Swindon Borough Council that the proposed development works within its administrative area are CIL Minor Development Exempt this will only be possible alongside the issue of a formal decision by the Council as Local Planning Authority i.e. via a Certificate of Lawful Development, Prior Approval or Planning Permission Decision.

---

**The Building Regulations Process**

Building Control ensures that building work is carried out in compliance with the Building Regulations. Building work will normally require Building Regulation approval. The purpose of the Regulations is to protect the health and safety of people in or around buildings. They also deal with conserving energy and access to facilities for disabled people.

Please e-mail the Building Control Team at [buildingcontrol@swindon.gov.uk](mailto:buildingcontrol@swindon.gov.uk) for more information.

---

**Disclaimer**

It is important to note that there are limits to the pre application advice that can be given by officers and planning legislation requires that all decisions on planning applications must be taken in accordance with the Development Plan, unless material considerations indicate otherwise. In certain cases a planning application will be referred to Planning Committee for determination. The pre-application advice given by officers does not bind elected members in their decision-making.