
Appeal Decision

Site visit made on 20 September 2016

by H Porter BA(Hons) PGDip IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 October 2016

Appeal Ref: APP/Y3940/W/16/3149994

Rear of 44 Fisherton Street, Salisbury, Wiltshire SP2 7RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Dauwalder against the decision of Wiltshire Council.
 - The application Ref 15/07684/FUL, dated 29 July 2015, was refused by notice dated 18 December 2015.
 - The development proposed is erection of 2no dwelling units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal on the character and appearance of the area, including the setting of the Salisbury Conservation Area.

Background

3. The appeal was made in the context of a previous appeal on the site to the rear of 44 Fisherton Street, which was dismissed¹. Since the previous Inspector's decision was issued, the Wiltshire Core Strategy, January 2015 has been adopted. The Council can now demonstrate a 5 year supply of housing land through the Housing Land Supply Statement, Published September 2015.

Reasons

4. The appeal site is situated to the rear of 44 Fisherton Street and accessed via Malthouse Lane. The site is at the end of the long, narrow plot that extends away from the Fisherton Street frontage. While the Salisbury Road Conservation Area boundary bisects this plot to exclude a portion of late 20th century buildings to the north. Nonetheless, located mid-way along a group of largely open plots ancillary to the Fisherton Street buildings, the site is in a prominent location, physically and visually related to the setting of the Salisbury Road Conservation Area.
5. The appeal site has an unremarkable, utilitarian character. While the site lacks any specific aesthetic merit, it retains a backland appearance, clearly ancillary to the buildings that front Fisherton Street. The site therefore is of importance to the significance of the heritage asset, providing legibility of the primary road

¹ APP/Y3940/A/14/2214703

frontage and the nature of the long plots that extend away behind it. The site also has a relationship with the street scene immediately outside the designation boundary. The open, undeveloped nature of the appeal site submits to the larger-scale, more public buildings to the north of it. I therefore concur with the previous Inspector's assessment of this area, which identifies the sense of space, openness and breadth as contributing positively to its character.

6. In seeking to overcome the concerns raised by the previous Inspector, the appellant has amended the design of the proposed development; notably the overall storey height has been reduced by approximately 1.5 metres, resulting in a squarer overall form of the proposed building. While the reduced height of the proposal would allow for an increase in views over and across the appeal site, this was not a specific concern raised previously. Rather, the position of the proposed building within the plot, and the relationship with the surrounding plots was considered to make the building particularly prominent when viewed from Malthouse Lane and Priory Square. The current scheme, therefore, has not notably altered the relationship of the proposed building within its plot or the wider area; and the impact on views to the site from the surrounding public realm would likewise remain. The proposal would, therefore, still appear as a 'discordant obtrusion', appearing as an awkward and incongruent element within its surrounding context.
7. While the square overall proportions are intended to defer to modern buildings in the locality, the appellant does not support this assertion with any evidence of design rationale or deference to specific buildings locally. In spite of the lower, squarer form the failures of the previous scheme, in terms of the utility of the design and the resulting awkward and unattractive presence in the street scene, remain. Overall, therefore, I do not find that the appeal scheme has satisfactorily addressed the issues that gave rise to the harmful impact on the character and appearance of the area, including the setting of the Salisbury Conservation Area, identified within the previous Inspector's decision. Consequently, I similarly conclude that the appeal proposal would result in unacceptable harm to the character and appearance area, as well as to the setting of the Salisbury Conservation Area.
8. Given the size and location of the proposed development, when considered in the context of the Conservation Area as a whole, the degree of harm would again be less than substantial. The Council can now demonstrate a 5-year housing land supply. Notwithstanding this, there are some benefits including employment during construction, the use of previously developed land and the sustainability of the location. However, having found harm to the heritage asset would arise from the appeal scheme, I must give considerable importance and weight to that harm in balancing it against public benefits. I therefore do not find the public benefits are sufficient to outweigh the harm.
9. I conclude, therefore, that the proposal would fail to preserve the character and appearance of the area or the Salisbury Conservation Area. The proposed development is therefore contrary to the requirements of S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention be paid to the desirability of preserving or enhancing character or appearance of Conservation Areas, including its setting. As well as to the principles within the National Planning Policy Framework 2012 (the NPPF), notably paragraphs 131, which seeks development that makes a

positive contribution to local character and distinctiveness; para 132 that expects great weight to be given to the conservation of a heritage asset; and para 134, which requires less than substantial harm to be weighed against the public benefits of a proposal. The proposal would also fail to accord with Core Policies 57 and 58 of the Wiltshire Core Strategy, Adopted January 2015, insofar as they seek to ensure development relates effectively to the immediate setting and to the wider character of the area; maintains and enhances the quality of the area and is sensitive to its character and appearance.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR