

## 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: 6 October 2016**

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**Appeal Ref: APP/Y3940/W/16/3154652**

**39 Beacon Close, Amesbury, Wiltshire SP4 7EG**

- 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 J White against the decision of Wiltshire Council.
  - The application Ref 15/10369/FUL, dated 13 October 2015, was refused by notice dated 10 December 2015.
  - The development proposed is demolition of workshop/garage and construction of detached two bedroom bungalow with garage. Re-application following refusal of 14/04294/FUL.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Wiltshire Council against Mr J White. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of future occupiers of the proposed dwelling and the occupiers of 20 and 39 Beacon Close, with specific regard to outlook, privacy and disturbance.

### Preliminary

4. At the site visit I was approached by the occupier of 20 Beacon Close, who was unaware of the appeal. I am satisfied that the planning application 15/10369/FUL was advertised through a site notice and therefore third parties had been given the opportunity to make representations. In any event, with the agent present, I did view the appeal site from the garden to the side of No 20.

### Reasons

#### *Character and appearance*

5. The appeal site is situated off Beacon Close, a quiet cul-de-sac development on the outskirts of Amesbury. The area has a strong suburban character and appearance defined by modestly-scaled brick or rendered detached bungalows with garages. The even spacing of dwellings and strong building line,
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- emphasised by front gardens and boundary treatments, add further definition to the street scene.
6. At two storeys, 20 and 39 Beacon Close (No 20 and 39) are anomalous to the other buildings within the development. No 39 is further differentiated by its large garden plot that extends to the side and rear, a side access drive, and single storey workshop building within its curtilage. While the existing workshop structure is of limited individual merit, in form and function it is clearly ancillary to the main dwelling. Standing at the end of the cul-de-sac, Nos 20 and 39 also appear as terminating features, marking the edge of the residential cul-de-sac development and a more rural landscape beyond.
  7. The proposed development would introduce a single-storey dwelling on a similar footprint as the existing workshop, with a car-port to the side. The proposed gable projection and close-board fence would announce the proposed bungalow as a clearly separate dwelling, undermining its deference to No 39. Whilst detached bungalows characterise the majority of Beacon Close, owing to its siting, the appeal proposal would be read in the context of the two-storey dwellings either side of it. Within this specific setting, irrespective of the date of the existing structure and limited public views, the proposed bungalow would break the strong building line that characterises the locality, as well as undermine the clear termination of the cul-de-sac that is currently provided by Nos 20 and 39.
  8. There would be space for parking to the side of the proposed development, however, the parking and turning area would sever the dwelling from the proposed garden area. Compounded by the narrow access away from the Beacon Road frontage, and the lack of any front boundary definition, the proposed dwelling and its relationship with the overall plot would be out of place with the local area.
  9. Owing to the variety in architectural treatment along Beacon Close and the use of broadly consistent materials, I do not share the Council's view that the proposed dwelling would be harmful in terms of its detailed design per se. However, a lack of harm in this regard does not alter the harm identified with regard to the impact on the character and appearance of the area as identified above.
  10. Overall, I consider that the proposal would appear as an awkward form of development on a constrained plot that would not be consistent with the locality and would consequently cause harm to the overall character and appearance of the area.
  11. The proposal would, therefore, conflict with Core Policy 57 of the Wiltshire Core Strategy, Adopted January 2015 (the Core Strategy) insofar as it seeks to ensure development is of a high standard of design and creates a strong sense of place through drawing on the local context and being complementary to the locality. Moreover, the appeal scheme would be contrary to the principles of the National Planning Policy Framework, March 2012 (the NPPF), which seek to secure high quality design and take account of the character of different areas. In reaching my conclusions I have also taken into account Salisbury District Council Supplementary Planning Guidance 'Creating Places', Adopted 2006.

### *Living conditions*

12. Occupying a similar footprint to the existing workshop, the proposed development would be sited a short distance forward of the boundary with the Old Dairy development. The proximity of the boundary fence and wall to the rear of the bungalow would significantly restrict the outlook, making the spaces to the rear of the dwelling unduly gloomy and oppressive. Furthermore, the proposed 2 metre-high close board fence between No 39 would also be extremely close to what would be the principal elevations of the proposed dwelling. As a result, the only reasonable outlook from the front of the property would be gained in oblique views from the bi-fold doors and from a narrow glazed panel within the east elevation. The open-plan layout and dual-aspect of the living/dining area would fail to mitigate the limited outlook.
13. While the proposed garden may be broadly consistent in size with gardens locally, what garden provision there is would be separated from the dwelling by the car-port and turning area. In combination with the high flank wall of the neighbouring industrial unit and other perimeter boundary treatment, the garden area would be experienced as unpleasantly enclosed. The garden would therefore fail to provide an off-set for the oppressive internal accommodation, resulting in unacceptable standard of accommodation overall. The proposed dwelling would consequently result in unacceptable harm to the living conditions of future occupiers with regard to outlook.
14. The occupiers of No 39 would use the driveway and garages to the front of the property, so the proposal would not materially increase disturbance for the occupiers of No 20 compared with the existing situation. While the new driveway would run close to No 39, the proposed fencing between the turning area and No 39 would provide a sufficient level of screening to mitigate harmful disturbance. I accept that there would be some opportunity for overlooking from the upper floor windows of No 39 into the proposed garden and windows. However, this would be at oblique angles and partially screened by the proposed boundary treatment. The fencing and vegetation associated with No 20 would also moderate opportunities for harmful overlooking.
15. While I do not consider the proposal would cause material harm to the living conditions of the occupiers of No 20 and 39 Beacon Close, it does not alter the unacceptable harm found in regards to the future occupiers of the proposed dwelling. Overall, therefore, the proposal would fail to accord with the objectives of Core Policy 57 of the Core Strategy, which seek to ensure that appropriate levels of amenity are achievable within the development itself. The development would also run contrary to the principles of the NPPF, which seek to ensure developments provide a good standard of amenity for all existing and future occupants.

### **Other matters**

16. The appellant has referred to a retirement bungalow that was recently granted on appeal<sup>1</sup>. Not knowing the particular circumstances in this case, it appears that specific supporting evidence was provided that bolstered the benefits of the proposal in regards to sustainable development. However, I do not find this appeal can be considered directly comparable with the appeal proposal, as the main issues in this appeal are different and as, in that appeal, the Inspector

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<sup>1</sup> APP/Y390/W/16/3144670

found no harm to character and appearance, whereas I have. Additionally, living conditions were not a main issue, as they are in this appeal. While there can be social benefits to providing retirement accommodation, there is a lack of supporting evidence with which to demonstrate that this would be a particular outcome of the proposal under consideration, which I have sought to assess on its own merits.

17. The appellant has highlighted the potential exercise of permitted development rights if the appeal site were converted as ancillary accommodation for 39 Beacon Close; and that the existing workshop could be more intensively used. While I note the argument, I have considered the proposal on its own merits and on the basis that the proposal is to create a separate dwelling, and therefore requires planning permission.
18. Whilst I appreciate the motive behind the appeal proposal is to create a smaller unit for the existing occupiers at No 39, which would release this dwelling for family accommodation, I do not find this circumstance, or any thermal benefits that would arise from the proposed development, sufficient to outweigh the overall harm.

### **Conclusion**

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

*H Porter*

INSPECTOR