
Appeal Decision

Site visit made on 8 November 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 17th November 2016.

Appeal Ref: APP/Y3940/W/16/3156377

The Beeches, Blackboard Lane, Urchfont, Devizes, Wiltshire SN10 4RD

- 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 QDOS Homes Ltd against the decision of Wiltshire Council.
 - The application Ref 16/01099/FUL, dated 3 February 2016, was refused by notice dated 22 June 2016.
 - The development proposed is described as “demolition of existing dwelling and erection of two three bedroom and two four bedroom houses, garages and associated works”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plans were submitted with the appeal; Drawing No 2595-19 Rev B and Drawing No 1060.04B, which were not considered by the Council. The amended plans have been updated to correct the house numbers of the adjoining development and to provide annotation of existing boundary treatments. Otherwise there are no changes to the layout or the soft landscape proposal. As the amendments are relatively minor in nature, and have no material effect on the proposal, I am satisfied that I can consider these plans without prejudice to either party, or those people who have commented on the proposal.

Main Issues

3. The main issues are the effect of the development on: (i) the living conditions of adjoining occupiers, in respect of privacy and; (ii) the character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is located on the corner of Blackboard Lane and Manor Close, towards the western edge of the village of Urchfont. The site currently comprises a detached dwelling set within a mature and well-landscaped garden. There is existing residential development adjoining the northern and eastern site boundaries. Manor Close, to the east, is a modern estate. To the north, there are two larger detached properties located within spacious gardens.
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5. The neighbouring bungalow, known as Hardway, is close to the site boundary. The bungalow has several bedroom windows to its rear elevation and a comparatively small area of private amenity space. The property is relatively private at present, although there are some limited views towards its rear windows and garden from the bungalows along Manor Close.
6. The development would involve the demolition of the existing dwelling and its replacement with four detached houses. The house at Plot 3 would be sited close to the shared boundary with Hardway and would contain a first floor bedroom window. This window would face towards the rear garden and bedroom windows of the neighbouring bungalow. At present, there are trees and shrubs along the boundary, which provide screening. However, this screening would be removed which would enable views into the neighbouring property from the proposed window. Due to the siting of the house at Plot 3 and the relative position of the window, I am not satisfied that there would not be a material loss of privacy to the occupiers of Hardway.
7. The house at plot 4 would also face towards Hardway and would contain first floor bedroom windows, which would enable views into the garden area. I appreciate that the landscape plan includes planting along the shared boundary but this would be ornamental and would be unlikely to provide effective screening. The private garden to the sides and rear of the neighbouring bungalow is not extensive and any loss of privacy to the garden would adversely affect the living conditions currently enjoyed by the occupants.
8. The houses at plots 2 and 3 would back on to the rear gardens of the houses located to the north, known as New Syde and Rosings. Whilst there would be views towards the neighbouring gardens from the first floor rear windows of the proposed houses, there is unlikely to be a material loss of privacy due to the separation distances. Views towards New Syde would be screened to a certain extent by the existing landscaping along the shared boundary of New Syde and Rosings.
9. The house at plot 1 would be located at a right angle to those at plots 2 and 3 and there would be direct views into their rear gardens. Whilst it is accepted that there is often a level of overlooking between properties in modern estate developments, the direct views from the bedroom windows of the house at plot 1 would be particularly intrusive. This would not create a suitable living environment for future occupants.
10. I conclude on this issue that it has not been demonstrated that the development would protect the privacy of the occupants of Hardway. Also, the layout would not provide suitable living conditions for future residents due to the relationship between the houses and significant potential for overlooking. Consequently, the development would not meet the aims of Core Policy 57 of the adopted Wilshire Core Strategy (2015) (Core Strategy) which seeks to protect the amenity of existing occupants and ensure appropriate levels of amenity for future residents, including the consideration of privacy. The development would not meet the aims of the National Policy Framework (the Framework), insofar as it seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

11. The site lies adjacent to the Urchfont Conservation Area and opposite Urchfont Manor. The manor house and grounds form the entire western part of the Conservation Area, and the character and appearance is defined by the significant groups of mature trees within the grounds. The site also contains mature trees and shrubs, which make a positive contribution to the area's well landscaped appearance and provide the setting to the adjoining Conservation Area. Some of the trees within the site are protected through a Tree Preservation Order (TPO).
12. The proposed development would involve the removal of a large proportion of the trees and shrubs from the site, including several trees covered by the TPO. The Arboricultural Report (November 2015) concludes that the majority of the trees on the site, either due to their condition or lack of public amenity value, do not form constraints to development. There are trees of significance, in particular two close to the boundary with Blackboard Lane, which are to be retained. I note that the Council does not object to the loss of trees and, following my site visit, I agree that the proposal would retain the most significant trees. Consequently, the setting to the Conservation Area would be preserved.
13. Although close to the Conservation Area boundary, the site is more visually related to the residential development of Manor Close and Blackboard Lane. Manor Close is characterised by predominantly detached bungalows set within modest plots. The loss of the trees within the site, and the creation of the new access, would mean that the development would be visible in views from Manor Close. Consequently, the proposal must be considered in this context.
14. The site is constrained by the protected trees and the adjoining development. I appreciate that efforts have been made to develop a quality 'courtyard' type scheme that responds to the site characteristics. However, the desire to accommodate four, relatively large, detached houses would result in a cramped layout with an unsatisfactory relationship between the houses. In addition to the overlooking of plots 2 and 3, as explained above, the house at plot 4 would be a dominant feature within the development. Moreover, due to its size and siting, this house would be prominent within the street scene. Overall the development would have a crowded appearance which would not reflect the more modest development that characterises Manor Close.
15. I appreciate that the proposals have sought to protect, conserve and enhance landscape character and mitigate negative impacts, through tree retention and landscaping, in accordance with Core Policy 51. However, I find that the development would not meet the aims of Core Policy 57 of the Core Strategy which seeks to ensure that new development responds positively to the existing townscape and landscape features in terms of, in particular, building layouts and built form.

Other Matters

16. The site is identified as an allocated housing site for up to five units in the emerging Urchfont, Wedhampton and Lydeaway Neighbourhood Plan. The Neighbourhood Plan is at a relatively advanced stage of preparation, however, I have no information on the extent of any relevant unresolved matters. Although this limits the weight I can give to the Neighbourhood Plan, I note

that there are consistencies between the Neighbourhood Plan policies and the Core Strategy, in particular, the requirement to reflect local distinctiveness, which I have taken into account.

Conclusion

17. The scheme does have a number of benefits, in particular, it would make a modest contribution to the housing supply and future residents may have a positive effect on the vitality of Urchfont and other nearby villages. There would also be some limited economic benefits during construction.
18. The development would preserve the setting of the adjoining Conservation Area as significant trees along the site frontage would be retained. However, as explained above, the constraints of the site would result in a development that would not relate well to adjoining properties and I am not satisfied that the living conditions of adjoining occupants would be protected. Furthermore, the relationship between the proposed houses would be unsatisfactory and it has not been demonstrated that the living conditions of future occupants would be adequate. I also find that the development would not respect its context and would not complement the locality.
19. The appellant has drawn my attention to an appeal decision in which the Council accepted it could not, at the time, demonstrate a five-year supply of deliverable housing sites¹. There is insufficient evidence before me to prove that this is currently the Council's position. In any event, the relevant policies concern matters other than housing supply and, as they are consistent with the policies of the Framework, would not be considered out-of-date in the context of paragraph 49 of the Framework.
20. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

¹ APP/Y3940/W/15/3028953