

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: 6th December 2016

Appeal Ref: APP/Y3940/W/16/3155687

Longdon, Bath Road, Marlborough SN8 1NN.

- 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 N Mallaburn of Spring Homes Ltd against the decision of Wiltshire Council.
 - The application Ref 16/04801/FUL, dated 11 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is described as "Proposed demolition of existing dwelling and replace with 3 No. family dwellings, including garages, parking, turning areas and shared use of the existing vehicular access on land within the garden of Longdon, Bath Road, Marlborough, Wiltshire".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Spring Homes Ltd against Wiltshire Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council has confirmed that it has withdrawn the second reason for refusal, which relates to the effect of the development on protected species. I have, therefore, considered the appeal on the basis of the first reason for refusal only, which relates to the effect of the development on the character and appearance of the area.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including its effect on protected trees.

Reasons

5. The appeal site comprises the garden to a detached house set within an extensive plot of land, which fronts the A4 (Bath Road). The houses along the north side of the road are relatively large and are set back within spacious gardens. The houses tend to be elevated above road level due to the topography, which slopes southwards towards the river valley. There are open fields on the opposite side of Bath Road and there is a residential estate to the north.
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6. There are a number of mature trees in the area which make a positive contribution to its character and appearance, including within the site itself. There are two Tree Preservation Orders (TPOs) on the appeal site. One relates to a mixed group of deciduous trees along the northern boundary and the other covers two beech trees on the western boundary. There are two unprotected horse chestnut trees either side of the existing access.
7. The proposed development involves the demolition of the existing house and its replacement with three detached houses. The houses would be set back from the road and the existing access would be retained. The development would involve the removal of protected trees; three horse chestnut trees from within the group on the northern boundary and two beech trees from the western boundary. The trees within the northern group have been identified as low quality¹. The two beech trees would impede the development and are also considered by the appellant's Arboricultural Adviser to be of moderate/low quality, and would be removed.
8. The houses would be located towards the rear of the site in order to retain the long frontages that are characteristic of this part of Bath Road. Whilst the proposal includes excavating 500mm, the houses would be sited at a relatively high level which would make the development prominent in views from the road. The plots would be, on average, slightly narrower than others in the vicinity and the houses would extend across the width of each plot. The size of the houses in relation to the plot width, and the limited separation between the houses, would exacerbate their prominence within the street scene. I appreciate that the density would be low as the gardens would be long. However, the siting and mass of the development would not reflect the established character of the wider area.
9. I appreciate that efforts have been made to retain the trees on the site, and I agree that the northern group would be strengthened by the removal of the poorer quality horse chestnut trees. This would provide the opportunity for their replacement with suitable planting. However, the two protected beech trees on the western boundary are substantial in size and are located in a highly visible part of the site. They are both attractive specimens which make a substantial and positive contribution to the visual amenity of the area (as recognised by inclusion in the recent TPO). The trees are prominent in views from Bath Road, and the estate to the rear, and they have significant amenity value which warrants their retention. I have no evidence before me to demonstrate that the trees would be unlikely to survive on site for many years. I appreciate that the landscaping scheme includes replacement trees, however these are either ornamental or would take some time to make a similar contribution, and this would not mitigate the harm. Consequently, I find that the removal of these two trees would contribute to the adverse effect of the development on the character and appearance of the area.
10. The two mature horse chestnut trees either side of the site access would assist in softening the impact of the development. There is a possibility that these would be damaged during construction. However, provided appropriate techniques were followed, the trees would have a reasonable chance of survival in the medium term. Nonetheless, this does not overcome the harm that would result from the loss of the two protected beech trees.

¹ Tree Survey and Arboricultural Method Statement, April 2016

11. I note that planning permission has been granted for a substantial extension to the existing dwelling and an additional, relatively large dwelling on the site. On the basis of the information I have before me, the approved development would differ from the appeal proposal in that the two plots would be wider and there would be a greater separation distance between the houses. Moreover, the development would allow the retention of the trees on the western boundary. Consequently, the approved development would be more in keeping with the character of the wider area.
12. During my site visit, I looked at the houses to the west of the site, known as Winton and Glebe House. The houses extend the width of the plots but are less prominent due to the lower land levels.
13. To conclude on this issue, I find that the development would have an adverse effect on the character and appearance of the area. It would not, therefore, meet the aims of Core Policy 57 of the adopted Wiltshire Core Strategy (2015) which seeks to ensure that new development responds positively to the existing townscape and landscape features, effectively integrates with the setting and ensures the retention of existing important landscape features, such as trees.

Other Matters

14. There is a 19th Century grade II listed building adjoining the site to the east, Upcott Cottage. The houses would be set back from the road, in contrast to Upcott Cottage which is closer to the highway. Although the garage to plot 3 would be close to the shared boundary with the listed building, it would be of an appropriate scale and design. The development would not dominate the listed building or adversely affect its setting or significance as a former Lodge. Consequently, I find that the development would preserve the setting of the listed building.
15. The site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). As the harm resulting from the scheme would be relatively localised, the development would not be in conflict with the AONB's statutory purpose, which is to conserve and enhance the natural beauty of the area.

Conclusion

16. I have taken into account the benefits of the proposal, in particular, that the development would contribute to the housing supply in the district and would be well located in relation to local services and facilities. However, the harm resulting from the development would outweigh these benefits.
17. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector