
Appeal Decision

Site visit made on 30 January 2017

by Veronica Bond LLB (Hons), Solicitor (non-practising)

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

Decision date: 16 February 2017

Appeal Ref: APP/Y3940/W/16/3163112

92A Queen Alexandra Road, Salisbury SP2 9LB

- 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 Landmark Estates (GBR) Limited against the decision of Wiltshire Council.
 - The application Ref 16/06703/FUL, dated 8 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is demolition of existing dwelling and the erection of five dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the living conditions of neighbouring occupants, with particular regard to outlook and overshadowing;
 - whether adequate living conditions would be afforded to the occupants of Unit 3 in respect of noise and disturbance; and
 - whether the proposal would provide adequate parking arrangements.

Reasons

Character and appearance

3. The appeal site currently comprises the plot of a single detached property. This dwelling is taller than the adjacent properties at 9 and 11 Wellington Way. However, properties in the immediate area do not appear to rigidly adhere to the same eaves and ridge height, with the staggered building line of nearby dwellings giving a further impression of variation.
4. The proposed development would demolish the existing house and see five new dwellings constructed on the site. The three dwellings at the front of the site would be positioned slightly forward of Nos 9 and 11 and close to the boundary with No 9. The discrepancy in height between No 9 and the three front dwellings would not though be visually jarring in the context of varying property styles and designs and staggered building line of Wellington Way properties close to the appeal site.

5. Although there would be three parking spaces on the site frontage, there would remain some room for a degree of soft landscaping, consistent with similar arrangements seen nearby.
6. I conclude then on the first main issue that the proposal would not harm the character and appearance of the area. It would not conflict in this regard with Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015) (CS) which seeks high quality design and the enhancement of local distinctiveness. It would accord with Objective 16 of the Council's Design Guide – Creating Places (adopted 2006) which seeks to avoid poor designs which take little or no account of their local settings. There would be no conflict either the aims of the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) relating to good design.

Living conditions – neighbours

7. Properties in the immediate area are generally positioned with their rear gardens end to end, ensuring a reasonably open outlook for occupants. The proposed dwellings would alter this pattern meaning that the built form of the proposed properties would be at the end of the relatively short rear gardens of 21, 23, and 29 Roberts Way. The result would be of an enclosing effect, significantly impeding the outlook from rear habitable rooms and the private garden areas of these properties. The effect would be magnified for the occupants of Nos 21 and 23 which have been extended to the rear and would have the full height gable end of Unit 3 in very close proximity.
8. Properties at 9 Wellington Way and 92 Queen Alexandra Road have side windows on the boundary with the appeal site which would be very close to Units 1 and 4 respectively. Although there would be some loss of outlook from the side windows to No 92, these would not though be directly opposite the side wall of Unit 4. Windows to No 9 would appear to be to non-habitable rooms and on this basis, any loss of outlook from these windows would not be materially harmful.
9. As to overshadowing though, although I note comments in relation to orientation, given the close proximity of the side windows to No 92 and scale of the built form proposed, there would be some overshadowing of the side windows to this property. This would result in a gloomy and unpleasant living environment. Whilst the effect would be similar in respect of the side windows to No 9, on the basis that these windows are to non-habitable rooms, the effect would not be materially harmful.
10. In view of the separation distances involved and scale of the built form proposed, the use of landscaping and high boundary treatments would not overcome the overbearing impact on the outlook for the occupants of the properties as outlined. For the same reasons, the roof form proposed for Units 4 and 5 also would not be enough to prevent the harm identified. Whilst the separation distances might not conflict with any locally adopted standards, this does not preclude the finding of harm.
11. As outlined, I find in respect of the second main issue that the proposal would have a harmful effect on the living conditions of neighbouring occupants, with particular regard to outlook and overshadowing. It would conflict in this respect with Core Policy 57 of the CS which includes in its aims ensuring that development has regard to the impact on the amenities of existing occupants.

There would be conflict also in this regard with the aims of the Framework and the Guidance in seeking to ensure a good standard of amenity for occupants of land and buildings.

Living conditions – future occupants

12. The dwelling labelled as Unit 3 would be positioned adjacent to the access for the two rear properties – Units 4 and 5. Bearing in mind the limited numbers of cars which would use this access, any noise and disturbance which would result from use of this access would be at a reasonable level for a residential area. It would not be any different to similar arrangements seen in other residential areas and would not result in poor living conditions for the occupants of Unit 3.
13. I therefore find in respect of the third main issue that the proposal would provide adequate living conditions for the occupants of Unit 3 in respect of noise and disturbance. It would accord in this way with Core Policy 57 of the CS which includes in its aims ensuring appropriate levels of amenity within the development itself. There would be accordance also with the related aims contained within the Framework and the Guidance.

Parking

14. Core Policy 64 of the CS, together with Policy PS6 of the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) (CPS) provide for minimum residential parking standards. In respect of the appeal proposal, this would amount to a requirement for two spaces per dwelling, along with a visitor space shared between the five dwellings. As proposed, there would be a deficiency of some four parking spaces against this standard. Core Policy 64 indicates though circumstances in which reduced residential parking requirements will be considered – including where any parking overspill can be controlled.
15. The availability of on street parking spaces in the vicinity of the site is limited by the presence of vehicle crossovers. These do though mean that many houses have off street parking, thus reducing the demand for on street spaces. Further, there would appear to be a good deal of on street parking spaces available in that on street parking is generally otherwise unrestricted. As such, any parking overspill from the development would be appropriately controlled. Given that the surrounding immediate area appears to see relatively low levels of fairly slow moving traffic, any additional manoeuvring in the road from cars locating a parking space would be very unlikely to result in any highway safety harm.
16. I conclude then on the fourth main issue that the proposal would provide adequate parking arrangements. Whilst it would not meet with the required standards provided for by Core Policy 64 of the CS and Policy PS6 of the CPS, any overspill parking would be adequately controlled as required by Core Policy 64. There would also be no adverse highway safety effects and thus compliance with the underlying aims of these policies. There would be no conflict in this respect with either the Framework or the Planning Practice Guidance which include similar aims.

Other Matters

17. I acknowledge the planning history of the site including as regards a previous application and that there is no in principle objection to the proposed development. The proposal would provide additional units of residential accommodation in a relatively accessible location, and in line with a number of CS policies cited including as regards the housing requirement for the area. This would be in accordance also with the Framework's aims to significantly boost the supply of housing. This offers moderate weight in favour of the proposal.

Conclusion

18. The proposal would offer some moderate benefits as outlined and I found no harm in respect of the character and appearance of the area, regarding parking provision, or as to the living conditions of future occupants. These aspects do not though outweigh the development plan conflict and harm found as regards the living conditions of neighbouring occupants. Given the tri-partite definition of sustainable development in this Framework, the proposal would not therefore represent the sustainable development in respect of which the Framework creates presumption in favour. For the above reasons, I find that the appeal should fail.

Veronica Bond
INSPECTOR