
Appeal Decision

Site visit made on 7 February 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/Y3940/W/16/3160862

Land Adjoining 6/7 Stuart Close, Wyke Road, Trowbridge, Wiltshire BA14 7NF

- 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 Andrew Huxham against the decision of Wiltshire Council.
 - The application Ref 16/05906/FUL, dated 15 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is erection of one bedroom detached dwelling revised proposal.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has confirmed that the site address above more accurately identifies the location of the appeal site, than that shown on the planning application form. I have no reason to disagree.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area, having particular regard to the layout and design of the new dwelling.

Reasons

4. The appeal site is located within Hilperton, a settlement to the north of Trowbridge. Hilperton is identified as a Large Village within the Wiltshire Core Strategy (WCS), where Core Policy 2 applies a presumption in favour of sustainable development within the limits of development. Stuart Close falls within the limits of development for the village.
 5. WCS Core Policy 57 requires new development to be of a high standard of design and requires development to create a strong sense of place through drawing on the local context and being complimentary to the locality. Amongst other matters, the policy requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines, to integrate the building into its setting effectively. This policy is in broad accordance with the core planning principles of the National Planning Policy Framework (the Framework) which state that planning
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- should always seek to secure high quality design and take account of the different roles and character of different areas.
6. Stuart Close is a cul-de-sac, comprising detached and semi-detached 2 storey dwellings, leading off Saxon Drive which the Council has indicated was constructed at a similar time to the development off Stuart Close. The proposal is for a single storey dwelling to the front of Nos 6 and 7 Stuart Close and to the side of No 5 upon an area of landscaping. The proposal follows earlier planning applications upon the site being refused planning permission by the Council.
 7. Whilst noting the appellant's attempts to address earlier refusals of planning permission upon the site, I find that the proposal for a single storey dwelling, set back from the established building line of this side of the road would not reflect the building layout, built form, height, elevational design or streetscape of nearby development. This would result in the new dwelling being out of keeping with its local context. It would not be complimentary to the locality.
 8. Although the proposal would not be visible outside of Stuart Close, and the harm that would be caused would be localised, a number of nearby occupiers look out onto the appeal site from the front windows of their properties. Other occupiers would be likely to walk or drive past the site on a regular basis. The presence of a bungalow in this location would be likely to reduce nearby occupiers' appreciation of the quality of the environment within which they live. This adds to the harm that I identified.
 9. The appellant considers that the proposal would be in keeping with the wider context of development within the village and has drawn my attention to bungalow development alongside 2 storey dwellings in Wyke Road, in close proximity to the appeal site. Whilst noting the examples quoted, I consider that Wyke Road displays a different character and appearance to the more uniform development in Stuart Close, and neighbouring Saxon Drive. Stuart Close is not viewed in the same context as Wyke Road. The presence of bungalows in this road does not provide justification for a single storey dwelling in this location.
 10. The appellant submits that the proposal would be of a similar scale to a detached garage. Whilst this may be so, the design of the building does not resemble a detached garage. In any event such development is not a feature of the area.
 11. In light of the foregoing, I conclude that the proposal would result in an alien form of development in this location, which would not integrate into its surroundings nor respond positively to the character and appearance of the area. Paragraph 64 of the Framework advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The proposal would not improve the character and quality of the area; it would cause harm the character and appearance of the area which would be in conflict with WCS Core Policy 57 and the core planning principles of the Framework relating to design and character.

Other Matters

12. There is no dispute between the parties that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. In accordance with paragraph 49 of the Framework the Council's policies for the supply of housing

(in this case WCS Core Policies 1 and 2 which establish the settlement and delivery strategy for the area) should not be considered up-to-date. Paragraph 14 of the Framework advises that where the relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

13. Paragraph 49 also advises that housing applications should be considered in the context of sustainable development. Paragraph 7 of the Framework advises that there are 3 dimensions to sustainable development: economic, social and environmental.
14. There is no dispute that the appeal site is in a sustainable location. There would be economic benefits associated with the appeal proposal including the support that the intended future occupiers of the dwelling would give to local shops and services and the employment that would be likely to be created during the construction phase. The proposal would make a contribution to addressing the shortfall of housing sites in the area. This one bedroom property would contribute to the dwelling type and mix in the area. The appeal site is located close to services and facilities which the intended future occupiers could walk or cycle to. Such economic, social and environmental benefits weigh in favour of the proposal, albeit they would be limited given that the proposal is for a single dwelling.
15. The environmental role of sustainability includes the protection and enhancement of our natural, built and historic environment. The Framework makes it clear at paragraph 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Given my conclusion above, I find that the scheme would result in conflict with the environmental role of sustainability as the built environment would not be protected or enhanced by the proposal.
16. The Framework makes it clear at paragraph 8 that the 3 roles of sustainability should not be undertaken in isolation because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Whilst there would be benefits associated with the proposal as set out above, I find that given the harm that would result to the built environment and the character and appearance of the area, the scheme would not comprise sustainable development. The Council's shortfall in the supply of deliverable housing sites does not justify the proposal in this case.

Conclusion

17. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR