
Appeal Decision

Site visit made on 27 February 2017

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

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

Decision date: 3 April 2017

Appeal Ref: APP/Y3940/W/16/3162992

Claremont, Romsey Road, Whiteparish SP5 2SA

- 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 Derek Edwards against the decision of Wiltshire Council.
 - The application Ref 16/06131/FUL, dated 23 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is erection of a 6 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have taken the address of the appeal site from the application form. The Council's decision notice does however, more appropriately describe the site as 'Land to the south of Claremont, Romsey Road, Whiteparish SP5 2SA'. The description of development above is taken from the application form. The reference to 6 bedrooms would though appear erroneous as the application plans and other documentation indicate a 4 bedroom dwelling.

Main Issues

4. The main issues are: the effect on the character and appearance of the area, taking into account the proximity of the Whiteparish Conservation Area; and the effect the living conditions of the occupants of Claremont, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal site is a piece of undeveloped land, positioned between the garden of the 'Claremont' dwelling and the recreation ground behind, beyond which lies open countryside. The site in the main lies outside of, though adjacent to, the Whiteparish Conservation Area (CA). As such, the main part of the site forms part of the setting of the CA, which is a heritage asset as referenced by the National Planning Policy Framework (the Framework).

6. The CA is characterised predominantly by houses of a traditional appearance, many of which feature red brick, and which are positioned in a linear pattern. Although there is some variation in the development pattern in the surrounding area, there is a general absence of back land development in the immediate vicinity of the appeal site, and many properties have long gardens which back onto fields behind. This affords an open and rural setting to the CA, which the existing open appeal site contributes to. This rural setting is highlighted also in the unadopted Conservation Area Appraisal referenced by the appellant.
7. The proposal would introduce onto the site a substantial dwelling, which would have a barn-like appearance, along with a separate garage. The property would be partially concealed from view by the large dwelling at Claremont to the front and hedges and trees to the rear. Given its scale and proximity to the road it would nonetheless be perceptible in public views. Its size and massing, together with its back land position, would detract from the existing open setting to the CA.
8. The design basis seeks to draw on local vernacular and the farmstead history of the area. It aims to be subordinate to the house at Claremont, with minimal fenestration and simplicity in its roof design. The design proposed would not though be of a scale appropriate to the back land setting. Views through the appeal site are limited by the presence of the Claremont building and are filtered by greenery and trees to the southern boundary. Nonetheless, the presence of the substantial built form of the proposed dwelling on the existing open site would have a harmful effect on views in and out of the CA.
9. The existing hedge to the rear of the site would be proposed to remain, and the adjacent recreation ground means also that the site is buffered from the open countryside. Equally, Claremont has a shorter garden than other nearby properties. As such, domestic paraphernalia of those other properties extends up to the countryside boundary. However, these aspects do not alter the fact that the proposal would harm the open nature of the appeal site by means of the introduction of substantial built form in a back land position.
10. Full details of the particular planning circumstances related to other back land development referred to are not provided. Thus a detailed comparison cannot be made with the present proposal which has been considered on its merits. The dwelling approved on the site to the east is not in a back land position and so would not have a comparable impact. Garages and outbuildings within rear gardens are not of an equivalent scale to the proposed dwelling. Whilst there does not appear to be any specific policy preventing back land development, it is not the backland position alone which would result in harm, but rather the scale of the development proposed in a back land position, and thus the effect on the open setting of the CA.
11. The reasoned justification to Core Policy 58 of the Wiltshire Core Strategy (adopted January 2015) (CS) clarifies that designation as a Conservation Area does not preclude new development. The definition of 'conservation' within Annex 2 to the Framework states that this includes managing change. The Council's Conservation Officer also did not object to the erection of a dwelling on land outside of the Conservation Area, and no listed buildings would be adversely affected. Nonetheless, as outlined, the development proposed would not represent a sensitive or appropriate form of change to the setting of the

CA. Nor would it represent an acceptable form of innovation in accordance with paragraph 60 of the Framework.

12. A very small part of the site lies within the CA, namely that relating to the proposed access. However, given that there would be no built form on this area, and in the context of the approval for a dwelling to the east, no harm would result. As such, taking account of my statutory duty contained within s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in this respect, the proposal would preserve the character and appearance of the CA.
13. As such, I conclude on the first main issue that the proposal would have a materially harmful effect on the open and rural character of the area, taking into account the proximity of the Whiteparish Conservation Area. It would fail to accord with Core Policies 57 and 58 of the CS which include in their aims the seeking of high standards of design and ensuring that development protects the historic environment. There would be conflict also with the Framework and the Planning Practice Guidance (the Guidance) which include similar aims.

Living conditions

14. The proposed dwelling would have its side elevation facing in the direction of the rear of the house at Claremont. Occupants of the Claremont dwelling currently have an open outlook and high levels of privacy to the rear of the house by reason of the absence of existing built development on the appeal site.
15. The proposed house on the appeal site would have upper floor windows facing in the direction of Claremont, which has been extended to the rear at ground floor level. Given the short garden of Claremont, there would be a limited separation distance between the two dwellings. The narrowest elevation would face Claremont. However, given the height of the building and fairly close proximity, the proposed development would have an enclosing effect on the outlook, particularly from ground floor rear habitable rooms within the extended section, and from the rear garden of Claremont. Although the appellant indicates the proposed relationship is common in other development schemes, I consider the situation on its particular merits. Privacy related issues could be overcome though by requiring obscure glazed and non-opening side windows by condition.
16. I therefore conclude on the second main issue that the proposal would have a harmful effect on the living conditions of the occupants of Claremont, with particular regard to outlook. There would be conflict in this way with the underlying aims of Core Policy 57 of the CS related to the protection of the amenity of existing occupants. The proposed development would not comply in this regard with the similar aims contained within the Framework and the Guidance. The proposal would have an acceptable effect as regards the privacy of occupants of Claremont, if appropriately conditioned.

Other Matters

17. The proposal would provide one additional unit of residential accommodation in a relatively sustainable location in accordance with the Council's settlement strategy and the Framework's imperative to significantly boost the supply of housing. This offers modest support for the proposed development. Pre-

application advice indicated the proposal to be acceptable in principle and I note that the Wiltshire Housing Site Allocations Development Plan Document, which seeks to remove the main part of the site from the settlement boundary is at an early stage and is subject to unresolved objections, including those from the appellant.

18. Objections were not raised by either the Council's Highways or Ecology teams. These are though only neutral matters. Concerns from third parties including in relation to highway safety have not led me to any different overall conclusion

Conclusion

19. The proposal would result in material harm to the character and appearance of the area, and as regards the living conditions of the occupants of Claremont. No material considerations are identified of sufficient weight to outweigh the development plan conflict and harm found. Given the harm identified and tripartite definition of sustainable development contained within the Framework, the proposal would not represent the sustainable development in respect of which there is a presumption in favour. For the reasons above, the appeal should fail.

Veronica Bond

INSPECTOR