

Appeal Decisions

Site visit made on 27 February 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 27 April 2017

Appeal A Ref: APP/Y3940/W/16/3163095 46 Park Lane, Corsham, Wiltshire SN13 9LG

- 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 Kevin Gapper against the decision of Wiltshire Council.
 - The application Ref 16/03036/FUL, dated 29 March 2016, was refused by notice dated 2 June 2016.
 - The development proposed is the erection of a new dwelling and single storey extensions to side and rear and loft conversion of the existing dwelling.
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Appeal B Ref: APP/Y3940/W/16/3163119 46 Park Lane, Corsham, Wiltshire SN13 9LG

- 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 Kevin Gapper against the decision of Wiltshire Council.
 - The application Ref 16/06927/FUL, dated 14 July 2016, was refused by notice dated 9 September 2016.
 - The development proposed is the erection of a new dwelling and single storey extensions to side and rear and loft conversion of the existing dwelling.
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Decisions

1. Both appeals are dismissed.

Procedural matter

2. The appeals relate to similar proposals on the same site and it is therefore appropriate for them to be dealt with together.

Main Issues

3. The main issues are:
 - i) the effect of the proposals on the character and appearance of the surrounding residential area;
 - ii) The effect of the proposals on the living conditions of the occupiers of 44 Park Lane with particular regard to outlook and visual appearance, and
 - iii) For Appeal B only, whether the proposal would provide satisfactory living conditions for the occupiers of the proposed new dwelling.
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Reasons

Character and appearance- Appeals A and B

4. Park Lane has a mixed character; in the vicinity of the appeal site residential development is predominant, but there is also a mobile home park and a small industrial estate to the south of the site. The appeal property comprises a detached bungalow in a substantial plot, the southernmost dwelling in a staggered row of bungalows of similar design. Larger dwellings of various designs are found to the north and south of the appeal site.
5. The proposals are broadly similar; the principal difference between them is that the proposal subject of Appeal A would provide both dwellings with gabled roofs whereas both of the dwellings subject of Appeal B would have hipped roofs. The new dwelling subject of Appeal B would also be set back slightly further into the site.
6. The dwellings along Park Lane do not have a uniform character; those to the south at the junction with Gibbs Court and Freestone Way are generally terraced, with many of 3 storeys. Silman Close, which borders the appeal site immediately to the south is also of a more intensive character, although there is a good gap between the first dwelling and those further into the close, which are less noticeable when seen from Park Lane. To the north of the row of bungalows is a modern estate of closely grouped two-storey houses.
7. Despite this mix, the row of bungalows of which the appeal site forms part have a distinctive identity, partly from their design and partly from the relatively spacious plots. Those further to the north are set back further from the road, whereas Nos 44 and 46 are closer to the road, but with a bigger gap between them. In my view, the row of bungalows provides a distinctive element which contributes to the pleasantness of the area.
8. The appeal property is somewhat different from its neighbours because it has a wide plot with a substantial gap between the side elevation of the existing bungalow and the boundary with 44 Park Lane, in which sits a small detached garage with a shed behind. The site lies within the built-up area and framework boundary of Corsham where there is no objection in principle to new residential development.
9. In both appeal schemes there would be a gap of about 1m between the existing dwelling and the new dwelling and a similar sized gap between the new dwelling and the boundary. There is a fairly substantial gap between the boundary and the neighbouring house at 44 Park Lane, and smaller gaps exist between some of the other bungalows in the row of similar properties, albeit that some of them have filled or partly filled those gaps with garages or outbuildings. In the latter examples, the infilling is clearly of a subsidiary character, with lower rooflines compared to the host dwellings.
10. The proposals would appear starkly out of character with the local context. The gaps between the roofs of the dwellings would be uncharacteristically smaller compared to the other bungalows in the row as would the narrower width of the proposed new dwelling in comparison to the other bungalows and their lower outbuildings. I disagree that the new dwelling would appear subservient to the host dwelling; it would appear as an obviously separate dwelling and would be readily distinguishable from incidental outbuildings.

11. The discordance would be compounded by the additional height proposed in both dwellings to provide rooms within the roof. Whilst there is no objection to dormer windows as such, the combination of the cramped siting of the proposals and the additional height would exacerbate the incongruity of the proposal. Park Lane rises in height from north to south, so that the appeal site is at the higher end, and this higher position would also contribute to the proposals' dominance and incongruity.
12. The scheme subject of Appeal B would use hipped roofs, which would help to provide a slightly better degree of separation between the existing and proposed dwellings at roof level, but it would be insufficient to avoid the cramped and uncharacteristic appearance.
13. I therefore conclude on the first main issue that both of the proposals would result in significant harm to the character and appearance of the surrounding residential area and would conflict with Wiltshire Core Strategy (CS) Core Policy 57, which deals with high quality design and place shaping.

Living conditions – 44 Park Lane – Appeals A and B

14. The proposed new dwelling would be sited close to the boundary with the bungalow at 44 Park Lane, which is built on slightly lower ground than the appeal site. There is a large full height French window in the side elevation of 44 Park Lane which faces the boundary with the appeal site. Although no-one has said what room the window serves, it has the appearance of a habitable room.
15. The proposed dwelling in both schemes would be about 12m in length and about 1m from the boundary, more or less directly opposite the window in question. The current outlook is towards a retaining blockwork wall, topped by a close-boarded fence, some 2m in height, with a garage and the existing dwelling behind. Thus the outlook from the existing window is already constrained.
16. There is a gap of some 5m between the window and the boundary, and the proposed dwelling in both appeal schemes would be about 1m further from the boundary. The new dwelling would be some 5m high at the apex of the gable, but when seen from No 44 most of the roof would be seen falling away from the apex. Taking into account this existing constrained outlook, together with the fairly generous gap that would remain, allied with the fact that the main orientation of the windows in No 44 is towards the road and the rear garden, I consider that the limited impact of the proposals on outlook would not be sufficient to harm materially the living conditions of the occupiers. Nor would it conflict with CS Core Policy 57 (vii), which requires designs to have regard to the compatibility of adjoining buildings and uses.

Living conditions – proposed dwelling – Appeal B only

17. The proposed new dwelling would have windows in the side elevation facing the existing dwelling on one side and the boundary with No 44 on the other. Of the four windows concerned, two would serve non-habitable rooms (a bathroom and a utility room) and a third would provide secondary lighting to a living room. I have no concerns about these windows. The fourth window would serve a bedroom. I recognise that the outlook from the window would be poor, facing a wall with a kitchen door in it. However, outlook from a

bedroom is less important than that from a living room, and the other two bedrooms would enjoy open and pleasant outlooks. On balance, I consider that the harm would not be sufficient to justify dismissing the appeal and the conflict with CS Core Policy 57 would be slight.

Other matters

18. I find that there are a number of discrepancies in the submitted plans and reconciling the plans and elevational drawings is made more difficult by their showing different sizes despite both being indicated as being to the same scale. The kitchen door of the existing dwelling would also open directly onto the boundary in both schemes. However, as the Council acknowledges, these shortcomings could be resolved by the imposition of conditions if necessary, and thus they do not affect the outcome of the appeals.
19. I have also taken into account the benefits of the proposal in making an efficient use of land, and in providing a new dwelling to help meet the housing needs of the area. I have also had regard to the economic benefits arising from the construction and occupation of the new and extended homes. However, these benefits are outweighed by the harm that I have found to the character and appearance of the area, and thus the environmental role of sustainable development would not be fulfilled.

Conclusions

20. Notwithstanding that I find no material harm arising from the effect of the proposals on living conditions, the harm that I have found in respect to character and appearance is significant and leads me to conclude that the proposals conflict with the development plan as a whole. For the reasons given above, I conclude that both appeals should be dismissed.

JP Roberts

INSPECTOR