

Appeal Decision

Site visit made on 16 May 2017

by David Walker MA MRTPI

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

Decision date: 9th June 2017

Appeal Ref: APP/Y3940/W/17/3169346

26 Ashmead, Trowbridge, Wiltshire BA14 0PB

- 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 Mrs June Margaret Kettleby against the decision of Wiltshire Council.
 - The undated application Ref 16/10626/FUL was refused by notice dated 13 January 2017.
 - The development proposed is described as 'erecting a timber framed 1 bedroom dwelling in rear garden of 26 Ashmead, Trowbridge, Wilts BA14 0PB providing accommodation for family/carer'.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on, firstly, the character and appearance of the area and, secondly, on the living conditions of future occupants with regard to privacy.

Reasons

3. The proposed dwelling would be located in a plot formed from part of the rear garden of No 26. At this location there are other outbuildings in rear gardens but no other dwellings. Instead, the existing houses of the area are arranged in a regular pattern of short terraces with a street frontage.
 4. Although the proposal would be of timber construction, like other outbuildings, it would occupy much of the plot and be clearly dwelling-like in appearance. Being much larger than the other outbuildings of the area it would appear out of scale and prominent in its garden setting. My attention has been drawn to other garden and back land type developments but I do not have sufficient details of these to draw any parallels with the scheme before me.
 5. The appellant has offered to reduce the size of the proposal but in the absence of any details of an alternative scheme I am unable to take this into account. Any alternative scheme would also need to be subject to consultations in the usual manner. In any event a new dwelling at this position would give rise to patterns of movement and an intensity of activity that would be out of character with its back garden location.
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6. In relation to living conditions, a position close to the host property would afford opportunities for the direct overlooking of the proposed garden area that would reduce the potential to use the external space privately. It would be harmful to the living conditions of future occupants. I acknowledge that a tree screen along the common boundary could help to reduce the problem but there cannot be any assurances that such mitigation would remain in the longer term. Such planting could die back or be removed without the need for permission.
7. I am mindful that the dwelling could provide ground floor accommodation for the appellant when needed, or for a carer to live on-site. However, it is clear that the proposal is for an independent dwelling. In this regard it could be separated from No 26 at any time and be occupied without any connection to the appellant or the host property. I have determined the appeal on this basis.
8. I also recognise that the proposal would deliver an additional housing unit at an accessible location and with adequate parking. However, the Council's latest housing monitoring report indicates that it can demonstrate in excess of the five-year supply of housing required under the National Planning Policy Framework (the Framework). As the Council can meet its housing requirements the provision of a further dwelling to the supply does not attract significant weight in its favour.
9. The proposal would therefore have a harmful effect on the character and appearance of the area and on the living conditions of future occupants. As a result it would conflict with Core Policy 57 of the Wiltshire Core Strategy 2015 that requires development to relate positively to the existing pattern of development, and compatibility with adjoining buildings and uses. There would also be a conflict with the design objectives of paragraph 56 of the Framework.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR