
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: 26th June 2017

Appeal Ref: APP/U3935/W/17/3168667

Land off Church Road, Upper Wanborough, Swindon

- 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 Fairhurst UK Ltd against the decision of Swindon Borough Council.
 - The application Ref S/16/0720/TB, dated 21 April 2016, was refused by notice dated 20 September 2016.
 - The development proposed is erection of 4 No dwellings with associated access and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A signed and dated undertaking under section 106 of the Act was submitted with the appeal and makes provision for a financial contribution towards affordable housing. I have had regard to this in my determination of the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the Upper Wanborough Conservation Area.

Reasons

4. Upper Wanborough is hilltop village overlooking low lying chalk plains and the Upper Thames Valley. The majority of the village, including most of the appeal site, falls within the conservation area where I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated heritage asset.
 5. A conservation area appraisal and management plan (the appraisal) referred to by both parties identifies the undeveloped agricultural land of the appeal site as an 'important green space', linking the settlement with the outer lying countryside. The land is significant in the evolution of the village and provides a context to the linear pattern of development along Church Road and a setting to the adjacent listed buildings of Bramble Cottage and Disney Cottage.
 6. It was apparent at my site inspection that there were landscape views along Church Road and The Lynch Field over the appeal site. A bench in the highway verge reinforces the significance of these views in the local streetscene.
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7. The four dwellings would be created behind the existing frontage pattern of development in an in-depth arrangement leading off a shared cul-de-sac. It would be a suburban street pattern akin to that at Mayfield nearby and identified within the appraisal as a negative element within the conservation area.
8. However, a new dwelling has been permitted that would reduce the extent of the green space and partially close off the available views over the land from Church Road. A reinforced hedgerow along the road frontage would further reduce views of the appeal site as a green space in the conservation area, but would not completely obliterate all of the green setting provided.
9. There would remain narrow views through the permitted entrance, and views over the appeal site from The Lynch Field and across from the nearby public footpath network. From these positions the undeveloped character of the appeal site would be lost to the four houses and their shared road. Despite the sloping topography of the land the tops of the additional houses would remain visible.
10. The four houses would have a greater impact on the open setting to the conservation area than the permitted single dwelling. They would fundamentally alter the character of the agricultural hinterland to the village and the openness this provides to the historic pattern of development. While it is acknowledged they would have a spacious and low density arrangement there would be a domestic and suburban character that would be harmful to the rural setting of the village.
11. With regard to paragraph 134 of the National Planning Policy Framework (the Framework) such harm would be less than substantial harm due to the relatively small degree of loss of setting in the context of the much larger conservation area. I am also satisfied that the setting of the listed buildings would be preserved due to the altered setting that would result from the permitted dwelling.
12. My attention has been brought to difficulties in achieving a five-year supply of deliverable housing sites as required at paragraph 47 of the Framework. In the circumstances, and with reference to the recent Supreme Court ruling, the presumption in favour of sustainable development at paragraph 14 of the Framework is triggered.
13. Four additional dwellings would deliver benefits to the available supply and would be within reasonable reach of the range of village services. The house types would, moreover, contribute towards the range and mix of houses sought by Policy HA1 of the Swindon Borough Local Plan 2015 (the Local Plan), and there would be a significant contribution towards the affordable housing needs of the community secured through the submitted undertaking.
14. However, the preservation of the conservation area and its significance as a heritage asset remains desirable, and the harm identified would still amount to being significant harm. This would lead to adverse impacts from the development that would significantly and demonstrably outweigh the limited public benefits accruing from four additional dwellings.
15. The proposal would therefore have a harmful effect on the character and appearance of the Upper Wanborough Conservation Area, leading to conflict

with Policies EN10 and DE1 of the Local Plan, and associated design guidance. These policies require new development to conserve those elements which contribute to the special character or appearance of a conservation area, and have regard to context and character including features of importance, amongst other considerations.

Conclusion

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

David Walker

INSPECTOR