



Appeal Decision

Site visit made on 6 June 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 12 July 2017

Appeal Ref: APP/Y3940/W/17/3166998
82 Springfield Close, Corsham SN13 0JR

- 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 James Ayrton against the decision of Wiltshire Council.
 - The application Ref 16/06991/FUL, dated 15 July 2016, was refused by notice dated 12 September 2016.
 - The development proposed is erection of a dwelling and garage (revised proposal).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and garage at 82 Springfield Close, Corsham SN13 0JR in accordance with the terms of the application, Ref 16/06991/FUL, dated 15 July 2016 subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr James Ayrton against Wiltshire Council. This application is the subject of a separate Decision.

Background and Main Issues

3. The site lies within the limits of development of Rudloe. The Council confirms a new dwelling is not unacceptable in principle. Taking this into account, the main issues are:
 - (i) the effect of the proposal on the character and appearance of the area; and
 - (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring property with particular regard to privacy and outlook.

Reasons

Character and appearance

4. No 82 is sited towards to the northern end of Springfield Close, a development of predominantly detached properties. Whilst the houses in Springfield Close are not identical they share a number of similarities in their design. These include roof pitch, materials and the generally open plan character of the frontages to Springfield Close. Other than at the head of the cul de sac where the layout results in some more spacious plots, the houses are reasonably close together although a general sense of space is achieved from single storey elements of the houses including their side garages.

5. No 82 has a relatively large plot. There is a footpath link from Springfield Close to the B3019 between the side garden of No 82 and the neighbouring property to the south. The proposed dwelling would be sited alongside No 82 on an irregularly shaped plot with a narrow frontage to Springfield Close widening towards the B3019. In terms of depth the plot would be comparable with others in the locality. The proposed house would be set back from the front walls of the immediately neighbouring properties. The flat roofed side-by-side double garage to No 82 would be demolished and the proposed house would include a single flat roofed garage between No 82 and the proposed property. The proposed dwelling, in terms of roof pitch and general design, would broadly reflect that of No 82 and other properties in the immediate area.
6. The evidence shows three previous refusals of permission to erect a dwelling on the site. The most recent of the three refusals was the subject of an appeal determined in May 2016¹ (the 2016 appeal). This appeal was dismissed on the grounds that the proposed dwelling would harm the character and appearance of the area. The Inspector highlighted the importance of the garages in the local area in terms of creating a distinctive spacing and rhythm between dwellings providing regular gaps at first floor level. The Inspector considered that the proposed dwelling would be uncharacteristically close to No 82 and so look out of place in the street scene.
7. The proposal before me differs from that which was the subject of the 2016 appeal. A garage is proposed between No 82 and the proposed dwelling. The orientation of the proposed dwelling within the site has been adjusted to bring the side walls of the existing and proposed dwellings parallel to one another. The proposed house would be positioned further into the site in relation to Springfield Close, as a consequence of the other modifications to the design.
8. The current proposals would maintain the characteristic rhythm and spacing between dwellings in respect of the relationship between No 82 and the proposed dwelling. The footpath between the proposed dwelling and No 80 would ensure reasonable space between these two dwellings.
9. The submitted drawings indicate a new garage and driveway on the north side of No 82, although no elevation details of the garage are provided and it is not included within the defined application site. However, as these proposals are indicated on land within the appellant's control, a condition could require that details of any garage for No 82 is subject to the local planning authority's control. Were a garage to be built in this position, and subject to control over its design, I consider that this would not appear out of place or incongruous given the position and nature of other flat roofed garages in the locality. I have noted the comments made with regard to maintenance and ownership concerns, however these are private matters between the relevant parties.
10. The distance between the front of the proposed dwelling and Springfield Close would not result in the proposed dwelling appearing out of character with the local area, given the varying distances of other houses from the road at the head of the cul de sac. The depth of the rear garden would be shorter than that considered by the Inspector in the 2016 proposal. However, it would not be unacceptably short and the proposal would not appear incongruous when viewed from the B3019.

¹ APP/Y3940/W/15/3138813

11. I acknowledge that from limited viewpoints on Springfield Close there will be a loss of a more distant view of the landscape beyond. Whilst I understand that this is a concern for local residents, a refusal of the proposal is not warranted on these grounds.
12. Taking all these points into consideration, the proposed development would not appear cramped and would not result in harm to the character or appearance of the area, subject to compliance with appropriate conditions. The proposal would therefore accord with Wiltshire Core Strategy (CS) Core Policy 57 which, amongst other matters, indicates development should respond positively to existing townscape features in terms of layout and form. I am satisfied that the proposal would reinforce local distinctiveness and would not conflict with the National Planning Policy Framework (Framework) in respect of its design.

Living Conditions

13. The Council's principal concern relates to the overlooking of rear gardens from the rear of the proposed dwelling. No first floor windows are proposed in the side walls of the proposed dwelling, other than a landing window facing towards No 82. However, mutual overlooking of rear gardens from rear bedroom windows is not an unusual occurrence in built up areas. Whilst the re-siting of the dwelling in comparison with the previous scheme brings the rear windows of the proposed dwelling closer to the eastern section of the remaining rear garden of No 82, it would avoid overlooking of the garden area closest to the rear of No 82.
14. I find there would be no unacceptable loss of privacy for the occupiers of No 82. The orientation of the proposed house and its siting is such that there would be no significant overlooking of the rear garden of No 80.
15. The Inspector who determined the 2016 appeal found there would be no overbearing impact upon the outlook from No 82. The siting of the proposed dwelling is different from that considered by the previous Inspector as it would be set back further behind the line of the rear wall of the new extension to No 82. However, the impact of this change is not sufficiently great for me to reach a different conclusion on this matter. Consequently I consider the proposed dwelling would not appear overbearing in relation to No 82.
16. I therefore find there would be no conflict with CS Core Policy 57 or with the Framework with regard to the protection of residential amenity.

Other matters

17. The proposal is the subject of a considerable objection from local residents. Some of the points raised are addressed in my consideration of the main issues. It is clear that this decision will come as a disappointment to those people who have voiced their concerns upon this and previous proposals. A number of people question why repeated applications are acceptable in the light of previous refusals and advice in the national Planning Practice Guidance. However, this is not a matter for this appeal.
18. With regard to the loss of on-street parking and provision of parking, the Council's refusal does not include an objection on highway grounds and I am not provided with any comments from the Council as highway authority suggesting there are concerns relating to the proposal in this regard.

19. Whilst the Framework makes clear that development on garden land within built up areas is not defined as 'brownfield' development, this does not mean that residential development on such land is necessary precluded.
20. Consequently the above matters do not alter my findings on the main issues.

Conclusions and Conditions

21. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be allowed, subject to appropriate conditions.
22. I have considered the suggested conditions submitted by the Council. In addition to conditions relating to commencement and confirming the approved plans, the information regarding materials for external finishes is general rather than specific. Given the consistency of materials in the area, there is a need for the Council to be able to control such details. The type of glazing to the first floor side window should be controlled in the interests of privacy for neighbouring occupiers.
23. Given the role of frontages in the character of the area and the site's position between two roads and alongside a public footpath I consider there is a need for the Council to be able to control details of hard and soft landscaping as well as any means of enclosure. The overall appearance of the site is also related to details of parking and I have modified the Council's suggested condition to require further details to be submitted for approval and to address details of parking provision for No 82.

J E Tempest

INSPECTOR

Attached: Schedule - Conditions

Schedule - Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 2689/01 and 2689/02 both dated July 2016.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the application form dated 15 July 2016.
- 4) No development shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed reconstructed stone, render and roofing tiles to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 5) Before the dwelling hereby permitted is first occupied the first floor window in the north elevation shall be glazed with obscure glass and shall be maintained with obscure glazing thereafter.
- 6) Details of the hard and soft landscaping of the site including any means of enclosure shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details thereby approved prior to the occupation of the dwelling hereby permitted.
- 7) Notwithstanding what is shown on the approved plans, details of the parking to be provided for the proposed dwelling and for No 82 Springfield Close shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details thereby approved prior to the occupation of the dwelling hereby permitted and maintained for these purposes thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garage shall be constructed within the curtilage of No 82 Springfield Close without the details of that garage having first being submitted to and approved in writing by the local planning authority. The garage shall be constructed in accordance with the details thereby approved.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls or other means of enclosure other than those permitted under Condition 6 above shall be erected within the curtilage of the dwellinghouse hereby permitted forward of any wall of that dwellinghouse which fronts onto a road or public footpath.

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