
Appeal Decision

Site visit made on 29 June 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/Y3940/W/17/3172409
12 Pound Pill, Corsham SN13 9HZ

- 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 G Tunbridge against the decision of Wiltshire Council.
 - The application Ref 16/11154/FUL, dated 11 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is two new dwellings in garden.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address set out in the above header is taken from the original planning application form. However, I note from the submissions that the proposal relates to land currently associated with No 12c. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i) whether or not the proposal would be in a suitable location for the dwelling concerned, having regard to development plan policies;
 - ii) the effect of the proposed development on the living conditions of neighbouring residents with regard to noise and disturbance and privacy;
 - iii) whether the proposed development would preserve or enhance the character or appearance of the Corsham Conservation Area (the CA) and its effect on the setting of the CA;
 - iv) whether the proposed development would preserve the setting of the Grade II listed buildings (the LBs) comprising Nos 8, 9, 10, 11 and 12 Pound Pill;
 - v) the planning balance having regard to housing supply.

Reasons

Suitability of location

4. Core Policy 1 of the Wiltshire Core Strategy (the Core Strategy) sets out the settlement strategy which identifies the settlements where sustainable development will take place.
5. Corsham is designated as a Market Town in respect of this policy, where there is potential for significant development that will increase the jobs and homes in the town in order to help sustain and where necessary enhance its services and facilities and promote better levels of self-containment and viable sustainable communities.
6. The supporting text highlights that housing growth (over and above that allowed by the Core strategy) outside the defined limits of development will not be supported unless they arise through community-led planning documents, or in specific circumstances not relevant in this case.
7. Core Policy 2 qualifies specifically where development would be considered acceptable to meet the minimum housing requirement of 42,000 dwellings in Wiltshire as whole and 24,740 in the North and West Wiltshire Housing Market Area (the HMA). Outside of the defined limits of development, as is the case with the appeal site, other than in the case of proposals relating to other exception policies within the Core Strategy, development will not be permitted. The proposal does not relate to those exception policies.
8. Saved policy H4 of the North Wiltshire Local Plan (the Local Plan) states that new dwellings in the countryside will be permitted provided that they satisfy certain criteria including in connection with the essential needs of agriculture or forestry or other rural based enterprise or it is a replacement for an existing dwelling. Neither apply in this case.
9. I have had regard to paragraph 196 of the National Planning Policy Framework (the Framework) which states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. In that context, the proposed development would conflict with the above development plan policies.

Living conditions

10. The proposed development would be accessed via an existing driveway serving No 12c and a parking area to the rear of Nos 10-12. No 12c has habitable room windows on two sides facing the driveway in close proximity to it, whilst No 12 has its main south elevation and most habitable rooms directly facing onto it behind a wide patio area with limited privacy screening. Those south facing rooms and patio of No 12 are therefore not directly facing the road and to a large extent set away from it. No 12c is set still further away. Any activity on the driveway is therefore a closer and more direct potential source of overlooking and noise and disturbance, including from car engines, than that relating to the road. However, despite the degree of exposure to the driveway of those elements of Nos 12 and 12c referred to above, that driveway currently serves a very limited number of properties.

11. The proposal would introduce independent activity from two additional dwellings. Although only a small number of dwellings, it is likely that the resulting vehicular and pedestrian movements along the drive would be noticeable in the existing context of limited use. This in turn would be likely to cause a material increase in noise and disturbance, including from car engines, and overlooking amounting to a harmful loss of privacy, in relation to those facing habitable rooms and patio of No 12 and facing habitable rooms of No 12c.
12. Although No 12c is currently owned by the appellant, I have considered the effects of increased activity on the residents of that property in perpetuity. I have also had regard to the close proximity of the railway line in terms of existing noise generation. However, the railway is set down within a cutting which is likely to minimise any disturbance and I have not received any substantive evidence to indicate otherwise. It is also not in the same immediate proximity as is the case with the driveway and any associated activity.
13. The appellant refers to the access having been used in the past to serve a business, claiming that this would have had a greater impact in terms of noise and disturbance, including daily use of lorries and vans. However, that business is no longer present and I have received insufficient substantive evidence relating to when it existed or the nature of its operation. I am therefore unable to make a proper comparison with the existing and proposed circumstances and so have afforded little weight to this factor.
14. For the above reasons, the proposed development would cause unacceptable harm to the living conditions of the residents of Nos 12 and 12c with regard to noise and disturbance and privacy. As such, it would be contrary to Core Policy 57 of the Core Strategy which requires new development to, amongst other things, have regard to the impact on the amenities of existing occupants. It would also be contrary to the Framework in respect of this issue which in paragraph 17 states that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character or appearance of CA and the effect on its setting

15. The site is located within the CA. As such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. Open countryside, outside of the CA, extends to the east of the site.
16. The CA is characterised by a variety of designs and sizes of buildings, including in respect of those dwellings in the vicinity of the site. Most in the vicinity do however distinctly exhibit the use of traditional stone which provides a pleasant degree of local visual cohesiveness. Those existing dwellings in the vicinity are also set at varying distances from the road and have a range of plot and garden sizes. Although most of those existing dwellings front onto the road, that is not a consistent pattern as there are properties located behind frontage dwellings, including on the opposite side of the road and relating to No 12c.
17. The proposed development would occupy an existing large open garden area. Although adjacent to the open countryside to the east that garden area is fairly discrete, being bordered by mature trees on both its northern and eastern boundaries. The proposed dwellings would be located towards the southern

side of the site and so would not be remote from existing buildings to the west, south and south-east. They would be set within fairly large plots such that their rear gardens would still ensure the retention of a high degree of spaciousness currently a characteristic of the site and its surroundings. That would be despite any boundary treatment between the properties which would infringe on that spaciousness to a small degree.

18. The proposed garden areas would be likely to attract domestic paraphernalia such as seating, play equipment and washing lines. However, based on the submissions, the site already has a residential use. It would therefore currently have the potential to accommodate such paraphernalia, albeit that I saw there only to be a poly-tunnel type structure present. The fairly large size of the gardens would also be likely to absorb any additional paraphernalia without it appearing significantly cluttered. Car parking would also be confined to the front of the proposed dwellings and so would not encroach into those rear garden areas.
19. The two storey height would not be unusual in the context of other nearby dwellings. Furthermore, traditional, complementary building materials are proposed and full details of these could be secured by condition were the appeal allowed. Additionally, the proposed dwellings would not be clearly visible from public vantage points along Pound Pill due to intervening buildings and trees.
20. For the above reasons the proposed development would preserve the character and appearance of the CA and its setting. As such it would accord with Core Policies 57 and 58 of the Core Strategy which together require development to have a high standard of design and to protect, conserve and where possible enhance the historic environment. In respect of this issue it would also accord with sections 7 and 12 of the Framework which relate to requiring good design and conserving and enhancing the historic environment respectively.

Setting of LBs

21. The site is located adjacent to or close to the LBs to the west. As such special attention has to be paid to the desirability of preserving the setting of the LBs. Although the existing garden area relating to the site provides an open setting, there are clear boundaries between it and the LBs. As I have also previously found, the proposal would in any case still retain a high degree of spaciousness, relating to the fairly large rear gardens. There is also no clear evidence of any historic functional connection between the site and the LBs.
22. The variable elevation heights, ranging from single to two storey front to back, of the proposed dwellings, together with the degree of separation from the LBs, would also ensure that they would not be dominating features within the setting. Furthermore, the proposed traditional materials would be complementary to those of the LBs.
23. For the above reasons, the proposed development would preserve the setting of the LBs. As such it would accord with Core Policy 58 of the Core Strategy which relates to the need to conserve designated heritage assets and their settings. It would also accord with section 12 of the Framework which relates to conserving and enhancing the historic environment.

Planning balance

24. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
25. Paragraph 47 of the Framework sets out the need to boost significantly the supply of housing. It is disputed by the parties as to whether or not the Council can demonstrate a five year supply of deliverable housing sites (5 year HLS) in the HMA, and I have had regard to the submissions on this matter. The appellant also claims that the indicative housing requirement for Corsham Town could not be met within the existing settlement limits.
26. Under paragraph 49 of the Framework, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year HLS. Having regard to paragraph 14 of the Framework, this states that the presumption in favour of sustainable development means, where relevant development plan policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
27. The proposed development would have the benefit of adding additional housing to the local supply. However, even if I were to conclude that there is not a 5 year HLS, that there is a shortfall of the scale claimed by the appellant, and that little weight should therefore be applied to the development plan conflicts relating to the proposal being outside of the existing settlement boundary, the weight that I attach to the addition of only two dwellings to that supply is not substantial.
28. I have found that the proposed development would preserve the character and appearance of the CA and its setting and would preserve the setting of the LBs. However, this does not deflect from my finding that there would be unacceptable harm caused to the living conditions of neighbouring residents with regard to noise and disturbance and privacy. Those adverse impacts of granting permission would significantly and demonstrably outweigh the benefit of adding only two dwellings to the supply of housing, when assessed against the policies of the Framework taken as a whole. This is regardless of the degree of weight afforded to the development plan conflicts relating to the first main issue. It would therefore not be a sustainable form of development. This is a material consideration.

Conclusion

29. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR