



Appeal Decision

Site visit made on 25 July 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/Y3940/W/17/3175190

142, Netherhampton Road, Salisbury, SP2 8LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Sandford against the decision of Wiltshire Council.
 - The application Ref 16/11241/OUT, dated 29 July 2016, was refused by notice dated 23 February 2017.
 - The development proposed is demolish and erect pair of semi-detached 3 bed houses and 2 no. detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for demolish and erect pair of semi-detached 3 bed houses and 2 no. detached houses at 142, Netherhampton Road, Salisbury, SP2 8LZ in accordance with the terms of the application, Ref Ref 16/11241/OUT, dated 29 July 2016, and the plans submitted with it subject to the conditions on the attached list.

Application for costs and background

2. An application for costs was made by Mr J Sandford against Wiltshire Council. This application is the subject of a separate Decision.
3. The planning application is in outline, with permission sought for access, layout, and scale. Appearance and landscaping are reserved for later consideration.

Main Issue

4. The main issue in this appeal is whether on a plot of this size and shape development of the scale proposed would have an adverse effect on amenity and result in unsatisfactory car parking arrangements. I have derived this issue from the reason for refusal, which was contrary to Officer's recommendation, the Committee minutes and the Council's appeal statement.

Reasons

Main issue

5. The appeal site lies within an established residential area. It has a dual frontage, in part onto Netherhampton Road, an A class road, and partly onto Tylers Close, a private drive leading off the main road and serving a small number of bungalows. Currently on the appeal site is 1 detached house fronting Netherhampton Road. The proposal is to demolish this house and erect

broadly in the same location a semi-detached house and to erect 2 detached houses in what was the rear garden of the existing property. The semi-detached houses would front onto Netherhampton Road and the 2 detached houses would front onto Tylers Close.

6. The appeal site is relatively narrow and elongated. The narrowest frontage is on to Netherhampton Road and the lengthiest frontage onto Tylers Close. The proposed semi-detached houses would occupy much of the width of the plot. There is thus no room for parking to the side and the proximity of the proposed houses to the main road frontage means that no car parking spaces could be provided forward of them. Thus parking spaces for these houses would be in their rear garden and accessed off Tylers Close. The 2 detached houses would have parking spaces to the side which would also be accessed from Tylers Close, which is the only feasible arrangement. All of the proposed houses would have 2 car parking spaces in tandem form.
7. Taking the first leg of my issue references to amenity can be taken as references to the impact of the proposed development on the character and appearance of an area and/or on residential amenity. The Council has not specified in its reason for refusal, nor made it significantly clearer in its statement, how it is referring to amenity in this case.
8. If the Council's concern lies with the impact of the proposed development on the character and appearance of the area its bald statement that there would be an adverse effect on amenity, with no additional reasoning, means that it has simply failed to provide any grounds for taking this view. From what I saw Netherhampton Road contains a varied mix of housing types, including detached and semi-detached 2-storey houses and bungalows. In this context I see no harm in terms of character and appearance in the proposed semi-detached houses. The proposed detached houses would be fairly close together and have small rear gardens. However, they would not look out of keeping in the context of the bungalows in Tylers Close, which share similar characteristics. Provided the proposed detached houses are chalet style with first-floor rooms in the roof, as shown on a sketch street scene, they would provide an acceptable transition between the bungalows in Tylers Close and the proposed semi-detached house. This could be ensured by condition.
9. Turning to possible concerns on living conditions the Council's statement, correctly in my view, rules out most potential harms. The proposed semi-detached houses would not project so far beyond the boundary of the adjoining property as to cause any unacceptable harm through visual impact. The proposed detached houses would be sufficiently removed from properties lying to the north and west of the site for no harm to be caused to their occupants through visual impact or loss of light. Suitably conditioned it would be possible to ensure that these houses cause no unacceptable loss of privacy to neighbours.
10. Turning to the second leg of the main issue the Council considers that there would be a limited ability to park and satisfactorily manoeuvre vehicles associated with the occupation of the proposed development and surrounding properties. The Council has provided no substantial evidence to justify this concern or to elaborate upon it. The Council's highway officer is satisfied with the proposal. He has raised no concern in relation to the amount of parking to be provided or on grounds of manoeuvrability. Local residents have expressed

concern about tandem parking. However, this is not an uncommon arrangement and I see no reason why it should not provide satisfactory parking in this location. No on-site turning spaces are provided and cars would be required to either reverse into the site or out onto Tylers Close. However, from what I saw, although the access road is narrow, adequate space would exist for this manoeuvre and no contrary evidence has been provided. From the Committee Minutes there seems to have been some member concern that occupiers of the proposed semi-detached houses would be disinclined to use the proposed parking spaces but would instead park on Netherhampton Road to the detriment of neighbours' amenities. However, the parking spaces would, in my view, be sufficiently close to the proposed houses as to be readily used. And in any event nor, without further amplification, can I see any reason why parking on Netherhampton Road would be detrimental to residential amenities.

11. It is concluded that on a plot of this size and shape development of the scale proposed would not have an adverse effect on amenity and result in unsatisfactory car parking arrangements. There would be no conflict with Core Policies 57 and 64 of the Wiltshire Core Strategy (2015) which require new development to be complimentary to the locality, accessible and to provide adequate car parking.

Other matters

12. Third-party concerns go beyond those raised by the Council. Residents say that restrictive covenants prevent development of the appeal site by more than 2 properties and that only 1 property may be served off Tylers Close. However, a planning permission would not override restrictive covenants. In addition I consider it unlikely that development would be undertaken unless/until such time as access to the proposed parking spaces could lawfully be undertaken. Thus concerns that the proposal would result in houses without usable parking spaces, thereby leading to dangerous parking on Netherhampton Road are unfounded.
13. I note the various concerns on the access from Tylers Close onto Netherhampton Road. However, the access does not seem dissimilar from many in similar urban areas and no technical highways objection has been made on the additional use of this access. No technical observations have been received which would support a refusal on flood risk grounds or which state that the proposed houses would need to be at a raised height. Although the proposed rear gardens are quite small it is not uncommon for properties to have gardens of this size and there is no suggestion from the Council that it has Policies which require larger garden spaces. Concerns that ecological reports on the site are out of date are not supported by the observations of the Council's ecology officer and I have no reason to take a contrary stance. Part of the proposed development would back onto the garden of an attractive listed cottage. However, the proposed development would be sufficiently removed from this cottage as to have no material impact on its setting, which in any event is not as rural as alleged. Thus there would be no conflict with the statutory duty to preserve the setting of listed buildings. Development of the limited scale proposed should cause no unacceptable noise and disturbance to those living in Tylers Close especially as vehicles accessing the appeal site would not generally need to pass dwellings in the Close.

Conditions

14. As I am minded to allow the appeal I have considered what conditions should be imposed in addition to the standard conditions on the commencement of development and outline applications. In the interests of good planning I will require development to be undertaken in accordance with the submitted plans, in so far as they relate to the matters for consideration in this outline application. To ensure satisfactory drainage of the site I shall require the submission and approval of schemes for the discharge of foul and surface water. To ensure adequate mitigation against flooding I shall require the submission and approval of a scheme for access/egress and property flood resilience. These conditions have all been suggested by the Council. In addition, to protect the character and appearance of the area, I shall require the 2 proposed detached houses to be chalet style with the first floor in the roof space. To protect the privacy of neighbours to the west of the site I shall require any windows in the first floor west elevation of the proposed detached dwellings to be obscure glazed.

Conclusion

15. For the reasons given above it is concluded that the appeal should be allowed.

R J Marshall

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans in so far as they relate to the matters for which permission is sought: 8392/300B, 8392/301, and 8392/302.
- 6) No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.
- 7) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details together with permeability test results to BRE365 with location of groundwater levels, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
- 8) No development shall commence on site until a scheme for access/egress and property flood resistance has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme prior to first occupation of the development hereby permitted.
- 9) The 2 proposed detached houses shall be in chalet style with the first floor in the roof space.
- 10) Any windows in the first-floor west elevations of the 2 detached dwellings hereby permitted shall be obscure glazed and retained as such.