
Appeal Decision

Site visit made on 1 July 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019.

Appeal Ref: APP/Y3940/W/19/3225781

Land south of Paddock House, The Paddocks, Chippenham SN15 5DN

- 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 B Pfeiffer against the decision of Wiltshire Council.
 - The application Ref 18/08590/FUL, dated 31 August 2018, was refused by notice dated 15 January 2019.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plans were submitted during the course of the appeal for a significantly different single dwelling development and also showing a revised parking arrangement to those which were considered by the Council and which was consulted upon. In accordance with principles outlined the Wheatcroft¹ judgment, and given the concerns raised by local residents, I cannot therefore be satisfied that no prejudice would result to third parties by my consideration of the revised plans. As such, I determine the appeal based upon the same plans as the Council determined the application.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site is an area of land to the front of a large Victorian villa style property identified in the application form as Paddock House, which has been converted into flats. It fronts the road on a steeply sloping bend within The Paddocks cul-de-sac.
5. The design of properties within The Paddocks shows some variation and dwellings are spaced quite closely together. Although landscaping within the appeal plot is currently fairly unmaintained, the undeveloped nature of the site provides a valuable sense of space in the otherwise relatively densely developed area. This also allows for an appreciation of the principal front elevation of the attractive historic building at Paddock House.

¹ Bernard Wheatcroft Ltd v SSE JPL 1982 P37

6. The appeal proposal would introduce a single dwelling onto the plot which would include engineering works in order to enable a partially subterranean two storey property. The design of the dwelling itself would not be out of character with the area, taking inspiration from a number of the surrounding properties.
7. However, its scale and siting to the front of Paddock House would obscure views of the front elevation of this building, as is evidenced by the appellant's digital modelling. This would result in an awkward appearance and sense of a cramped development. Whilst the siting of properties in the cul-de-sac isn't entirely uniform, the principal elevations of dwellings are not generally obscured by other buildings.
8. Although not a listed building or within a conservation area, Paddock House nonetheless makes a positive contribution to the area with its pleasing symmetry and its scale giving a sense of its Victorian grandeur. Although obscured in some views by the prevailing topography and boundary features, the undeveloped nature of the appeal site undoubtedly assists in an appreciation of Paddock House.
9. The presence of the surrounding residential development in The Paddocks is not a justification to awkwardly obscure the principal elevation of the Paddock House building. Whilst other applications in the area may not have referenced Paddock House as of historical/architectural interest, it is apparent that this was noted in both of the previous appeal decisions² on site and I do not have full details of other planning proposals in order to make a comparative assessment.
10. The proposed dwelling is designed to overcome previous refusals and to mirror adjacent development at 18 The Paddocks. It would have a comparable plot/dwelling ratio and set back to others in the immediate area and a larger plot size than a number of others. However, as outlined above, the scale and siting of the proposal would nevertheless result in material harm to the character and appearance of the area.
11. I therefore conclude that the appeal proposal would materially harm the character and appearance of the area. It would conflict in this way with Core Policy 57(i), (iii), (iv) and (vi) of the Wiltshire Core Strategy (2015) (CS) which encourage new development to make a positive contribution to the character of Wiltshire through enhancing local distinctiveness, effectively integrating development into its setting, being sympathetic to historic buildings and taking account of the local context. I find no direct conflict though with criterion (vii) of this policy which primarily relates to the amenities of existing and future occupants. For similar reasons, the proposal would not comply with the requirement for good design contained within paragraphs 124 and 127 of the revised National Planning Policy Framework (2019).

Other Matters

12. The appeal site is located within the framework boundary for Chippenham and residential development in this accessible location is supported in principle by CS policies. The proposed development is intended as a self-build using sustainable construction methodology and was apparently subject to some community engagement. It would be in line policies in the Framework related

² APP/J3910/A/06/2005716; APP/Y3940/A/11/2162197

to directing residential development to accessible locations and boosting the supply of housing. These aspects offer modest support for the proposal. Concerns regarding the Council's handling of the application are not for me in dealing with this appeal, which I consider on its merits.

Balancing and Conclusion

13. The proposal would offer modest benefits as outlined and residential development in this location would be supported in principle in the CS. However, the proposal would result in material harm to the character and appearance of the area. Given this fundamental conflict, it would not accord with the development plan, read as a whole. For the same reasons, it would not represent the sustainable development in respect of which the revised Framework creates a presumption in favour.

V Bond

INSPECTOR