



Appeal Decision

Site visit made on 18 June 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2019

Appeal Ref: APP/Y3940/W/19/3224616

**Land Adjacent to Wagtails, Southampton Road, Alderbury, Wiltshire
SP5 3AF**

- 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 Harvey Euridge (1215 Heritage Homes) against the decision of Wiltshire Council.
 - The application Ref 18/07786/FUL, undated, was refused by notice dated 12 October 2018.
 - The development proposed is described as 'revised layout and two additional dwellings to a previous application 16/04775/FUL approved on appeal'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been appointed to determine two appeals on this site. The other appeal reference is APP/Y3940/W/19/3225252. I have considered each proposal on its individual merits and prepared separate decisions.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the area; and
 - the effect of the development upon the living conditions of the occupiers of Owlswood, Junction Road in respect of outlook and Wagtails, Southampton Road in respect of outlook and noise and disturbance.

Reasons

Character and Appearance

4. The appeal site encompasses a large parcel of land to the rear of Wagtails, a residential property with a frontage onto Southampton Road. The topography of the land falls gently downwards from the front to the rear of the site. It is understood that the land was previously part of the rear garden of Wagtails, but it has recently been severed, following a grant of planning permission

following a successful appeal¹ and a subsequent variation application², to retain the existing dwelling and erect three detached dwellings on the site.

5. The Council's Statement shows the approved site plan of the variation application. The plans show three detached dwellings situated within large plots to the rear of the existing dwelling. The red line on the approved plan is different to the current proposal as it includes a very small part of the garden of Owlswood, Junction Road, which does not form part of the current proposal. Nonetheless, as the approved scheme encompasses the entire appeal site and the planning permission remains extant until December 2019, it represents the appellant's fall-back position and is therefore a material consideration.
6. It is proposed to alter the layout of the approved scheme to facilitate the erection of two additional dwellings with associated access, parking and garages. Overall, the proposal would create five four-bedroom detached dwellings to the rear of the existing property. The dwellings would be smaller than the previously approved properties and laid out as a cul-de-sac with a turning area provided at the bottom of the site for emergency vehicles. The proposed dwellings would be two storey and of a traditional design.
7. Development along Southampton Road is laid out in a linear pattern and a variety of residential property types are evident. Whilst plot sizes vary, the residential properties are typically situated in large plots and set back from the highway behind generously landscaped front gardens. Within close proximity to the appeal site, there are several residential cul-de-sacs, such as Junction Road, The Copse, Waleran Close and Firs Road, which are served from Southampton Road. The cul-de-sacs collectively contribute to the overall pattern of development and the local distinctiveness of the area, whereby the broadly linear pattern of development on Southampton Road is disrupted by residential cul-de-sacs.
8. The density, form and pattern of development of the dwellings located within the cul-de-sacs varies considerably. On Junction Road, which is situated closest to the site and runs parallel to the north western site boundary, the dwellings are detached and situated in spacious plots with large gaps between the dwellings. The properties are accessed from a narrow unmade private track which affords Junction Road a semi-rural character. However, the dwellings located on The Copse, Waleran Close and Firs Road, whilst also typically detached, are served by formal road layouts with pavements and turning areas, and are situated on smaller plots, which exhibit a tighter grain of development whereby there are smaller gaps between properties, thus creating a more suburban character.
9. The density of the proposed development would be greater than neighbouring dwellings on Junction Road and the previously approved development but, the layout and density would not appear out of place given the variable pattern of cul-de-sac development evident within the surrounding area, a point supported by the provision of detached dwellings, which would be well-spaced and set within plots of a comparable size to those in other similar cul-de-sac developments nearby. Furthermore, the scale and design of the proposed dwellings would complement other residential developments in the local area. Due to the topography of the site and proposed layout, whereby Units 1-4

¹ Local Planning Authority Ref: 16/04775/FUL and Appeal Ref: APP/Y3940/W/16/3157162

² Local Planning Authority Ref: 17/03136/VAR

would be located to the rear of Wagtails and Unit 5 would be located a considerable distance from the site entrance, the development would not be overly prominent when viewed from Southampton Road.

10. In conclusion, the proposal would respect and thus preserve the character and appearance of the area. As such, it would accord with the design principles of Policy CP57 of the Wiltshire Core Strategy (Adopted January 2015), which requires new development to respond positively to the existing townscape.

Living Conditions

11. When compared to the approved development, the current proposal would reduce the spacing between the rear elevation of the existing dwelling and the side elevation of Unit 1 to approximately 11 metres. Consequently, the two-storey side elevation of Unit 1 would be significantly closer to the rear garden and rear elevation of Wagtails, which has a rear facing dormer and ground floor windows. Given the limited separation distance proposed, the relatively small size of the garden to Wagtails and the fenestration arrangement to the rear of Wagtails, which consists of rearward facing windows to habitable rooms on the ground and first floor, the positioning of Unit 1 would reduce the outlook of the neighbouring occupiers to a significantly harmful degree and create an oppressive and overbearing impact for the occupiers of the neighbouring property.
12. In terms of the relationship with Owlswood, when compared to the approved development, the current proposal would reduce the spacing between the rear elevation of the neighbouring dwelling and the side elevation of Unit 4 to approximately 18 metres. The approved site plan shows a separation distance of around 22.7 metres. Consequently, the two-storey side elevation of Unit 4 would be approximately 4.7 metres closer to the rear garden and rear elevation of Owlswood, which is a substantial two storey property with a single storey rear extension. Given the limited separation distance proposed and the fenestration arrangement to the rear of Owlswood, which consists of rearward facing windows to habitable rooms on the ground and first floor, the positioning of Unit 4 would reduce the outlook of the occupiers to a significantly harmful degree and create an oppressive and overbearing impact for the occupiers of the neighbouring property.
13. The number of vehicle movements associated with the two additional dwellings would be limited relative to the approved scheme and the parking and turning areas would be a sufficient distance from the existing dwelling, which would further limit the adverse effects of vehicular noise, car headlights and air pollution. As such, the additional vehicle movements would not have a detrimental impact upon the living conditions of the occupiers of Wagtails.
14. Whilst I have found no harm in respect of noise and disturbance, when considered as a whole, the proposed development would cause significant and demonstrable harm to the living conditions of the occupiers of Wagtails and Owlswood. As such, the proposal would not accord with Policy CP57 of the Wiltshire Core Strategy (Adopted January 2015), which requires new development to have regard to the impact on the amenities of existing occupants, an aim consistent with Paragraph 127(f) of the Framework.

Other Matters

15. The appellant has drawn my attention to an appeal decision³ from 7 December 2018, which granted outline permission for the erection of up to 50 dwellings and other infrastructure on land off Firs Road, Alderbury. In determining the appeal, the Inspector concluded that the Council was unable to demonstrate a five-year supply of deliverable housing sites as required by the Framework.
16. The provision of two additional dwellings, when compared to the previous approval, would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal, albeit that the contribution would be limited due to the quantum of development proposed. There would also be some limited benefits to the construction industry and from the spend of future occupiers.
17. Even if I were to accept the appellant's argument that the Council is unable to demonstrate a five-year supply of deliverable housing sites and the shortage is along the lines identified in the appeal decision referred to; the significant harm to living conditions, which would be an adverse impact of the development at odds with the development plan and the Framework would significantly and demonstrably outweigh its limited benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, this is not a point that suggests the appeal should be determined other than in accordance with the development plan.
18. I note the letters of support from several local residents. However, I have come to my own conclusions for the reasons given.

Conclusion

19. The proposed development would preserve the character and appearance of the area, but this would be outweighed by the significant harm that would occur to the living conditions of neighbours. Therefore, the proposal would not accord with the development plan taken as a whole. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Christopher Miell

Inspector

³ Appeal Ref: APP/Y3940/W/18/3200041