



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/19/3225252

Land Adjacent to Wagtails, Southampton Road, Alderbury, Salisbury, 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 Ltd) against the decision of Wiltshire Council.
 - The application Ref 18/10448/FUL, dated 22 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is described as a 'revised layout application with the two additional dwellings, following the refusal of application 18/07786. Note: Three dwellings are already approved on appeal application 16/04775/FUL'.
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Decision

1. The appeal is allowed and planning permission is granted for the alteration to the layout of approved application ref: 16/04775/FUL and the erection of two additional dwellings with associated access, parking and garages at Land Adjacent to Wagtails, Southampton Road, Alderbury, Wiltshire, Salisbury SP5 3AF in accordance with the terms of the application Ref 18/10448/FUL, dated 22 October 2018, subject to the schedule of conditions attached to this decision.

Procedural Matters

2. In my formal decision I have used the revised description of development agreed by the Council and appellant as this better describes the proposal.
3. I have been appointed to determine two appeals on this site. The other appeal reference is APP/Y3940/W/19/3224616. I have considered each proposal on its individual merits and prepared separate decisions.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

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

² Local Planning Authority Ref: 17/03136/VAR

Due to the topography of the site and proposed layout, whereby Units 1-4 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.

11. 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.

Other Matters.

12. The application site is outside of the defined limits of development as described by the relevant policies and maps contained within the Wiltshire Core Strategy (Adopted January 2015). However, as set out above, the site benefits from planning permission for three additional dwellings, which remains extant until December 2019. Therefore, whilst the proposal is contrary to the development plan in this respect, the extant planning permission represents the appellant's fall-back position, which is a material consideration that outweighs the conflict.
13. Given recent approvals³ and a recent application⁴ for 36 dwellings on a large parcel of land immediately adjacent to the appeal site, interested parties have advocated a holistic approach to future development. However, there is no such policy before me that would require such an approach. As such, I have afforded the other developments limited weight in my considerations.
14. Concerns have been expressed by interested parties about the effect of the development upon the living conditions of neighbouring occupiers. However, I note that the Council have concluded that the proposal would not have a detrimental impact upon neighbouring occupiers. The proposed layout differs from appeal ref: APP/Y3940/W/19/3224616, in so far as Units 1 and 4 have been moved further away from the neighbouring properties of Wagtails, Southampton Road and Owlswood, Junction Road, respectively. An acoustic fence is also shown along part of the side boundary to Wagtails adjacent to the access road. Given the separation distances between the proposed dwellings and neighbouring properties and the provision of acoustic fencing, I have no reason to disagree with the Council's assessment.
15. An Ecological Appraisal⁵ was submitted with the application which sets out mitigation and enhancement measures that are to be undertaken as part of the development and could be secured by a planning condition. Substantive evidence is not before me that demonstrates I should not rely on the conclusions of the report, which was prepared by a suitably qualified ecologist and reviewed by the Council.
16. Local residents have stated that a substantial number of trees were cut down at the appeal site before the application was submitted. In addition, the boundary hedge between the site and the neighbouring properties of Sorrento and Mountjoy (both of Junction Road) has been partially removed and left unmanaged. Nevertheless, the trees apparently felled were not protected and several mature trees near the front and side of the site are to be retained as

³ LPA Ref: 17/11704/REM and 17/04001/OUT

⁴ LPA Ref: 19/03480/OUT

⁵ Ecological Appraisal prepared by Malford Environmental Consulting, dated 16/05/16

part of the development. This can all be secured through a comprehensive landscaping scheme as part of a planning condition.

17. Surface water drainage was previously dealt with by a planning condition in respect of the previous appeal and I see no reason why it would be inappropriate to follow this course of action in this appeal; especially as substantive evidence has not been provided to demonstrate the scheme could not address current policy expectations.
18. The Council's Highways Officer has assessed the proposal and raised no objection. I have no reason to disagree with the Council in respect of this matter and I am content that the drawings demonstrate that there would be adequate space for parking and refuse collection.
19. I have not been directed to any local policy that requires a proportion of the proposed homes to meet local needs, such as those of first-time buyers or elderly residents, and therefore the lack of such provision is not a determinative point in this appeal.
20. No substantive evidence has been put forward that demonstrates the proposal would place harmful pressure on local infrastructure, including school places.

Conditions

21. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to materials and landscaping. In addition, as per the submitted ecology survey, it is necessary to impose a condition to secure a habitat mitigation and enhancement scheme in respect of protected species.
22. In the interests of highway safety, it is necessary to impose a condition requiring details of the junction to be agreed with the Council and constructed accordingly. I have also imposed a condition to ensure the turning and parking areas are constructed, prior to the occupation of the dwellings and retained as such thereafter, to ensure the site can be served by emergency and service vehicles. I have imposed a condition relating to surface and foul drainage, as explained above.
23. Due to the proximity of neighbouring residents, it is necessary to impose a condition to restrict the hours of construction and demolition, in order to limit noise disturbance in the evenings and at weekends. Similarly, I have also imposed a condition to prevent the burning of waste or other materials during the demolition/construction phase of the development.

Conclusion

24. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Christopher Miell
Inspector

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 11/545/5/01C (June 2018)
Drawing number 11/545/5/02A (June 2018)
Drawing number 11/545/5/HT/04A (June 2018)
Drawing number 11/545/5/HT/05A (June 2018)
Drawing number 11/545/5/HT/06A (June 2018)
Drawing number 11/545/5/HT/07 (June 2018)
Drawing number 11/545/5/HT/08 (June 2018)
Drawing number 11/545/5/HT/09A (June 2018)
Drawing number 11/545/5/HT/10 (June 2018)
Drawing number 11/545/5/HT/11 (June 2018)
Drawing number 11/545/5/HT/12 (June 2018)
Drawing number 11/545/5/HT/13A (June 2018)
Drawing number 11/545/5/HT/14A (June 2018)
Drawing number 11/545/5/HT/15A (June 2018)
Drawing number 11/545/5/HT/16B (June 2018)
- 3) No development shall commence above ground level until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall commence above ground level until details of the access road to the site from Southampton Road, to include new kerbs, alterations to the existing footway and surfacing material, have been submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the approved details prior to the first occupation of the development hereby permitted. The junction shall be retained as such thereafter.
- 5) No part of the development hereby permitted shall be first occupied until a turning area and parking spaces have been constructed in accordance with the details shown on the approved plans. The car parking and turning areas shall be retained as such thereafter.
- 6) No development shall commence above ground level until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be completed prior to the occupation of any dwelling to which it relates.
- 7) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-

statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) No development shall commence above ground level until details of a habitat mitigation and enhancement scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
- iv. a schedule of works to ensure the protection of nesting birds and hedgehogs;
 - v. bird nesting features;
 - vi. bat roosting features;
 - vii. fencing details to allow mammals to move between gardens.

The habitat mitigation and enhancement scheme shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 9) No development shall above ground level commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i. earthworks showing existing and proposed finished levels or contours;
 - ii. the trees to be retained and methods of protection during construction or demolition;
 - iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - iv. a full specification of all proposed tree planting (including the quantity, size, species, and positions or density of all trees to be planted), how they will be planted and protected and the proposed time of planting;
 - v. means of enclosure and retaining structures;
 - vi. boundary treatments;
 - vii. hard surfacing materials;
 - viii. lighting and floodlighting;
 - ix. an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) Demolition or construction works shall take place only between 07:30 and 18:00 on Mondays to Friday, 08:00 to 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) No burning of waste or other materials shall take place on the site during the demolition/construction phase of the development.