



Appeal Decision

Site visit made on 16 July 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/Y3940/W/19/3220280
18 Wiltshire Crescent, Melksham SN12 7LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs J Moore against the decision of Wiltshire Council.
 - The application Ref 18/05217/FUL, dated 31 May 2018, was refused by notice dated 23 July 2018.
 - The development proposed is to construct one pair of 2 bedroom semi-detached houses adjacent to 18 Wiltshire Crescent Melksham SN12 7LH.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.

Main Issues

3. The main issues are:
 - The effect of the character and appearance of the area;
 - The effect on the living conditions of neighbouring occupiers, having particular regard to light and outlook; and
 - Whether the proposal would provide satisfactory living conditions for the future occupiers of the development, having particular regard to light, outlook and the provision of outdoor space.

Reasons

Character and appearance

4. No 18 Wiltshire Crescent lies within a residential estate, which includes a mix of detached, semi-detached and terraced properties set within proportionately sized plots. The appeal site comprises an end-of-terrace dwellinghouse which benefits from a vehicular access at the rear, as well as a number of outbuildings. To the rear of the terrace, there is a courtyard with a large block of single storey garages. Situated to the side of the existing property, the main garden area provides visual relief to the street scene, whilst maintaining an appropriate degree of separation from no 16 Wiltshire Crescent (no 16) and no 374 Long Leaze Lane (no 374).

5. The appeal scheme would result in a substantial intensification of development on the plot, having regard to the scale and massing of the proposal, but also the footprint of the new building, and the extent of the hardstanding required for the formation of four car parking spaces. In particular, I note that the building would virtually extend across the full width of the appeal site. This, combined with the absence of appropriate degree of separation between the proposal and adjacent buildings, would impart a cramped appearance to the plot, which would be at odds with the established pattern of development in the area. Additionally, the footprint of the building and car parking areas would leave limited scope to provide any meaningful soft landscaping.
6. The harm would be compounded by the subdivision of the appeal site in three distinct plots, which would be physically marked by forms of boundary treatments, thus adding to the congested nature of the development. For these reasons, the appeal proposal would appear as an overly intensive form of development, which would exceed the capabilities of the existing plot to comfortably accommodate two additional dwellings. The harm identified would not be mitigated by the proposed use of complementary materials.
7. For the foregoing reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area, and would subsequently fail to accord with the design aims of Core Policy 57 of the Wiltshire Core Strategy (WCS) – adopted January 2015 and the Framework, which notably requires development proposals to function well and add to the overall quality of the area.

Living conditions – Neighbouring occupiers

8. The patio doors situated to the side elevation of no 18 Wiltshire Crescent (no 18) would be situated 2.5 metres from the side (north) elevation of the proposed dwellings. The outlook from these patio doors, which are south facing, would be severely compromised by the new building, having particular regard to the scale, proximity and orientation of the proposed scheme. This would create a gloomy and unpleasant sense of enclosure, which would have a severely detrimental impact on the living conditions of the occupiers of no 18.
9. The appeal proposal would introduce a substantial built form within proximity to the boundary shared with no 374. The flank wall of the new building would project significantly beyond the rear elevation of this neighbouring bungalow, and stand alongside part of its garden. The overall height and length of this proposed elevation and its pitched roof would result in a form of development which would appear oppressive and overbearing to the occupiers of this neighbouring property, and adversely affect their enjoyment of their property and garden area.
10. The front (west) elevation of the new building would look onto the side elevation and garden area of no 16. This elevation would include several openings at ground and first floor levels, all of which would serve habitable rooms. Whilst at ground floor level, privacy would be safeguarded by intervening forms of boundary treatments, the first floor bedroom windows would increase the perception of overlooking and loss of privacy for the occupiers of no 16 within their rear garden. Consequently, the effect of the proposal would be detrimental to the living conditions of these neighbouring residents.

11. For the foregoing reasons, the proposal would unacceptably harm the living conditions of the neighbouring occupiers of no 374, no 16 and no 18, having regard to outlook, light and privacy. It would therefore be contrary to Core Policy 57 of the WCS and paragraph 127 of the Framework, both of which require new development to have regard to the amenities of existing occupants.

Living conditions – Future occupiers

12. The main windows would be located to the front and rear elevations of the building, at reasonable distance away from the proposed boundary fences. This would ensure that light levels within the dwellings remain acceptable. However, both dwellings would sit within such constrained plots that very limited space would remain to provide usable amenity space. In combination with domestic paraphernalia such as outdoor furniture and washing lines, the ability of future occupiers to effectively use the outdoor area for recreation would be compromised.
13. These two-bedroom dwellings could legitimately provide accommodation for small families, and the proposed outdoor areas would therefore be wholly inappropriate in size to meet the needs of future occupiers. Furthermore, by reason of their restricted size and the presence of fencing on the boundaries of the site, the courtyards would feel particularly oppressive. This would add to the sense of cramped environment deriving from the proposal and is symptomatic of a scheme representing overdevelopment.
14. The proposal would not provide satisfactory living conditions for the future occupiers of the development, having particular regard to outlook and the provision of outdoor space. It would subsequently conflict with Core Policy 57 of the WCS and paragraph 127 of the Framework, by failing to provide a high standard of amenity for future users.

Other Matters

15. I have had regard to the benefits put forward in favour of the proposal, including the provision of affordable housing for starter homes. However, no substantive evidence has been submitted to demonstrate that there is a specific need for this type of accommodation within this area. Additionally, no mechanism, such as a planning obligation, has been brought to my attention to secure this type of housing in land use planning terms. This therefore limits the weight which can be ascribed to this consideration. Furthermore, the need for housing does not justify the provision of substandard accommodation which would also cause harm to the character and appearance of the area and the living conditions of neighbouring occupiers.
16. Whilst I appreciate the appellant's frustration with regard to the application process, this is not determinative to this appeal, which I am required to assess on its individual planning merits.

Conclusion

17. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards INSPECTOR