
Appeal Decision

Site visit made on 23 July 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/Y3940/W/18/3217932

Forest View, Clay Street, Whiteparish, Salisbury, Wiltshire SP5 2ST

- 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 Mark Richards of Zelda Investments Ltd against the decision of Wiltshire Council.
 - The application Ref 18/08737/FUL, dated 14 September 2018, was refused by notice dated 27 November 2018.
 - The development proposed is two new dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for two new dwellings (Plot 1 and Plot 2) at Forest View, Clay Street, Whiteparish, Salisbury, Wiltshire SP5 2ST in accordance with the terms of the application, Ref 18/08737/FUL, dated 14 September 2018, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The description of development in the banner heading above is that used by the Council. This is a more concise and clear description than that used on the application form.
3. The address on the application form split the place name into its 2 component parts of 'White' and 'Parish', however the 2 are in fact run together. I have therefore corrected this in the address line above.
4. The plans submitted with the application show a third proposed dwelling labelled s 'Plot 3', adjacent to the existing bungalow. This was the subject of a separate planning application, reference 18/08738/FUL and is also the subject of a separate appeal, reference APP/Y3940/W/18/3217842. The 2 schemes are capable of separate implementation and the appeals are also being considered separately. This appeal relates solely to Plots 1 and 2 as detailed on the submitted plans. As the description of development does not specifically identify which 2 dwellings it relates to, I have clarified this within my decision.
5. An application for costs was made by Mr Mark Richards of Zelda Investments Ltd against Wiltshire Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are the effects of the development on:
- the character and appearance of the area; and
 - the effect of the development on highways safety, with particular regard to the provision of parking space.

Reasons

Character and appearance

7. The site falls within the defined settlement boundary of Whiteparish, as set out in the Wiltshire Core Strategy 2015 (the CS). The Council confirms that housing development within the settlement boundary would not conflict with Core Policies 1 and 2 of the CS, which set out the settlement strategy, and direct development to locations within defined settlements.
8. A change in the settlement boundary has however been proposed, as detailed in the Southern Wiltshire Community Area Topic Paper July 2018 Submission Version (the TP). This would specifically remove the site, and would be achieved through amendments to the Wiltshire Housing Allocation Plan (WHAP). The WHAP has been examined but has yet to be adopted. I note that the justification for the change is that the site relates more to the open countryside, and in this regard it reflects the Council's reason for refusal of the proposed development on grounds of its intrusion into the countryside locally designated as a Special Landscape Area (SLA).
9. The site appears to form part of a field and is bounded on its north and west sides by development, including the existing bungalow at Forest View. Other fields lie to the south and east. Though the site occupies a raised area of ground, current public views into the site are very limited. This is on account of its position offset from the Clay Street frontage, and heavy boundary enclosure, which screens the site from footpaths across fields to the south. Existing bungalows to the west of the site can however be seen from these footpaths.
10. The 2 proposed dwellings would be positioned generally in line with the 2 existing bungalows to the west, similarly spaced and similarly orientated. The easternmost dwelling would furthermore be aligned with the rear elevation of Forest View immediately to the north. The arrangement would therefore relate strongly to that of existing development, effectively squaring off the layout. Whilst the development would necessarily cause a localised increase in density, this would not be perceived as being at odds with that viewed along some existing parts of Clay Street.
11. The design of the 2 proposed dwellings would be a little more bulky than that of the bungalows adjacent, and this would lend the development some additional prominence in views from the south. The dwellings would however be viewed closely in relation to existing development, and would remain largely obscured by boundary vegetation. The site boundaries could be subject to further planting secured by condition if the appeal was allowed. As such there

- would be little sense that the development intruded or encroached upon the surrounding countryside, or therefore harmed the SLA.
12. Interested parties have raised concern regarding the impact of the scheme on the line of an old drove road which runs along the boundary of the site. Insofar as the route appears to be shown as a strip along the plot edge on the submitted plans, it would remain free from development. Its further treatment could be addressed within the context of a landscaping condition.
 13. Whilst the Council notes potential cumulative effects should both the current and adjacent appeal schemes be allowed, in my view this would have little additional effect on the visual presence of the 2 dwellings from within the surrounding landscape.
 14. My attention has been drawn to a dismissed appeal relating to proposed housing development at Forest View, reference APP/Y3940/W/17/32173551 (the previous appeal). This however involved an entirely different layout with little in common with the current proposal. As such, the effect the previous appeal scheme would have had on the character and appearance of the area would have substantially differed from that of the current appeal scheme.
 15. For the reasons outlined above I conclude that the development would cause no unacceptable harm to the character and appearance of the area. It would therefore comply with Core Policy 57 of the CS, which amongst other things requires development to take account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area; and saved Policy C6 of the Salisbury District Local Plan 2011 - Adopted June 2003, which seeks to preserve the character of the landscape from adverse impacts. In view of these findings, the proposed change to the settlement boundary does not indicate that my decision should be made other than in accordance with the adopted development plan.

Highways and parking

16. Core Policy 64 of the CS sets out a requirement for new residential development to comply with minimum parking standards. The supporting text cross references the Wiltshire Local Transport Plan 2011-2026 adopted 2011 within which these standards are set out. In this regard the Council has raised no objection to the proposed level of on-site parking provision.
17. The Council is however concerned that future occupants would not have a legal right of vehicular access along Clay Street, and would thus not be able to park on site. Indeed, though Clay Street has the character of a vehicular access, and is used by numerous local residents as a means of gaining vehicular access to their dwellings, it is a registered footpath. Interested parties raise additional concerns that the access would cross a piece of common land.
18. I note that the above matters were addressed by the Inspector in the previous appeal. In that appeal the Inspector found that the question of whether or not legal right of access would exist for future occupants was for consideration outside the planning process. I concur with the previous Inspector.

19. It nonetheless remains relevant to consider the effects should parking be displaced. In this regard Common Road is a reasonably narrow lane along which very limited on-street parking is possible. During my weekday visit I noted that the available space was fully used, and I see no reason to consider that this was unusual. There is presumably stiff competition for such space, and given the narrowness of the lane, very little potential exists for further additional parking on-street, as this would block the lane. Parking outside the school opposite to the junction with Clay Street is not possible due to zig-zag markings, and parking adjacent to the junction itself is deterred by road markings.
20. It is furthermore apparent that there is a sufficiently long distance between Common Road and Forest View that, in combination with the lack of available space, parking on Common Road would not represent an attractive, practical or indeed realistic option for future occupants of the development. As such I consider that increased parking on Common Road, and any related adverse effects on safe use of the highway, would be a highly unlikely outcome of allowing the appeal. Indeed, in the event that a legal right of vehicular access to the site was not possible, the effect that a resulting lack of parking space would have on the deliverability of the development would be a further consideration for the appellant.
21. Insofar as additional safety concerns have been raised over the quality of the road surface along Clay Street, this is again a matter considered in the previous appeal. Here the previous Inspector found that there was no substantial evidence that additional traffic would be detrimental to the condition of the road. Notwithstanding the fact that the previous appeal scheme involved the net addition of one rather than 2 dwellings, I have been provided with no reason to come to a different conclusion in this case
22. For the reasons outlined above I conclude that the development would not have an adverse effect on highways safety, including with regard to the provision of parking space.

Other Matters

23. Interested parties have raised a number of additional concerns including overlooking, overbearing, loss of wildlife, loss of grazing land, light pollution and damage to drainage ditches. The Council has not indicated that it shares any of these concerns. As I have been provided with no evidence that any protected species would be affected by the development, or that the development would have an adverse effect on agricultural land, and given that the scheme would, in my opinion, broadly complement its developed setting, I see no reason to reach a different view.

Conditions

24. In addition to standard conditions which provide a timescale for the commencement of the development and specify the approved plans for sake of certainty, the Council has recommended a number of planning conditions. I have considered these in the light of the advice contained within the Planning Practice Guidance (PPG). In allowing the appeal I shall impose conditions

accordingly, improving precision where necessary in accordance with the advice in the PPG.

25. I have imposed a condition requiring agreement of hard and soft landscaping, including measures for the protection of trees and hedges during works. This is in order to ensure that the development relates well to its setting. I have limited the scope of works which can take place prior to agreement of these details in order to limit the potential for any harm to trees. I have not however imposed a requirement to maintain the soft landscaping scheme over a 5-year period on account of the fact that it would largely relate to what will be private domestic gardens, and such a requirement would thus be unnecessarily onerous.
26. I have imposed a condition requiring the provision of parking and turning and spaces prior to the occupation of the dwellings. This is in order to ensure that the development will be able to cater for the parking demand it will generate.
27. The Council has proposed a number of conditions covering the provision of foul and surface water drainage. I note however that a plan has been submitted indicating the use of soakaways and showing a sewer connection. I have been provided with little reason to believe that these measures would not be achievable, notwithstanding the absence of any formal confirmation. Therefore I have imposed a condition requiring provision of these works prior to occupation of the dwellings in order to ensure that the development is adequately drained. With regard to the drainage of parking areas, I have incorporated a requirement to agree details within the landscaping condition.
28. The Council has requested a condition requiring agreement of materials to be used in construction of the dwellings, however as these are specified on the plans the condition is unnecessary.

Conclusion

29. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified by condition 3, and insofar as they are relevant to the development hereby permitted, the development hereby permitted shall be carried out in accordance with the following approved plans: PO2 Rev. A; PO2 Rev. AB; PO3; PO4; PO5; PO6.
- 3) No excavation or trenching shall take place in relation to the development hereby permitted until details of hard and soft landscape works have been

submitted to and approved in writing by the local planning authority. These details shall include:

- identification of trees and hedgerows to be retained, and measures for their protection throughout the course of the development;
- a scheme of planting, including along boundaries;
- other mean of enclosure;
- materials used in the surfacing of the driveway, parking and turning areas, including details of how surface water will be drained; and
- finished site levels and contours.

The development shall then be carried out in accordance with the agreed details, and all soft landscaping shall be completed by the end of the first planting or seeding season following the first occupation of the dwellings hereby permitted.

- 4) The dwellings hereby permitted shall not be occupied until provision has been made for the disposal and drainage of foul and surface water in accordance with the details shown on Plan P02 Rev. A.
- 5) The development hereby permitted shall not be occupied until the turning and parking spaces shown on the approved plans, the specific details of which will have been agreed in accordance with condition 3, have been constructed. The parking spaces shall thereafter be retained and kept available for parking at all times.