



Appeal Decision

Site visit made on 6 August 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/Y3940/W/19/3228862

45c Leigh Road, Holt, Trowbridge, Wiltshire BA14 6PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr B Hector against Wiltshire Council.
 - The application Ref 19/00063/OUT, is dated 7 December 2018.
 - The development proposed is a detached house and garage in grounds of 45c Leigh Road, Holt.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The application was submitted in outline with all other matters reserved for future consideration. I have dealt with the appeal on this basis, treating the site layout plan as indicative.
3. The Holt Neighbourhood Plan was made on 9 January 2017, and therefore forms part of the development plan for the area and has been given full weight in this appeal decision.

Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the area with particular regard to Holt Conservation Area; 2) living conditions with particular regard to adjoining neighbours; and 3) highways with particular regard to access.

Reasons

Character and Appearance

5. The appeal site comprises of the existing dwelling and its associated grounds at 45c Leigh Road, which is located within the south western part of Holt village, just outside of the Holt Conservation Area (CA). The significance of the CA lies in its period stone houses set around the village green and is characterised by the significant amount open spaces within and around it. The proposed dwelling would be located at the end of a private road which serves four existing large detached dwellings, each with substantial gardens, providing a spacious and verdant appearance around them. The road is lined with trees and hedges, and a post and rail fence which gives the area a semi-rural character.

6. The indicative site layout plan submitted with the appeal, shows how the existing plot of No 45c would be subdivided, and where the footprint of the proposed 4-bed dwelling and garage might be located. Given the wedge shape of the proposed new plot, the submitted indicative layout plan appears to represent the most feasible location for a dwelling, in between 45c Leigh Road and 76 and 76a Ground Corner. Positioning the proposed dwelling in this location would result in the loss the space and openness around Nos 45c and 76a, resulting in a cramped and overbearing appearance, which would not respect the prevailing character and appearance of the area.
7. The appeal site borders the south western corner of the Holt CA, adjacent to 76 and 76a Ground Corner which are within the CA. The proposed dwelling would be substantially closer to No 76a than the existing dwelling at No 45c, and when viewed from Ground Corner the proposed dwelling would stand in between Nos 76 and 76a. The loss of this space combined with the cramped overbearing appearance identified above, would affect views in and out of the Holt CA, thereby harming its setting. Furthermore, no evidence has been provided by the appellant in relation to the context of the site, the significance of the heritage asset, or how the proposed dwelling would be designed in such a way to contribute to its setting.
8. I conclude that the cramped appearance of the proposed dwelling would poorly relate to its surroundings, it would adversely affect the setting of the Holt CA and would harm the overall character and appearance of the area. The proposal does not accord with Policies 57 and 58 of the Wiltshire Core Strategy 2015 and Policy H3.1 of the Holt Neighbourhood Plan, and paragraph 127 of the Nation Planning Policy Framework (the Framework) which collectively seek promote high quality design to reflect the character and distinctiveness of an area, and conserve and enhance the historic environment.

Living Conditions

9. No 45c has a bedroom window on its east facing elevation and from the evidence before me it appears that this is the only window serving this room. The proposed dwelling as shown would result in the loss of its existing outlook, which would be replaced with an extensive gable and roof only several metres away. From this window the proposed dwelling would appear overbearing and oppressive and would be likely to cause a substantial loss of light to this room. Therefore, the proposed development would be harmful to the living conditions of the existing and future occupiers of No 45c.
10. Nos 76 and 76a have several windows on the side and rear elevations, however given the orientation of the properties, distance from the proposed dwelling, and the existing screening provided by mature trees and hedgerows, the proposal is unlikely to cause loss of privacy or have a detrimental impact on outlook. Furthermore, the detailed design of the dwelling could be dealt with at reserved matter stage to ensure that windows would not directly overlook these properties or their private gardens. On this basis, there would be no harm caused to the living conditions of the occupants of 76 or 76a Ground Corner.
11. For the reasons set out above I conclude that the proposed dwelling would harm the living conditions of existing and future occupiers of 45c Leigh Road and would not accord with Policy H3.1 of the Holt Neighbourhood Plan which

seeks to ensure that new housing, amongst other things, would not be unneighbourly and would not result in loss of privacy.

Highway Access

12. The access serving 45c Leigh Road is a private road shared by 4 existing dwellings, the proposed development would bring the total number to 5 dwellings off a shared private access road. The Council and local residents have raised concerns in relation to the use of the private road, and that the appellant has not included the proposed access up to the adopted highway within the application boundary on the submitted site location plan.
13. The existing private road is well surfaced, short in length, has good inter-visibility between the carriageway and driveways, allowing for passing vehicles. However, the main issue is that the appellant has not expressly identified this as the means of access within the site location plan or provided any supporting information on this matter. As a consequence, he has failed to meet the requirements of Article 5(3) of the Development Management Procedure Order 2015 (DMPO) which states that where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.
14. Because access to the proposed development has not been expressly identified or defined, the development could not be reasonably controlled within subsequent reserved matters or by planning conditions related to access, as the land associated with the existing private access road falls outside the application boundary.
15. Therefore, on this main issue I have to conclude that there is insufficient evidence to demonstrate that safe and suitable access to the site can be achieved. On this basis, the proposed development does not accord with Policy 64 of the Wiltshire Core Strategy 2015, Policy H2.1 of the Holt Neighbourhood Plan and paragraph 109 of the Framework, which collectively seek to ensure new development can be safely accessed by pedestrians, cyclists and road users.

Other Matters

16. I have considered the concerns raised in relation to access rights, drainage, and maintenance costs incurred from the usage of the private road, however, these are separate private and legal matters between the parties involved, and in any event, these do not affect my findings on the main issues.

Conclusion

17. For the reasons given above the appeal is dismissed and planning permission is refused.

R Cooper

INSPECTOR