



Appeal Decision

Site visit made on 26 June 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/Y3940/W/18/3217842

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

- 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 Mr Mark Richards (Zelda Investments Ltd) against the decision of Wiltshire Council.
 - The application Ref 18/08738/FUL, dated 14 September 2018, was refused by notice dated 27 November 2018.
 - The development proposed is additional dwelling on land of Forest View including parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

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.
3. Retention does not constitute an act of development. I shall therefore consider the appeal on the basis of permission being sought for the erection of an additional dwelling.

Application for costs

4. An application for costs was made by Mr Mark Richards (Zelda Investments Ltd) against Wiltshire Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are the effect of the proposal on (1) the character and appearance of the area and (2) highway safety, having particular regard to the provision of car parking.

Reasons

Character and appearance

6. Located to the southern side of Clay Street, the appeal site comprises a bungalow set within a spacious plot, which slopes steeply upwards away from the road. Forest View sits further forward within the site than most other properties situated on this side of Clay Street. Nevertheless, despite its elevated and forward position, the existing property is largely screened by the

existing landscaping along the front boundary of the site and appears unobtrusive within the street scene.

7. The contrast between both sides of Clay Street is striking. The northern side comprises a mixture of single- and two-storey dwellings, some of which lie within close proximity to the road, whilst the southern side is characterised by bungalows and chalet bungalows significantly set back from the highway and above the road level. As noted by the Inspector who dealt with a previous appeal¹ on this site, this gives the southern side of the road 'a far more open and verdant character and appearance', compared with the northern side.
8. In dismissing the appeal, the Inspector considered the effects of introducing additional residential development onto the site following the demolition of the existing property. He found that the two-storey scale of the proposed dwellings and their proximity to the road 'would make them appear out of keeping in the context of the existing development on the southern side' of Clay Street.
9. The proposed chalet bungalow would be erected alongside the existing dwelling, and orientated in a similar fashion, at an angle in relation to the road. The Design and Access Statement and the appellant's Statement of Appeal confirm that the proposal would not exceed the overall height of Forest View. However, whilst the principle of an additional dwelling on the site is not disputed by the main parties, the bulk of the new property would remain excessive, particularly because the first floor level of accommodation would still be significant.
10. This, combined with the siting and elevated position of the new dwelling, would result in a form of development which would unduly stand out and appear out of keeping with the prevailing pattern of development which characterises this side of Clay Street. The harm which would be caused by the proposal would not be satisfactorily mitigated by the retention of existing landscaping features or additional planting, as the new dwelling could still be perceived from the access. Furthermore, any planting would inevitably take time to mature, before it could provide any effective screening, notably by reason of the siting of the new property above road level.
11. In reaching these conclusions, I have had regard to the recently allowed appeal², which granted planning permission for two new dwellings on land to the South of Forest View. Whilst this decision is an important material consideration, there are nevertheless noticeable differences between the two adjacent sites. In particular, the Inspector noted in his decision that 'current public views into the site are very limited', by reason of 'its position offset from the Clay Street frontage, and heavy boundary enclosure, which screens the site from footpaths across fields to the South'.
12. The proposed dwelling would be built closer to the site's frontage, and would therefore be read within the context of the existing development on Clay Street. Despite their locational proximity, the circumstances of this recent appeal decision are not considered directly comparable to the proposal before me, having particular regard to siting, topography and landscaping. Of greater relevance is the appeal dismissed in 2017, which relates to the same part of the site as the proposal before me. I accept that the site lies within the defined

¹ APP/Y3940/W/17/3173551.

² APP/Y3940/W/18/3217932.

settlement boundary of Whiteparish. However, whilst the principle of development may be acceptable, this does not provide justification for a scheme which would not respect the prevailing pattern of development on this part of Clay Street.

13. For the foregoing reasons, I conclude that the proposal would have a detrimental impact on the character and appearance of the area. It would therefore fail to accord with Core Policy 57 of the Wiltshire Core Strategy (WCS) – 2015 which, amongst other things, expects development to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Highway safety

14. The Council, as well as a number of residents, have queried whether the appellant benefits from a legal right-of-way along Clay Street to access the site other than on foot, as well as a right-of-way over alleged common land. I note the points raised by the Council and local residents, who are concerned that, in the absence of such rights, car parking spaces could not be accommodated as part of the development, thus exacerbating existing on-street parking problems within the local area. However, as noted by the previous Inspector, such legal rights 'are generally for consideration outside the planning process'. Should the appeal be allowed, this matter would need to be resolved separately between the developer and the landowner.
15. On the basis of the available evidence, the proposed plans show both the existing and new dwellings would benefit from off-road car parking spaces. No objection has been raised by the Local Highway Authority in respect of the level of parking which would be provided as part of the development. I am therefore satisfied that the proposal would be unlikely to lead to inconsiderate on-street parking. Consequently, I find no conflict with Core Policy 64 of the WCS which, amongst other things, requires the provision of car parking associated with new development to be based on minimum parking standards.

Other Matters

16. Various concerns have been raised by interested parties, notably in respect of the effect of the proposal on the living conditions of neighbouring residents, which I have noted. However, as this appeal is being dismissed on other grounds, it is not necessary for me to consider these matters further.
17. My attention has been drawn to nature conservation interests. However the appeal scheme was not refused by the Council on these grounds, and having regard to the submitted information, there are no reasons for me to take a different view.

Conclusion

18. Whilst I have found that there would be no harm arising from the matter of car parking provision, this would not be sufficient to make up for that which would be caused to the character and appearance of the area as set out above. I therefore conclude that the appeal should be dismissed.

S Edwards

INSPECTOR