



Appeal Decision

Site visit made on 24 September 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/Y3940/D/19/3233060

Duck Cottage, 126 Park Lane, Heytesbury, Warminster, Wiltshire BA12 0HE

- 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 Mrs L Morris against the decision of Wiltshire Council.
 - The application Ref 19/01765/FUL, dated 19 February 2019, was refused by notice dated 16 April 2019.
 - The development proposed is detached double garage with storage in roof space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site includes the semi-detached dwelling known as Duck Cottage. The site is in a visible location adjacent to Park Lane within the rural area of Heytesbury, within a special landscape area (SLA). The property benefits from a large side garden, which is bounded by mature vegetation including a large tree. The property benefits from an existing parking area directly adjacent to the cottage, with access taken from Park Lane. The area around the appeal site is characterised as being very rural in nature, and aside from sparse pockets of development along the road it is generally open in nature.
4. The appeal proposal is for the construction of a large double garage which would include a first-floor element for storage with access via an external staircase. The garage would be clad in feather edged larch timber boarding, with a natural slate roof. A new vehicular access is also proposed, with the existing access being stopped up and reinstated with hedgerows.
5. Saved Policy C3 of the West Wiltshire District Plan 1st Alteration 2004 (DP) states that the landscape character of SLA's will be conserved and enhanced, and development will not be permitted which is considered to be detrimental to the high quality of these landscapes. The proposal is in a prominent location within the appeal site, and would be highly visible from a number of public viewpoints including the public highway. Furthermore, there is a public right of way (PROW), reference HEYT7A which is in close proximity to the rear of the

- appeal site. Whilst there are currently mature hedgerows which would provide an element of screening, the proposal would be highly visible from this PROW. The proposal would introduce excessive built form into the pleasant side garden location. Consequently, the scale and massing of the proposal would be out of keeping with the rural nature of this location and does not preserve nor enhance the landscape. This is in conflict with saved policy C3 of the DP.
6. The garage would have a natural slate roof, which differs from the clay tiles of the host dwelling. The appellant has cited several examples of nearby buildings which use slate for their roofs, which includes a number of buildings visible from Park Lane. Whilst the natural slate does not match the host dwelling, this material has been used locally and I find that this does not detract from the character and appearance of the area.
 7. The Council has indicated that they consider Duck Cottage merits consideration as a locally listed, non-designated heritage asset. Paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of applications on the significance of non-designated heritage assets should be taken into account when determining planning applications. In doing so a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. I have not been provided with any substantive details as to the significance of the heritage asset, and I am therefore unable to reach any conclusions as to whether this proposal would cause any harm to this significance.
 8. The appellant has drawn my attention to No.128 Park Lane, which is the neighbouring property. This dwelling benefits from a double garage within the curtilage of the property which is of a similar design to the appeal proposal. The height and form of this garage was considered acceptable by the Council at the time of that application. Whilst the scale and massing of the garage is similar to the appeal proposal, the neighbouring garage is in a much less prominent location than that of the appeal proposal. The garage at No. 128 is set back a considerable distance from the highway and is well screened from public viewpoints. As such it is not directly comparable to the appeal proposal. In any event each application and appeal should be determined on its own merits which is what I have done.
 9. The appellant has stated that an alternative scheme was submitted to the Council for consideration after the decision notice was issued. I have not been provided with any substantive details of this, in any event I am only able to determine the appeal as it has been presented to me.
 10. Accordingly, I find that the proposal harms the character and appearance of the area. As such it conflicts with Saved Policy C3 of the DP, Core Policies 51 and 57 of the adopted Wiltshire Core Strategy and paragraph 170 of the Framework. Together these policies seek, amongst other things, that development is of a high-quality design which respects highly valued landscape areas.

Conclusion

11. For the above reasons the appeal is dismissed

S Shapland

INSPECTOR