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## Appeal Decision

Site visit made on 6 November 2019

**by S Leonard BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> November 2019**

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**Appeal Ref: APP/Y3940/D/19/3233042**

**36 Pains Way, Amesbury SP4 7RG**

- 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 Darryl Brindley against the decision of Wiltshire Council.
  - The application Ref 19/01739/FUL, dated 18 February 2019, was refused by notice dated 5 June 2019.
  - The development proposed is second storey extension over garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

3. The appeal property is a two storey, semi-detached house with brick finished walls under a tiled pitched roof. There is a flat-roofed garage to the side which is attached to a similar flat roofed garage at the side of the adjacent semi-detached house at No.34.
4. The site is located on the northeast side of a small tributary cul-de-sac off Pains Way, within a modern suburban housing estate. There is a regular layout of development within the cul-de-sac comprising pairs of semi-detached dwellings with attached side garages in between. This form of development is a common feature within the wider townscape of Pains Way and the neighbouring roads. The gaps above the garages are visible in the street scene due to open plan frontages, and they make a positive contribution to the townscape, giving a spacious feel to the estate.
5. By replacing all of the space at first floor level above the garage of the host property with living accommodation, the appeal proposal would not respect this established pattern of development. It would detrimentally erode the existing gap between the two pairs of houses, and would appear incongruous having regard to the consistent form of semi-detached development within the cul-de-sac. The original identity of the host property as part of a distinct pair of semi-detached houses would be lost. The resulting harm to the visual amenities of the street scene would not be outweighed by the proposed sympathetic materials, fenestration and roof form of the extension.

6. I have had regard to the extension that has been built to the side of No.38. However, I find the circumstances relating to that development to be different to those of the appeal proposal, since it relates to an addition to the end of the semi-detached houses and is sited next to the garage of No.40 and the rear gardens of the adjacent properties to the northwest of the site. It does not, therefore, harm the aforementioned regular pattern of semi-detached properties with linking garages in between. Accordingly, notwithstanding the appellant's assertion that the appeal scheme would provide more balance to the building as a whole, by mirroring that extension, I find that this would not outweigh the resulting harm to the established rhythm of semi-detached development within the vicinity of the appeal site.
7. Both parties have referred to discussions that have taken place with respect to amendments to the scheme, including setting back the front and lowering the ridge of the proposal. I have not been provided with any amended drawings to replace those of the refused scheme. The planning appeals procedural guidance<sup>1</sup> (Annexe M) confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the council and have not considered the merits or otherwise of amending the scheme.
8. Both parties have also referred to the implications for this appeal of a future application for a similar form of development at No.34. There is no evidence before me to suggest how likely such an application would be. Notwithstanding this, my decision is based on the merits of the appeal scheme before me.
9. For the above reasons, I conclude that the proposed development would have a detrimental impact on the character and appearance of the area. The appeal scheme would be contrary to the aims of Core Policy 57 of the Wiltshire Core Strategy 2015 (CS) and the Creating Places Supplementary Design Guidance 2006 (SPG), which, amongst other things, seek to ensure that new development is of a high standard of design, including relating positively to the existing pattern of development, responding positively to the existing townscape in terms of building layouts and built form, and requiring extensions to be clearly subordinate, so that it will still be obvious what part of the building was original. For similar reasons, the proposal would also be contrary to chapter 12 of the National Planning Policy Framework 2019 (the Framework) which seeks to ensure high quality design.

## **Other Matters**

10. Whilst I have given careful consideration to the appellant's desire to provide additional living accommodation, I am mindful of the advice contained in Planning Practice Guidance<sup>2</sup> that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the aforementioned harm that would be caused to the character and appearance of the area contrary to the CS, the SPG and the Framework.

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<sup>1</sup> Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.

<sup>2</sup> Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

**Conclusion**

11. For the reasons given above, I conclude that the appeal should be dismissed.

*S Leonard*

INSPECTOR