



Appeal Decision

Site visit made on 25 September 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019.

Appeal Ref: APP/Y3940/W/19/3232092

4A and 4B The Crescent, Hill View Road, Salisbury SP1 1HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr. G Mundy against the decision of Wiltshire Council.
 - The application Ref 18/03678, dated 16 April 2018, was refused by notice dated 11 April 2019.
 - The development proposed is reversion of 4A and 4B The Crescent to a single dwelling including side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the reversion of 4A and 4B The Crescent to a single dwelling including side/rear extension at 4A/4B The Crescent, Hill View Road, Salisbury SP1 1HY, in accordance with the terms of the application, Ref 18/03678, dated 16 April 2018, and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr G Mundy against Wiltshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application form gave the site address at 4A. However, the Council's decision notice, the plans and the description of development refer to 4A and 4B. As this more accurately reflects the proposal, I have used this address in determining the appeal.
4. Amended plans removing the car port and additional details relating to trees on the site were submitted during the period that the Council was considering the application. The Council determined the application based on these amendments, and I have dealt with this appeal in the same way.
5. In assessing the scheme before me I have had regard to the planning history of the site which included a proposal for a larger extension incorporating an additional flat that was dismissed on appeal¹.

¹ APP/Y3940/W/17/3174421

Main Issues

6. The main issues are;

- whether or not the proposal would preserve or enhance the character or appearance of the Milford Hill Conservation Area;
- the effect of the proposal upon the living conditions of neighbouring occupiers, having regard to the provision of parking and access arrangements.

Reasons

Character and appearance

7. The appeal site is located in the Milford Hill Conservation Area (MHCA). I have therefore attached considerable importance and weight to the desirability of preserving or enhancing the character or appearance of that area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The MHCA covers a large mainly residential area close to Salisbury city centre. The appeal site lies within the Tollgate/Rampart Road sub-area of the conservation area (CA). The majority of housing in this area is comprised of Victorian style terraces of small houses. The Crescent, a small development of originally 4 houses accessed from Hillview Road, has a more informal and Arcadian feel to the terraced housing, which contributes to a diversity of historic architectural styles in the CA.
9. The Crescent faces the grounds of the Grade II Millford Hill House, a large villa built in the Regency style. The combination of the well-maintained historic building and a large concentration of tall mature trees that surround Millford Hill House's spacious grounds contribute to its setting. This group of trees extends into The Crescent where it frames the boundaries of properties providing a distinctive sylvan backdrop. These, and other trees in the vicinity, are important because they create the attractive and verdant appearance in this part of the CA. Their visibility from further afield provides a wooded backcloth to the wider area. The significance of this part of the CA is therefore principally derived from its diverse historic fabric and landscape setting.
10. The appeal site is located at the end of The Crescent and contains a semi-detached house which has been converted into two flats. The site is bordered along its side and rear boundary by a thick cordon of mature trees that are positioned on a raised bank above the dwelling. Whilst individually they may be of little merit, they have cumulative value and help create the attractive verdant appearance to this part of the MHCA.
11. The proposal is to revert the flats back into a single dwelling house and enlarge it by means of a single storey side and rear extension. A retaining wall would be constructed around part of the appeal property's garden and parking forecourt area to support the bank along the site's eastern boundary. Three trees would be removed and others trimmed to facilitate the proposal.
12. The proposed extension would not be excessive in terms of its projection from the side and rear elevations of the house. The single storey pitched roof would be consistent with the shape of the main roof portion of the building. The

flank/side elevation would be separated from the proposed retaining wall and wooded bank beyond by a side walkway, which provides relief from the higher ground and would ensure that the extension does not look confined in relation to the boundary when viewed from the road. The proposed retaining wall would hold back the higher wooded bank. From the submitted drawings and what I observed on my site visit its height is likely to be modest given the relatively shallow gradient of the wooded bank.

13. The trees to be removed are at the lower end of the scale in terms of their quality and their loss would not create a substantial gap in the tree belt along the site's boundary. Several mature sycamores would have their crowns reduced. However, as there are other trees with varying heights and crown diameters in the immediate vicinity, the dense verdant appearance of the trees in this part of the MHCA would be retained. Moreover, the modest loss of trees and proposed crown reduction would not result in a dramatic change to the skyline, from more distant views from the city centre, given the extensive presence of the surrounding trees.
14. I am satisfied that the trees to be retained would be sufficient distance from the proposed extension so as not to be at risk from future pruning or removal. In any event the trees are protected by virtue of being in the CA.
15. In light of the above, I conclude that the proposal would preserve the character and appearance of the MHCA. I therefore find no conflict with Core Policies 57 and 58 of the Wiltshire Core Strategy (2015) (the WCS), which among other things seeks to respond positively to existing townscape and landscape features and ensure that development in conservation areas would protect, conserve and where appropriate enhance the historic environment. The proposal would also accord with the Framework's objective of conserving heritage assets in accordance with their significance.

Living conditions

16. The Crescent is a narrow cul-de-sac accessed off Hill View Road. The small number of dwellings that line one side of the road use the recessed parking bays on the opposite side of the cul-de-sac for vehicular parking. The appeal property currently has off road parking spaces opposite and to the side of the property. The proposal would involve formalising the spaces opposite by removing existing overgrown vegetation and constructing a low retaining wall that would enclose these spaces and separate them from the surrounding vegetation.
17. In order to access the proposed parking spaces, vehicles would pass along The Crescent, then undertake a turning manoeuvre to drive in and out of them. This arrangement would be a modest improvement on the existing arrangement serving the two flats, as the area for manoeuvring vehicles would be a little larger than at present. Whilst I appreciate that any vehicles accessing No 4 would need to pass close to the front elevations of the existing dwellings in the Crescent, there is no evidence that the number doing so would be any more than those associated with the current use of No 4A and 4B. In addition, I note that the highway authority was satisfied that the proposed parking and turning area would meet its requirements and raised no objection to the arrangement.

18. Disturbance caused by additional vehicle movements during construction, whilst regrettable, it is not a justification for refusing a development that would be acceptable once completed. In any event, a construction method statement, which could be secured by condition, could mitigate potential harm by measures such as restricting hours of operation and control the storage of plant and materials.
19. In light of the above, I conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring residents of The Crescent, arising from inadequate parking or access arrangements. The proposal would therefore be in accordance with Core Policies 57 and 64 of the WCS, that in part require development proposals to have regard to the amenities of existing occupiers and residential parking standards.

Other Matters

20. I note the concerns of residents regarding the activities that have affected the trees and bank along the boundary. As the trees are protected by virtue of being in the CA any unauthorised works is a matter for the Council to address. Notwithstanding this, a planning condition requiring the protection of the trees during construction and details of the retaining wall would ensure that adequate controls are secured through future works.
21. There is no evidence before me that suggests the proposal would become a House in Multiple Occupation (HMO). Nevertheless, I understand that the demand for parking would be likely to increase in the event that a change of use to HMO took place using permitted development rights. As this could be addressed by the imposition of an appropriate condition, I will return to this matter later.
22. The grade II listed Millford Hill House is, located in substantial grounds beyond the trees adjacent to the parking spaces opposite the appeal property. However, given that trees surrounding the house would not be affected, the scale of the proposed development is modest and the generous separation distance would be maintained, I do not consider that its setting would be harmed.

Conditions

23. The officer's report on the application provided a list of possible conditions. I have had regard to these, amending them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework. I also sought agreement from the Appellant to the pre-commencement conditions.
24. In addition to the standard time limit condition I have imposed a condition specifying the approved plans as this provides certainty. A materials condition is necessary in the interests of character and appearance of the CA. For the same reason a condition requiring the approval and implementation of a landscape scheme are considered necessary. Due to the close proximity of the trees along the wooded bank, it is necessary to require the retaining wall to be completed prior to the commencement of other works so that trees are safeguarded and not damaged. The condition for archaeological work is reasonable due to the relationship of the site to archaeology in the area. A

condition requiring a construction method statement is necessary in the interests of living conditions of neighbouring residents and highway safety.

25. Due to the close proximity of trees to the proposed works a condition that follows the protection measures outlined in the Arboricultural Assessment and Method Statement is necessary to safeguard trees during the construction phase. A condition requiring the parking area to be completed prior to the occupation of the development is considered necessary in the interests of living conditions and highway safety.
26. I also consider it necessary to limit the use of the dwelling as a single household under Class C3² in order to prevent an unacceptable increase in the demand for parking within The Crescent.

Conclusion

27. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed, subject to conditions for completeness.

R. E. Jones

INSPECTOR

² Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)

Schedule of Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan; Plans and Elevations as Existing Ref: 218023/02; Plans and Elevations as Proposed Ref: 218023/03 Revision E; Parking Plan Ref: 218023/04.
- 3 The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no 218023/03 Revision E.
- 4 No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of both hard and soft landscape works. These details shall include a statement setting out the design objectives and how they would be delivered; details of tree size, location and species; hard surfacing materials; and an implementation programme.

All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5 No development shall take place until details of the external appearance /materials, finish and dimensions of the new sections of the retaining wall (shown on drawing 218023/03 Rev E) have been submitted to and approved in writing by the Local Planning Authority; and no other works associated with the development shall commence until the retaining wall has been constructed in accordance with the approved details.
- 6 No demolition/development shall take place on site until a written scheme of investigation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on-site work and off-site work such as the analysis, publishing and archiving of the results; the nomination of a competent person or persons/organization to undertake the works set out with the Written Scheme of Investigation. The approved programme of archaeological work has been carried out in accordance with the approved details.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant materials, storage of plant and materials used in constructing the development; delivery, demolition and construction working hours; a provision that no burning of waste or other materials shall take place on the development site during the demolition / construction phase of the development. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8 The development shall be undertaken in accordance with the Arboricultural Assessment & Method Statement (Doc Ref. 14340-AA4-CA: Barrel Tree Consultancy) dated 15th January 2019.

The protective fencing should be erected in accordance with BS5837:2012 before any work commences, including demolition or other enabling works. The fencing, or other protection, which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including internal works have been completed and all equipment, machinery and surplus materials removed from the site.

- 9 Prior to occupation of the development hereby approved, the parking and turning areas shown on Drawing No. 218023/04 shall be surfaced and drained in accordance with details to be submitted to and agreed in writing by the local planning authority and made available and maintained for such purposes thereafter.
- 10 The dwelling shall be used as a single household only and for no other purpose (including any other purpose in Class C3 or Class C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

End of Schedule