
Appeal Decision

Site visit made on 19 November 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/Y3940/W/19/3233449

15 Willoughby Close, Westbury, Wiltshire BA13 3GA

- 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 W Kennedy against the decision of Wiltshire Council.
 - The application Ref 18/12150/FUL, dated 23 December 2018, was refused by notice dated 22 February 2019.
 - The development proposed is formation of hardstanding parking.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is a strip of land located to the east of No. 15 Willoughby Close in a residential area of Westbury. The land is located between the turning head for Willoughby Close and the footway of the A3098. The appeal site is set higher than the adjacent footway, and currently there is a low retaining wall along this boundary. Willoughby Close is a cul-de-sac characterised with large detached properties, with a number of small areas of grassed open spaces. These grassed areas give the street scene a pleasing open feeling and provides a positive contribution to the character and appearance of the area.
4. Notwithstanding the description of development in the banner heading above, the proposal, as shown on the accompanying drawings, is actually for the formation of a hardstanding area and a retaining wall. This proposed wall would run for a length of approximately 7.5 metres adjacent to the footway of the A3098, with a maximum height of 1.9 metres. Currently the strip of land comprises of a mixture of stones and soil.
5. It was apparent during my site visit that this strip of land and others like it within the street clearly serve an important landscape function to break up the built form of the environment. The appeal sites prominent location within the street scene provides a degree of visual separation between the end of the turning head within the cul-de-sac and the A3098. From the evidence provided, it is clear that historically the site had a large amount of mature vegetation including hedgerows and trees. Whilst this has been removed leaving exposed

- soil and rubble, this does not diminish the importance of this strip and the contribution it makes to the landscaping of the area.
6. The introduction of a hard-standing area here, and the inclusion of a parked vehicle associated with this would interrupt the existing open nature of this part of the cul-de-sac thereby negatively impacting on the significance of the area of land in its role in the wider landscaping of the street scene.
 7. The proposal would include the construction of a large retaining wall along the edge of the footway on the A3098. Whilst there is evidence of other such large walls in the immediate area, in this instance the positioning of this wall at the end of the cul-de-sac would mean that it appears as a dominate feature in the street scene. The large walls currently present on the cul-de-sac are set back with soft landscaping in front of them, which lessens their visual impact. The proposal with its proposed hardstanding in front of this retaining wall would not reflect this pattern.
 8. The appellant has stated that historically there was a wooden fence on the boundary of the site which was around 2 metres in height. It is suggested that the proposed retaining wall would not differ from this fence as both serve to interrupt views from the cul-de-sac. This fence was not present during my site visit, however a photograph has been provided of this fence within the appellants evidence. This photograph does not show the full extent of the appeal site, and it is difficult to ascertain how this compares to the appeal proposal. In any event, I have considered the appeal based on the submitted plans and the observations made during my site visit.
 9. The appellant has indicated that should the appeal not be successful he could construct a fence on the existing low wall of a similar height to the proposed structure. I have been provided with no substantive evidence to indicate that there is a significant probability that this would be constructed should this appeal be dismissed. This limits the weight that I can attach to a fallback position.
 10. For the above reasons, I conclude that the proposal would significantly harm the character and appearance of the area. This would be in conflict with Core Policy 57 of the Wiltshire Core Strategy adopted 2015. This policy seeks, amongst other things, that development makes a positive contribution to the character of the area and retains and enhances important landscaping features.

Other matters

11. The Council has raised concerns that part of the appeal site may not be owned by the appellant and includes highway land. The land registry plans submitted by the appellant appears to show that this is not the case. Notwithstanding this, land ownership issues are a private matter between the relevant parties and not within my jurisdiction. Accordingly, issues relating to land ownership have not had any material bearing on my assessment of the planning issues in this appeal. Furthermore, and even if this were an issue, it would not have been necessary for me to have pursued this matter any further given my conclusion on the main issue.
12. The appellant has stated that they require additional off-street parking due to a lack of parking provision within the wider area. During the site visit, it was evident that the Willoughby Close has parking restrictions in close proximity to

the appeal site which restricts the appellant the opportunity to park outside of their house. The harm that I have identified to the character and appearance of the area is a matter to which I afford significant weight in the public interest and this outweighs the appellant's desire for on-site car parking.

Conclusion

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

S Shapland

INSPECTOR