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## Appeal Decision

Site visit made on 17 December 2019

**by B Davies MSc FGS CGeol**

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

**Decision date: 13 January 2020**

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**Appeal Ref: APP/Y3940/D/19/3238639**

**15 Elms Cross Drive, Bradford-on-Avon, Wiltshire, BA15 2EH**

- 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 J&M Dack and McGuinness against the decision of Wiltshire Council.
  - The application Ref 19/05530/FUL, dated 7 June 2019, was refused by notice dated 12 August 2019.
  - The development proposed is 'roof lifted and reconfigured to form first floor accommodation, side and front extensions, new parking and associated landscaping'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As part of their appeal the Appellant has submitted 'possible alterations to plans'; these do not have a reference number and are described as 'sketches, not to scale'. They were submitted at a late stage in the original application process and the Council did not have time to formally respond, so their refusal is based on the original plans. The alterations represent a substantial change and to accept them at this stage might deprive those who should have been consulted on the changed development of the opportunity to comment.

### Main Issues

3. The effect of the proposal on:
  - The living conditions of the occupiers of No. 11A.
  - Character and appearance of the host building and the street scene.

### Reasons

4. The proposed development site is a chalet style bungalow in a small cul-de-sac built in approximately the 1960s. No. 15 is at the bottom of a short, regularly spaced row of similar bungalows that rise up the slope behind, and due to its position fronting the end of this row, it is prominent as you enter the area. The wider estate is a mixture of dormer and chalet bungalows constructed of reconstituted stone with tiled roofs. Most properties have been altered and extensions, roof conversions, conservatories and dormer windows were all observed during the site visit.

### *Living conditions*

5. The plans include a proposal to raise the roof of the property to add a second floor, resulting in a height increase of approximately 2.5 m to the rear wall, which runs parallel and in close proximity (about 2 m) from the boundary wall of the neighbouring property (No. 11A), behind which is their main entrance and two windows. In addition, two side extensions will lengthen this wall over two stories by 1 m to the north and 3.5 m to the south. There is therefore potential for loss of light and an overbearing effect on the immediate neighbours. Core Policy 57(vii) of the adopted Wiltshire Core Strategy, 2015 (Wiltshire CS) requires that proposals should have regard to the compatibility of adjoining buildings and uses, and the impact on the amenities of existing occupants, including consideration of privacy and overshadowing.
6. The current outlook from the eastern side of No. 11A is dominated by the roof of No. 15. Raising the roof will result in some morning daylight being lost, but according to the '25 rule' (Building Research Establishment, 'Site Layout Planning for Daylight and Sunlight: A guide to good practice', 2011) as calculated by the Council, this is to an acceptable degree. The narrow passage formed between the walls of No. 11A and No. 15 is used for access to the front door and unlikely to be used as an amenity space, which also lessens the impact of raising the roof on the amenity of existing residents of No. 11A. I have also taken into account the perception of an increased overbearing effect as the neighbours access their front door, which whilst not an improvement, when balanced against the current situation in my opinion is not harmful to a significant degree.
7. The two-storey side extensions will create new structures that have the potential to be overbearing and reduce light to the amenity spaces of the occupants of No. 11A. The northern extension is considered to be sufficiently small that any change would not be harmful. However, the southern extension with balcony would result in a barrier approximately 3.5 m wide and 5.5 m high, close to and down slope of the front garden of No. 11A, which appears to be an important amenity space. This is therefore considered to be detrimental to the amenity of the immediate neighbour. I also note that the balcony fence would be highly visible from the front gardens of all the properties behind and the access pathway between them, which is also not considered to be a positive change for the amenity of the neighbours. The fence around the balcony when considered together with the extension and the raised roof would be a significant addition by bulk when viewed from the house and garden behind and in my opinion would be unacceptably overbearing and have a detrimental effect on living conditions, in conflict with Policy CP57(vii) of the Wiltshire CS.

### *Character and appearance*

8. The proposed development is considerably bulkier than the current house, but not dissimilar in size to several other houses on the estate, including No. 17, which is visible behind No. 15. I have taken account of the fact that it is on the end of a row of similar bungalows, but given the overall wider mix of housing styles on the estate do not consider that interrupting this pattern is harmful. The roofline will be raised, but as this would remain below the roofline of the bungalows behind, the skyline is not interrupted. However, the fence around the balcony on top of the proposed southern extension would be a new,

prominent and incongruous disruption to the skyline when viewed from the street. For this reason, I find the change in appearance to the street scene would conflict with Policy CP57(iii) of the Wiltshire CS and BE1 of the Bradford on Avon Neighbourhood Plan, 2013-2026, (BoA Neighbourhood Plan) which require that proposed form, height, mass, scale, rooflines and materials should effectively integrate the building into its setting.

9. The proposals would significantly change the character and appearance of the host house. The use of reconstituted stone and tile reflects the original construction materials. Extensive timber cladding would not reflect an original feature, but in my opinion this is not automatically detrimental to the appearance of the house, although it would not be in keeping with the smart character and appearance of the original building to leave this untreated. The addition of larger windows, cat-slide roof and wall-head dormer windows are also new features for this bungalow, but in reflecting the original angles and structure, in my opinion are not harmful to the appearance of the house. However, in the process of evolving such an innovative design, details reflecting local identity such as overhanging eaves, guttering and colour schemes should have been presented and the absence of these is considered harmful because it has not been demonstrated that Policies CP57 of the Wiltshire CS or BE2 of the BoA Neighbourhood Plan have been met.
10. Policy BE2 of the BoA Neighbourhood Plan requires that development should integrate with its surroundings by respecting the overall character of the area. The proposed development is of modern design when compared with the architecture of the wider estate and, given its prominent position, this will somewhat change its character. However, the area has not been identified as having any notable architectural characteristics to be preserved and many examples of re-development of houses were observed during the site visit, reflecting the prevailing period in which they were built. The proposals are a contemporary take on the overall character of the area and to some extent respect this by reflecting style, shape and materials. The National Planning Policy Framework (2019), states that developments should be sympathetic to local character while not 'discouraging appropriate innovation' and overall these proposals are not considered incompatible with this. However, this does not overcome the harm to living conditions and to the character and appearance of the area identified above.

## **Conclusions**

11. For reasons of harm to the amenity of neighbours and the appearance of the area, I conclude that the appeal should be dismissed.

*B Davies*

Inspector