



Appeal Decision

Site visit made on 28 January 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/Y3940/D/19/3240158

5 Polar Gardens, The Street, Luckington SN14 6PZ

- 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 Mark Lloyd against the decision of Wiltshire Council.
 - The application Ref 19/04730/FUL, dated 15 May 2019, was refused by notice dated 7 October 2019.
 - The development proposed is a carport and shed.
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Decision

1. The appeal is allowed and planning permission is granted for a carport and shed at 5 Polar Gardens, The Street, Luckington SN14 6PZ in accordance with the application, Ref 19/04730/FUL, dated 15 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1: Location & Site Plan, 4: Proposed Plans (Revision A), 5: Proposed Elevations (Revision A), 6: Proposed Sketches (Revision A).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issues

3. The low stone wall on the common boundary between the appeal site and Southend Bungalow is within the boundary of the Luckington Conservation Area (LCA). During the course of the planning application, revised plans were submitted showing that the proposed car port would be supported on posts adjacent to the boundary wall and omitting the fence above the wall. Accordingly, the appeal proposal falls outside the LCA and the main issues in this case are:
 - the effect of the proposal on the living conditions of the occupants of Southend Bungalow, with particular reference to sunlight and daylight;
 - the effect of the proposed development on the character and appearance of the surrounding area, including the setting of the Luckington Conservation Area.

Reasons for the Recommendation

Living conditions

4. The appeal site comprises a car parking and garden area, to the front of the detached dwelling at 5 Polar Gardens. 5 Polar Gardens is separated from its neighbour (Southend Bungalow) by a stone wall with a fence above. The proposed carport and shed would be positioned immediately in front of the wall. Due to the limited scale and distance of the proposed shed from Southend Bungalow, it would not be harmful to the living conditions of the occupiers of that property.
5. The stone wall on the common boundary with Southend Bungalow consists of two sections, the first (closest to the road) being relatively straight, with the second angled slightly towards the appeal property. I observed that the relevant habitable rooms at Southend Bungalow are behind the second section of the wall, such that they would not be directly behind the proposed carport, which would be positioned alongside the first section of the wall. The carport would have a shallow mono-pitched roof, the eaves of which would be level with the top of the existing fence. Additionally, as the carport would be open to the side closest to the road, and to the rear, daylight would pass through it. All of this leads me to conclude that the proposal would not cause a significant reduction in the amount of daylight reaching Southend Bungalow.
6. I observed a fairly large tree at the appeal site, close to the road, of such a height that sunlight is already blocked to some extent. Other, smaller trees were also present directly opposite the site of the proposed carport. Considering the orientation of the proposed carport to the east of Southend Bungalow and its height and roof pitch, it is likely that any further overshadowing would be minimal. Accordingly, the proposal is acceptable with regard to sunlight.
7. I therefore conclude that the proposal would not adversely affect the living conditions of adjoining occupiers to a material degree, with particular reference to daylight and sunlight. The proposal complies with Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015) ('Core Strategy') which provides that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of overshadowing. The proposal complies with paragraph 127 of the National Planning Policy Framework ('the Framework') which provides that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Character and appearance

8. 5 Polar Gardens is located in a residential cul-de-sac, and whilst the proposed carport would be located at the front of the property, its impact would be localised, due to the distance of the proposal from the main road. The proposal would not materially impact the openness and spacious layout of the surrounding area, due to its small scale in comparison with the houses in the cul-de-sac, and because it would be open on one side and to the rear.

9. The proposed carport and shed would be located outside the LCA, but due to their location adjacent to the boundary of the LCA, would be within its setting. The significance of the LCA derives in part from the preponderance of low stone walls and plain tiled roofs. The proposal would have a neutral effect on the setting of the LCA, due to the limited bulk and mass of both the carport and shed and use of appropriate materials. The proposal would preserve the setting of this designated heritage asset.
10. I conclude that the proposal would not cause material harm to the character and appearance of the surrounding area and would preserve the setting of the LCA. The proposal complies with Core Policy 57 of the Core Strategy, which provides that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through enhancing local distinctiveness by responding to the value of the natural and historic environment, and by responding positively to the existing townscape and landscape features. The proposal complies with Core Policy 58 of the Core Strategy, which provides that development should protect, conserve and where possible enhance the historic environment. The proposal also complies with the provisions of the Framework which seeks to sustain and enhance the significance of heritage assets, including any contribution made by their setting.
11. The Council referred in their decision notice to the Planning (Listed Buildings and Conservation Areas) Act 1990, but as the appeal site is not within the Conservation Area, I have assessed it against the relevant provisions of the development plan and the Framework.

Other Matters

12. The appeal site is within an Area of Outstanding Natural Beauty (AONB) where great weight must be given to conserving and enhancing its landscape and scenic beauty, in accordance with paragraph 172 of the Framework. As the impacts of the proposal would be minimal, and would be confined to the immediate local area, the proposal would not be viewed as a harmful structure in the AONB landscape. The proposal would therefore have a neutral effect on the landscape overall and in conserving it, would not conflict with the Framework in this respect.
13. The disposal of surface water from the carport is a matter of detail that is dealt with under the Building Regulations. The height of the proposal has been assessed on the basis of the details provided in the submitted plans.

Conditions

14. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. I have considered the conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance. A condition is necessary requiring that the development is undertaken in accordance with the approved plans to provide certainty.

Conclusion and Recommendation

15. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Sarah Housden

INSPECTOR