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## Appeal Decision

Site visit made on 17 August 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

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

**Decision date: 3 September 2020**

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**Appeal Ref: APP/Y3940/W/20/3250058**

**Land at Glyndene, No 8 Fiddington Hill, Market Lavington SN10 4BU**

- 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 Mrs C. House (Berkswell Properties Ltd) against the decision of Wiltshire Council.
  - The application Ref 19/08155/FUL, dated 22 August 2019, was refused by notice dated 30 January 2020.
  - The development proposed is the construction of one detached house with associated siteworks with access from The Paddock.
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Mrs C. House (Berkswell Properties Ltd) against Wiltshire Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are the effect of the development on both the character and appearance of the area, and the living conditions of neighbours to the site.

### Reasons

#### *Character and Appearance*

4. To the rear of No 8 Fiddington Hill there is a very long garden and strip of undeveloped land, much of which appears overgrown. However, at the time of my site visit there was a house being built at the end of this strip of land fronting Southcliffe Road. The surrounding area is characterised by residential properties of various types which front the street often behind small front gardens.
5. The proposal would introduce a dwelling approximately halfway along the remaining strip of undeveloped land, adjacent to dwellings which are part of streets The Paddock and Ridgeway Close to either side. Access would be formed off The Paddock over what is currently part of the garden of No 8 The Paddock.
6. A dwelling in this location as proposed would be partially visible from some of the surrounding public highways, though would not have a street frontage.

Whilst in line with neighbouring houses, its position accessed off a long drive around a neighbouring house would appear at odds with the character and form of residential development in the surrounding area, where the vast majority of dwellings have a frontage facing the road.

7. Similarly, the new dwelling being built at the end of the strip of land has a frontage onto South Cliffe Road and so in that respect it accords with the prevailing character of the street scene.
8. The proposed dwelling would be set within a comparable sized plot as others in the area and be of similar appearance also. The proposed dwelling would line up against the adjacent house at No 12 The Paddock. However, these matters do not address the significant issue of the position of the dwelling which would be in a 'backland' location which fails to respond appropriately to the prevailing building layout and the character of this residential area.
9. Overall, this development would not respect the established pattern of development within this area and would be a discordant and incongruous addition within its setting. The proposal, therefore, conflicts with some of the requirements of Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy. This policy, amongst other things, requires development to respond positively to the existing townscape and effectively integrate the development into its setting.

#### *Living Conditions*

10. The proposed dwelling would be to the side of No 12 The Paddock. This house has ground floor side elevation windows which serve habitable rooms. These windows would face the proposed dwelling and so the development would result in a loss of some natural light received currently.
11. Whilst there would be some loss of light it is understood that the rooms these windows serve also have windows to the front and rear, which would not be significantly affected by the proposed house. These other windows would not have such a southerly aspect, but they would provide some light, even through the rear conservatory.
12. Furthermore, there would be a gap between the side of the proposed house and the side of No 12 which would help to provide some mitigation to the loss of light at certain times of day through these windows.
13. The dwelling would be visible from both the side windows in No 12 and this neighbour's garden, although not at a close enough distance to result in a significant overbearing impact to occupants of this neighbouring property or result in poor levels of outlook compared to existing.
14. Although the proposed dwelling would be close to some other houses (other than No 12 The Paddocks), by virtue of its orientation and the separation distances involved there would be no significant adverse impact to living conditions of any other neighbouring property to this site. The disturbance to neighbours as a result of only one dwelling in this location, such as through cars parking, would be minimal.
15. Overall, on the issue of living conditions, particularly with regards to No 12 The Paddocks, the proposed dwelling would not result in significant harm to the living conditions of neighbouring dwellings. As such, on this matter, the

proposal accords with Core Policy 57 of the Wiltshire Core Strategy, which requires development to have regard to the impact on the amenities of existing occupants regarding overshadowing for example.

### **Planning Balance**

16. The proposed dwelling would contribute towards local housing provision in what is a residential area and an accessible location in terms of distance to shops and services. I also note that the appellant states this is an efficient use of land and that there would be sufficient parking provision. However, this would be a single dwelling and therefore the benefits as put forward by the appellant would be limited.
17. There is a lack of detailed information before me with regards the Council position with regards the housing land supply. However, even if there was a shortfall with regards to the housing land supply for Wiltshire then I would conclude that even with the benefits that the development would provide, the harm to the character and appearance of the area would be significant and demonstrable. Therefore, even if the 'tilted balance' as set out in paragraph 11 of the National Planning Policy Framework was applied, this would not result in the benefits outweighing the harm.
18. I have taken into account the history of the site and previous subdivisions, but these matters do not alter my conclusions on the main issue of the character and appearance impacts. Furthermore, whilst such a long strip of land is unusual in this setting, it does not have an adverse impact to the character of the area and so the development of a housing plot within this strip has no benefit in this regard.

### **Conclusion**

19. For the reasons outlined above with regards to the adverse impacts to the character and appearance of the area, and having considered all matters raised, the appeal should be dismissed.

*Steven Rennie*

INSPECTOR