The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 31st December 2020

Appeal Ref: APP/Y3940/W/20/3258425
Land adjacent to Wyndrina, Grimstead Road, Whaddon SP5 3EE

- 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 Meridian Property Developments Ltd against the decision of Wiltshire Council.
- The application Ref 20/04904/FUL, dated 16 June 2020, was refused by notice dated 10 August 2020.
- The development proposed is described as 'Erection of 1x pair of semi-detached 3 bedroom dwellings, parking and associated works (resubmission of 19/12178/FUL)'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council granted planning permission in April 2020 for a pair of 3-bedroom semi-detached dwellings on the appeal site. The appeal scheme differs in terms of the design of the roof of the proposed dwellings. Since the previous permission was granted, Natural England has issued advice in relation to the impact of new development on nitrogen and phosphorus in the Solent water environment, and consequent effects on several European protected sites[1] along with nationally designated Sites of Special Scientific Interest (SSSI) that underpin these international designations. As the appeal site is within a water catchment for the Solent, the proposal has the potential to affect these European sites, and as competent authority I have a statutory duty to consider the effect of the proposed development on them. Therefore, Natural England was invited to comment on the appeal proposal, and both the Council and the appellant have had the opportunity to comment on its response. I deal with this matter below.

3. At the time of my site visit development was underway on the appeal site, with the access into the site formed and the ground floor shell constructed. The building appeared similar to the plans provided of the two dwellings already permitted.

[1] Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA, Solent & Isle of Wight Lagoon SAC and associated Ramsar sites within the Solent.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties in respect of privacy.

Reasons

Character and appearance

5. The appeal site is on a no-through road ending at the A36, which contains a mix of dwelling types and sizes. The proposal would be the same as the approved scheme in terms of its height and footprint, but would have additional dormers in the front and rear roof slopes. Dormers are traditional features on dwellings and are found elsewhere in the surrounding area. There are however very few in this section of Grimstead Road, where the roofscape is of largely unbroken pitched or hipped roofs, which makes a positive contribution to the character of the area. Where there are dormers these are small, well contained within the roof and generally on the side roof slopes.

6. The two larger dormers proposed on the front elevation would sit directly above ground floor windows of similar design and would be set well away from the edges of the roof. The two smaller front dormers proposed would however be very close together, and would not relate well to the position, size or proportions of the smaller windows below them. Consequently, they would conflict with the guidance in the Council's Householder Design Guide that dormers should line up with windows below, be set in from the party wall and be smaller than the window below it.

7. Due to their scale, position and gabled roof forms, the four front dormers proposed would occupy much of the width of the roof and would appear cramped within the roof slope, despite being set down from the ridge. Therefore, they would not appear subordinate in the roof and would create visual clutter which would dominate the front elevation of the proposed dwellings. Consequently, and particularly given the elevated position of the proposed dwellings above the road and lack of intervening screening, they would be prominent features in the street scene. In this context, the proposed dormers would appear incongruous and would significantly detract from the uncluttered roofscape of the road, and as such from the character and appearance of the area.

8. The approved scheme includes one front dormer for each dwelling, however they would be set well apart from each other with an expanse of roof in between, broken only by roof lights. They would also relate well to the windows below them. Therefore, those dormers would not have the bulk or visual prominence of the dormers now proposed, and the approved dwellings would have a materially different impact to the appeal proposal. The dormers proposed are also not directly comparable to the appellant's examples in Alderbury, which are well spaced within the roof slopes. As such, the existing permission and other dormers in the wider area do not justify the harm identified.

9. Accordingly, the proposal would harm the character and appearance of the area and would therefore conflict with Core Policy 57 of the Wiltshire Core Strategy

(CS), which requires a high standard of design, including enhancing local distinctiveness and responding positively to the existing townscape.

10. The National Planning Policy Framework (the Framework) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. While the Framework does not seek to prevent or discourage appropriate innovation or change, it requires that development add to the overall quality of the area, be visually attractive and sympathetic to local character. For the reasons set out above, although parts of the proposal are similar to the approved scheme, the overall design now proposed would conflict with these requirements.

Living conditions

11. The four rear dormers proposed would provide views down towards the end of the rear garden of Roundways. The evidence before me is that although the garden is long, the rear part and studio are well used and are important spaces for the occupiers. The separation distance between the proposed dwellings and the neighbouring garden would be similar to other relationships in the area, however that part of the garden is currently little overlooked, as neighbouring properties are either single storey or some distance away. Therefore, due to the size, position and number of dormers proposed, the proposal would result in significantly greater overlooking of part of the garden and studio of Roundways than currently exists, to the detriment of the privacy of the occupiers.

12. The harmful overlooking could be mitigated by use of obscure glazing, however as this would remove the outlook from the respective bedrooms, it would not provide satisfactory living conditions for future occupiers of the proposed dwellings, so is not an acceptable solution.

13. The proposal would also result in some overlooking of gardens of properties either side of the site, however it would be at an angle, and those gardens are already overlooked by other neighbours. As such, there would be no significant adverse impact on the living conditions of other neighbours.

14. Nevertheless, the proposal would harm the living conditions of the occupiers of Roundways in respect of privacy. As such, it would conflict with CS Core Policy 57 which requires development to have regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants, and with Framework paragraph 127 which requires development to create a high standard of amenity for existing and future users.

15. I am mindful however that the extant permission includes four large rooflights in roughly the same position as the proposed rear dormers. While they would be set slightly further from the neighbouring garden due to their position within the roof, I have not been made aware of any restrictions on the type of glazing or means of opening for those rooflights. As such, occupiers could potentially open them fully and obtain similar views of the garden of Roundways as would be achievable from the proposed dormers. Consequently, the appeal proposal would not result in a significant additional impact on the privacy of the occupiers of the neighbouring property compared to the approved scheme.

16. As construction has already commenced there is a realistic, and to my mind very likely, proposition that if this appeal were dismissed, the appellant would

continue to build out the extant permission. I therefore give this fallback position significant weight. In these circumstances, the impact of the proposal on the living conditions of neighbouring occupiers in respect of privacy does not warrant refusal. This does not however justify the harm I have identified to the character and appearance of the area.

Other Matters

17. The proposal would provide a satisfactory standard of accommodation for future occupiers and greater headroom and outlook than the approved scheme. There is however no substantive evidence before me that the approved dwellings would provide an unacceptable standard of accommodation. Indeed, as the appellant has chosen to start building that scheme, they presumably consider that the approved dwellings would be attractive to future purchasers. Therefore, I give the benefits of the improved accommodation limited weight, which does not outweigh the harm identified in terms of character and appearance.

18. The proposal has the potential to affect the integrity of the European sites listed above by increasing nitrogen into the Solent catchment. However, as I am dismissing on other grounds, there is no need for me to consider this further.

Conclusion

19. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR