



Appeal Decision

Site visit made on 15 December 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/Y3940/D/20/3259738
18 Southbroom Road, Devizes, SN10 5AD

- 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 Sean Mullan against the decision of Wiltshire Council.
 - The application Ref 20/00476/FUL, dated 16 January 2020, was refused by notice dated 18 May 2020.
 - The development proposed is creation of a vehicular access point and hard standing area.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. An appeal has also been made against the decision¹ to refuse development of a driveway at 16 Southbroom Road, which is adjacent to the site. This is subject to a separate decision², and I have amended the description of the proposal to reflect this. The appeals have been conjoined for the purposes of efficiency and consistency.

Main issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of Devizes Conservation Area;
 - highway safety.

Reasons

Character and appearance of the area and Conservation Area

4. The appeal site fronts the busy A360 near the historical core of Devizes. It is part of a row of slightly elevated semi-detached houses set back from the highway behind short front gardens. The row is fronted by a continuous stone retaining wall, regularly punctuated by pedestrian entrance gates, which lead to the front door of each house. The wall curves attractively around each gate entrance and is topped with a neat, thick hedge along the length of the row.

¹ 20/00472/FUL

² APP/Y3940/D/20/3260704

5. The boundary of the Devizes Conservation Area (CA) runs adjacent to the front boundary of the row of houses. According to the Council, the Area Statement specifically refers to the sense of enclosure provided by trees and hedges on this approach to the CA. I consider that the row of gardens, and the continuous wall and hedge that frame the road, make a positive contribution to the setting of the CA.
6. The proposal would remove a 5.5 metre section of the wall and hedge, and replace the front garden with hardstanding and a low wall perpendicular to the house. This would appear incongruous when compared to the characteristic rhythm and structure of the wider boundary and gardens. I also consider replacement of the attractive wall, hedge and garden with hardstanding to be harmful to the appearance of the area. There would therefore be harm to the setting of the CA in a prominent location on the approach to the town.
7. The appellant has suggested that the hedge and wall could be removed at any time and I have nothing before me to suggest otherwise. However, both local and national policies strongly support conservation of heritage assets and their settings and I have considered the overall proposal to insert a vehicular access point and hardstanding in this context.
8. The appellant has drawn my attention to several properties along nearby Nursteed Road for which permission has been granted for driveways to the front of the properties. Most of the houses along Nursteed Road are not within the setting of the CA and the locations are therefore not comparable.
9. It is proposed to install a waterproof 3-pin socket on the outside wall of the house for charging electric vehicles. As the scheme would service a maximum of two cars, assuming the adjacent driveway was also allowed, the public benefits from this are small.
10. The development would therefore cause harm to the character and appearance of the setting of the CA. This would cause conflict with Policy 58 of the Wiltshire Core Strategy (adopted 2015) (CS), which requires that proposals must preserve and, where appropriate enhance, the special character of the CA and its setting. The development would also not meet the requirements of Policy 57, which requires that development draws on local context and is complementary to the locality.
11. Applying the test in paragraph 196 of the National Planning Policy Framework, there would be no public benefits from the development to outweigh the less than substantial harm caused to the character and appearance of the heritage asset. In coming to this conclusion, I have considered the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Highway safety

12. For the purposes of turning a vehicle the Council recommend an area of at least 10 metres by 10 metres, in addition to space for car parking. I acknowledge that no guidance is referenced to underpin these figures. However, I give them considerable weight because they have been recommended by the department of Highways Development Control, which will be experienced in such matters. In addition, no alternative argument to

demonstrate that this is not a suitable criterion has been provided by the appellant. The space available would be approximately 5.5 metres by 4.9 metres, which represents a significant shortfall.

13. Cars would therefore be unable to enter and exit the busy A-road in a forward gear as required by Highway Authority policy. In addition, they would have to reverse over a wide and well-used footway to enter the road. The proposal would therefore unacceptably increase the risk to highway safety.
14. The appellant has provided a long list of properties in Devizes which they consider have similar driveway facilities on A-roads. Many of these appear to have been designed this way originally or granted planning permission some time ago under earlier policies. I must make my decision on the merits of the case before me and I have found that the proposal is not acceptable under the current development plan.
15. There would be an increase in the risk to highway safety and the proposal does therefore not meet the requirements of Policies 60 and 61 of the CS, which require safe access to the highway network.

Conclusion

16. The proposal would cause harm to the setting of the conservation area, in addition to unacceptably increasing the risk to highway safety. The proposal is therefore not consistent with the requirements of the local development plan. For these reasons, the appeal is dismissed.

B Davies

INSPECTOR