



Appeal Decision

Site visit made on 1 February 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2021

Appeal Ref: APP/Y3940/W/20/3259035

Land To The Rear Of Marlborough House, Broad Town, Swindon SN4 7RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Holland against the decision of Wiltshire Council.
 - The application Ref 20/02410/OUT, dated 13 March 2020, was refused by notice dated 24 August 2020.
 - The development proposed is erection of a detached self-build dwelling and associated infrastructure with some matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application sought outline planning permission with approval for details of access. I have assessed the submitted access details although I have treated the design, layout and scale information as being submitted for illustrative purposes.

Main Issues

3. The main issues are (i) whether the proposal would be in a suitable location having regard to development plan policies, (ii) the effect on the character and appearance of the area, (iii) the effect on the living conditions of the occupiers of neighbouring properties in respect of vehicle noise, light intrusion and privacy, and (iv) whether acceptable living conditions would be provided for the occupiers of the proposal in terms of privacy.

Reasons

Suitability of the location

4. Core policy 19 of the Wiltshire Core Strategy 2015 (CS) defines Broad Town as a small village. CS core policy 1 states that at such villages, development will be limited to that which meets the housing needs of the settlement. CS core policy 2 goes further by limiting development to infill within the existing built area. Saved policy H4 of the North Wiltshire Local Plan 2001 sets out circumstances where new dwellings in the open countryside would be permissible, none of which apply in this case.
5. There is no defined settlement boundary for Broad Town to help ascertain whether a proposal would comply with CS core policy 2. However, the proposed dwelling would adjoin back gardens on either side rather than lie in a gap

between buildings. Also, it would not be positioned amongst other dwellings but beyond the line of houses, albeit in the garden of the appeal property. As such, the proposal would not be infill within the existing built up area of the village. Therefore, I conclude it would not be in a suitable location having regard to the aforementioned development plan policies.

Character and appearance

6. The appeal site and adjoining back gardens include small sheds and domestic structures but are largely vacant of buildings, despite some nearby properties having been extended to the rear. The site is not part of any designated landscape but with the neighbouring gardens it forms a distinct buffer between the line of houses and the fields.
7. The openness of the gardens is readily appreciated from a significant length of the public footpath that runs to the side of 53a Broad Town (No 53a) into the field near to the site. While back land development exists elsewhere in the village, there is none that has any meaningful influence on the appeal property and its immediate surroundings when seen from this footpath.
8. Even if the proposed dwelling was single storey and set away from the field boundary, from the right of way it would stand out as a unusually large building in the generally open gardens. Consequently, it would be seen as an encroachment into the transition area between the houses and countryside and at odds with the established pattern of development.
9. The proposal would be largely hidden from the road by existing buildings. Also, there is a mix of houses in the village and so a bungalow would not be at odds with any distinctive uniformity. However, these factors fail to address the incongruity of the proposal in terms of its positioning in relation to the fields and the subsequent visual harm to the setting of the village.
10. The appellant suggests that permitted development rights would allow extensive construction work on the appeal site. Even if this was the case, there is little evidence to suggest it is likely that substantial new buildings would be erected if the appeal was dismissed. Also, it has not been shown that buildings erected under permitted development rights would have a similar or more harmful effect than the appeal scheme on the nature of the site and its surroundings. As such, this factor fails to influence my conclusion on this issue.
11. For these reasons, I conclude the proposal would harm the character and appearance of the area. In these regards, it would not accord with CS core policies 51 and 57 and policy 7 of the Royal Wootton Bassett Neighbourhood Development Plan 2018. These all aim, amongst other things, to ensure development respects local landscape character and its context.

Living conditions of occupiers of neighbouring properties

12. The development would generate car trips to and from the site and vehicular movements further to the rear of the property than the current situation. The amount of extra traffic would be small. Nevertheless, it would result in additional vehicular noise which could affect rooms in Oakwood and Marlborough House with windows close to the proposed access. Such noise could also affect the back gardens of these properties. There is no technical evidence to demonstrate that new boundary treatment would reduce noise

disturbance to an acceptable level. Given the close proximity of the access, it is likely additional traffic noise would affect occupiers of adjoining properties.

13. Boundary treatment to the side of the drive would stop vehicle headlights causing a nuisance to neighbouring properties. Furthermore, the proposal could be designed so no upper floor fenestration would face Marlborough House, Oakwood or No 53a. Ground floor windows in the proposed dwelling would create no new views of adjoining properties compared to the existing situation. As such, I find the proposal would not adversely affect the living conditions of occupiers of nearby dwellings in terms of light intrusion or privacy.
14. However, for the above reasons, I conclude the development would harm the living conditions of the occupiers of Marlborough House and Oakwood in respect of vehicle noise. In this regard, it would be contrary to CS core policy 57. This aims, amongst other things, to ensure development takes account of the potential impact on the amenities of occupants of property.

Living conditions of occupiers of the proposal

15. The indicative plans show that the dwelling would be positioned so as to block views onto the proposed garden area from first floor windows in Marlborough House, Oakwood and No 53a. Also, the house could be designed so windows face away from neighbouring properties. As such, I conclude acceptable living conditions would be provided for the occupiers of the development in terms of privacy. In this regard, it would accord with CS core policy 57.

Other considerations and planning balance

16. Broad Town Farmhouse, Fairview and The Laurels, as well as 47 and 48 Broad Town are all listed buildings within the vicinity of the site. The proposal would be screened from these properties by other buildings and so it would cause no harm to their settings or significance. Also, the development would be acceptable in terms of its effects on biodiversity, drainage, archaeology and highway safety. Acceptability in these regards is a neutral factor in my assessment.
17. Comments have been received that highlight the appellants' contribution to the community. Also, I have no doubt that the proposal would be of benefit to the appellants in meeting their accommodation requirements. However, the appellants' personal circumstances may change and I have limited evidence to suggest the proposal is the only option in addressing their needs. As such, I attach limited weight to these factors.
18. The proposal is described as a self-build dwelling and the appellant is on the Council's self-build register. Furthermore, no evidence has been provided to show that sufficient planning permissions have been granted to address the need for self-build units. However, there is no undertaking or agreement before me that would secure the design, construction and provision of the proposal in accordance with the legal definition of self-build as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended). Also, no suggestion has been made as to how these requirements could be secured otherwise. Therefore, I attribute limited weight to the scheme's contribution to addressing the need for self-build dwellings.
19. In any case, the development would contribute towards the housing stock in a location where occupiers would be able to support local facilities. Also, the

scheme would create construction employment and would be a more efficient use of land. These benefits attract modest weight as a single unit is proposed.

20. The Council accept that it is only able to demonstrate at best a 4.62 year housing land supply, below the minimum 5 year supply as required by the National Planning Policy Framework (the Framework). As such, the 'tilted balance' as set out at paragraph 11 of the Framework is engaged and there is a need to consider the adverse effects of the proposal against its benefits.
21. The identified harm would be contrary to the Framework's aims to ensure development is sympathetic to local character and to create places with a high standard of amenity for existing users of property. The Framework states permission should be refused for development of poor design that does not improve the character and quality of an area. Therefore, the adverse impacts of the scheme attract significant weight that would demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the Framework's presumption in favour of sustainable development does not apply.

Conclusion

22. The proposal would conflict with the development plan and the overall benefits and other considerations do not lead me to a decision other than in accordance with its policies. Consequently, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR