



Appeal Decision

Site Visit made on 3 December 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/Y3940/W/20/3258625

The Isis, London Road, DEVIZES, SN10 2DS

- 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 South West Developments against the decision of Wiltshire Council.
 - The application Ref 20/03969/FUL, dated 12 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is described as Demolition of existing bungalow and construction of new 2/3 storey apartments building accommodating containing 9 No. flats, together with related external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the (i) character and appearance of the area (ii) living conditions of neighbouring occupiers of Rosemundy Cottage and No 1 Little Orchard with particular regard to outlook; and (iii) whether the proposal would provide acceptable living conditions for future occupiers with regard to amenity space and privacy.

Reasons

Character and Appearance

3. The appeal site fronts London Road and currently contains a bungalow. The built form along London Road is of varied character and the presence of large buildings is not uncommon in the street scene. In addition, the appeal site is adjacent to the canal, and therefore the rear elevations of the properties along London Road are particularly prominent from public viewpoints along it in the immediate vicinity of the site.
4. The bungalow sits within a large plot with generous spacing to its boundaries. The proposed apartments would comprise a substantial building which would be built up close to the existing site boundaries with the adjacent residential properties. Whilst the height of the building would sit below the ridge height of the neighbouring properties to the south west and would not be uncharacteristic in that regard, given the massing and bulk of the building this would disrupt the spacious character of the site. The building would appear cramped to the boundaries and would constitute overdevelopment of the site.

5. Furthermore, in public views from the street scene the front elevation would appear as a number of disparate elements which do not integrate together particularly well. The large area of flat roof to the front elevation would be particularly uncharacteristic and the stepped nature of the design and contrasting hipped and flat roof forms would provide an awkward and incongruous feature in the street scene.
6. The rear elevation of the proposed development would overlook the canal. This has an attractive tranquil setting. Given the siting of the apartment block, it would be set closer to the canal than the dwellings to the south west. There is a dispute between the parties regarding the accuracy of the submitted visualisation. From my observations on site, I am not persuaded this is an accurate representation given the siting of the proposed building further forward than the adjacent dwellings to the south west. In any event, given the scale and massing of the proposed building it would appear particularly prominent from the canal towpath and the canal bridge.
7. Whilst the height of the building would be acceptable, by virtue of its siting and the varying roof forms and massing of the building it would not sit well in views along the canal. Further, the high level of glazing and the glazed roof top terrace would be overly prominent and uncharacteristic and would not integrate well with the existing built form. The combination of these factors would lead to the proposal appearing dominant and imposing in views from the canal. Whilst Rosemundy cottage is sited closer to the canal, this is a smaller dwelling than the proposed apartment block and does not have the same imposing effect the appeal proposal would.
8. For the above reasons, the proposal would result in harm to the character and appearance of the area and would conflict with Policy 57 of the Wiltshire Core Strategy (2015). Amongst other matters, this policy seeks that development should incorporate a high standard of design and create a strong sense of place which is complimentary to the locality. In addition, it states that development should respond positively to existing townscape in terms of building layouts, built form, mass, scale, elevational design and rooflines to effectively integrate the building into its setting.

Living Conditions

9. The side elevation of Rosemundy Cottage (the cottage) contains habitable windows which would overlook the side elevation of the proposed apartments. Whilst the lower height of the apartment block immediately abutting the site boundary would not be uncommon, the depth of the proposed side elevation would create an uncharacteristically large flank wall which would be overbearing on the occupiers of the cottage.
10. Although I acknowledge the majority of the garden area of the cottage is to the front of the dwelling, nevertheless the side elevation of the proposed development would appear imposing for occupiers of the cottage when viewed from the property and garden in particular its patio area. In light of this, the proposal would harm outlook from this property and its garden.
11. The proposed development would incorporate a substantial rear projection beyond the rear building line of the neighbouring property No 1 Little Orchard (No 1). The garden of No 1 is fairly modest and would overlook the side elevation of the rear projection of the apartment block. Given the depth and

height of this rear projection it would appear overly dominant in views from the garden which would harm outlook for occupiers of No 1.

12. For the above reasons the proposal would result in harm to the living conditions of existing occupiers with regard to outlook. Accordingly, the proposal would conflict with Policy 57 of the Core Strategy which states development should have regard to the amenities of existing occupants.

Amenity Space

13. Whilst the second-floor apartment would have its own private terrace, the other apartments would share an amenity area to the rear of the site. Even though the appellant states that a figure of 235 sqm of amenity space would be provided, considering the proposed position of the apartment block and the depth to the site boundary with the canal bank, I am not persuaded this would be achieved. I also note the alternative amenity space figures provided by the Council.
14. In any event, from my observations on site, considering this would serve 8 apartments this would be extremely limited and narrow and would not serve as a suitable and functional amenity space. It would therefore be inadequate to serve future occupiers. Whilst the canal bank would provide an attractive green setting adjacent to the amenity space this would not replace the need for an adequate private amenity space that would be functional for the number of apartments proposed. Similarly, the nearby canal towpath as a recreation resource would not negate the need for suitable private amenity space.
15. The appellant refers to development approved in the local area which they state incorporates a similar or lower provision of amenity space. Even if this is the case, the full details are not before me and I am not aware of the particular planning circumstances in relation to these. Therefore, this does not persuade me the proposed provision of amenity space in this scheme is acceptable.
16. Furthermore, the living room doors of the ground floor flats to the front of the building open directly onto communal paths and the adjacent proposed parking area. The absence of any defensible space between these doorways to communal areas would fail to provide adequate privacy to the living rooms and thus would not provide a high standard of amenity for future occupiers of these flats.
17. Therefore, for the above reasons the proposal would not provide acceptable living conditions for future occupiers with particular regard to amenity space and privacy. Accordingly, the proposal would be in conflict with Policy 57 of the Core Strategy which seeks that development should ensure that appropriate levels of amenity are achievable within the development itself.

Housing Land Supply

18. I note from the officer report that the Council indicates that it lacks a 5-year housing land supply (5-year HLS) borne out by a recent appeal decision. However, the officer report further states that the most recently published Housing Land Supply Statement (August 2019) indicates for the East Wiltshire Housing Market Area within which Devizes is located a supply of 6.67 years can be demonstrated.

19. The proposal would provide an additional 8 dwellings to the housing stock on a well-located site which is a modest benefit of the scheme. In this regard, I recognise the National Planning Policy Framework (the Framework) objectives to boost the supply of housing. However, I have had regard to Paragraph 127 of the Framework which seeks that developments are sympathetic to local character and create places with a high standard of amenity for existing and future users. Given the harm I have found to the character and appearance of the area, and to the living conditions of existing and future occupiers this attracts substantial weight in this appeal.
20. Therefore, even if I were to conclude there is a shortfall in the 5-year HLS, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, I find the conflict with the development plan is not outweighed by other considerations in this case.

Conclusion

21. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR