
Appeal Decision

Site visit made on 24 February 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/Y3940/W/20/3263057

Land to the side of 6 Ash Walk, Warminster BA12 8PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andy Janes against Wiltshire Council.
 - The application Ref 20/06434/FUL, is dated 28 July 2020.
 - The development proposed is sub division of plot to create a separate dwelling (2 bed 3 person).
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. The Council failed to issue a decision within the prescribed period but has confirmed it would have refused planning permission, outlining the main areas in dispute. The appeal has been dealt with accordingly.

Main Issues

3. The main issues are:
 - (a) The effect of the proposal on the character and appearance of the area, including the setting of nearby designated heritage assets; and
 - (b) Living conditions of future occupiers in relation to private outdoor space.

Reasons

Character and Appearance

4. The site is located on Ash Walk and part of the broader Manor Gardens residential estate, which comprises two storey dwellings arranged as semi-detached pairs on modestly sized plots. The dwellings are mostly uniform in appearance, insofar as they comprise brick construction with hanging tile detailing at their frontages and tile roofs. There is some variation in the way porches and garages are incorporated into the main built form. For example, some garages are fully integrated, and others are offset and only partly integrated. These elements are generally subservient to the main built form and therefore any variation is subtle and does not tend to distract from the wider uniformity. The property at the site is consistent with the character and appearance of the wider residential estate in that it is two storeys in height and comprised in a semi-detached arrangement, among other things.

5. The site falls outside of but directly abuts the boundary of Warminster Conservation Area, which is located to the south. There is a marked and distinct change in the character and appearance of the buildings within the conservation area boundary, in that buildings take on a historic character and appearance and where many are Grade II listed buildings.
6. Consequently, there is a juxtaposition between the historic buildings immediately to the south of the site and the modern buildings comprised on the site itself and immediately to the north on the wider residential estate. The juxtaposition with the modern buildings is one element of the conservation area's and listed buildings' setting, which helps provide a backdrop that better reveals their historic nature and heritage significance to the public.
7. The proposal would introduce a new dwelling within an existing modestly sized plot at 6 Ash Walk. There is no evidence that the existing plot is proportionally larger than other plots within the locality, or that there is surplus land available to comfortably support a new dwelling at the site.
8. Consequently, the proposal would take up a significant proportion of the existing plot, which in and of itself would detract from the wider uniformity and arrangement of dwellings in the locality and make the existing dwelling appear cramped on a much smaller plot. Furthermore, and in a similar context, due to the existing plot being modest in size, the new dwelling would be squeezed onto a plot that is substantially smaller than others in the locality, and it too would detract from the general uniformity of the area.
9. Consequently, the proposal would change the pattern of development, which would have a harmful effect on the character and appearance of the area. By extension, the proposal would not preserve the setting of Warminster Conservation Area or Grade II listed buildings in proximity to the site. There is no evidence demonstrating that this harm would be outweighed by public benefits generated by the proposal.
10. Altogether, the proposal would conflict with Core Policies 57 and 58 of the Wiltshire Core Strategy 2015 (WCS) and Paragraphs 192 through to 196 of the National Planning Policy Framework, and the statutory provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Among other things, these require proposals to incorporate high quality design and place shaping principles, and that great weight should be given to the conservation of designated heritage assets.

Living Conditions

11. The site is part of a modest sized plot associated with 6 Ash Walk. It appears that the approved rear extension under application 20/02726/PNEX has been built and the private outdoor space to the rear of the property is now similar in size to that available next door at 8 Ash Walk. Policy L1 of the Warminster Neighbourhood Plan 2016 (NDP) is clear that new development in the area should reflect the principles outlined in the Building for Life 12 industry standard.
12. In turn, there is said to be a minimum requirement for outside amenity space equal to the size of the ground floor footprint of the dwelling. However, the Building for Life 12 industry standard is not in front of me and I am therefore unable to rely on this potential requirement.

13. The proposal would reduce the available private outdoor space at both 6 Ash Walk and the new dwelling, to the extent that these areas would be significantly eroded compared to the private outdoor space available at other dwellings in the vicinity.
14. However, I cannot conclude that the proposal would be harmful to living conditions on the basis of size differential alone. In the absence of the Building for Life 12 industry standard I cannot therefore find conflict with Core Policy 57 of the WCS or Policy L1 of the NDP, which among other things require proposals to come forward in a well designed manner and with sufficient private outdoor space.

Other Matters

15. Notwithstanding potential likely significant effects on the River Avon Special Area of Conservation (SAC), as I am dismissing the appeal and refusing planning permission for other reasons, it is not necessary for me to make a definitive finding on this particular matter.
16. The Council's administration of the application is not a matter for me to deal with under this appeal, which has been decided in relation to the evidence presented, in accordance with the development plan and other material considerations.
17. The appellant has referred to a number of other planning applications within the locality and the potential effects on designated heritage assets therein. However, the full details of these planning applications are not in front of me to determine their relevance as material considerations. In any event, the proposal has been considered on its own merits.

Conclusion

18. For the reasons given, even though there is no evidence that the proposal would have a harmful effect on living condition of future occupiers in relation to the amount of private outdoor space, there would still be a harmful effect on the character and appearance of the area and the setting of designated heritage assets. Consequently, the appeal is dismissed, and planning permission is refused.

Liam Page

INSPECTOR