



Appeal Decision

Site Visit made on 22 March 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/Y3940/W/20/3263920

65 Holbrook Lane, Trowbridge BA14 0PS

- 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 Joke Vis against the decision of Wiltshire Council.
 - The application Ref 20/08489/FUL, dated 22 September 2020, was refused by notice dated 5 November 2020.
 - The development proposed is a change of use to convert a detached garage into a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the intended future occupiers of the scheme, and of the existing occupiers of 65 Holbrook Lane (No 65), with particular reference to privacy and the provision of private amenity space.

Reasons

Character and appearance

3. No 65 is a single storey bungalow. To its front is a small garden and a parking area, which are adjacent to the road. A garden is present to the rear of the site. A driveway runs alongside the bungalow to a large detached garage, which is positioned at the very end of the plot.
4. Along this stretch of Holbrook Lane a strong building line exists, with properties mostly set-back somewhat from the road, with parking to the front. Nearby properties generally have generously-sized rear gardens, and commonly there is an absence of large structures within them. The rear gardens of the dwellings on The Croft connect with the rear gardens of the dwellings along Holbrook Lane. As those areas are primarily used for recreation, it is likely that there is not an intensive level of activity within them.
5. The proposal would use the existing access, and the conversion would involve minimal external changes to the garage. Nevertheless, the garage is situated very close to its side boundaries and whilst a patio is proposed to be created at the rear, due to the shape of that area it would appear to fit awkwardly within it. Also, the garden area proposed to the front of the converted garage would be fairly small. The already-restricted space around the converted garage

would likely be reduced further by the presence of parked cars and the domestic paraphernalia that comes with a separate household. As such, the converted garage would appear noticeably cramped within its small plot. It is recognised that the building already exists and that public views of the converted garage would be limited, but it would be in view from the rear windows of several nearby properties and as such its cramped nature would be evident.

6. Furthermore, due to the absence of dwellings in rear garden locations in the surrounding area and the increased level of activity that the converted garage would bring, the converted garage would be an anomaly in terms of its location. In its new usage as a dwelling, the converted garage would be set-back considerably from Holbrook Lane, meaning that it would be at odds with the prevailing building line of dwellings on that street. Also, considering its location which is adjacent to the rear gardens of several other properties, the converted garage would not be in harmony with the fairly consistent separation distances which exist between nearby dwellings on Holbrook Lane. Accordingly, the proposal would unduly conflict with the spatial pattern of development in the surrounding area.
7. I observed the dwellings opposite the appeal site, and those on Dursley Road, referred to by the appellant, but those dwellings have maintained the consistent building line of their respective streets, whereas the proposal would not. I also observed the dwellings referred to by the appellant on Bradley Road. However, as few details have been provided with respect to what built development might be present around them in their set-back positions, they only provide limited support for the proposal. Accordingly, all those examples are not sufficiently persuasive to alter my findings on this main issue.
8. Thus, the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. It would conflict with Core Policy 57 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) which provides that development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Living conditions

9. Both the proposed garden and the patio area for the converted garage would not be large and their shapes would not be ideal. Nevertheless, in my view when taken in combination they would not offer such a paucity of amenity space, or be so deficient in terms of their design, that they would not be sufficiently usable. This would also be the case with respect to the garden areas that would remain for No 65.
10. The Council has referred to relevant guidance¹ which mentions that rear gardens should be at least equal to the ground floor footprint of the dwelling and that triangular-shaped gardens rarely offer a practical, usable space, but few details have been provided to demonstrate the proposal's alleged non-compliance with that guidance. Consequently, this has not changed my finding that the proposal would be acceptable with respect to the living conditions of the intended future occupiers of the scheme, and of the existing occupiers of No 65, with particular reference to the provision of private amenity space.

¹ Building for Life 12 (The Design Council)

11. However, the patio for the converted garage would be directly overlooked at close quarters from the rear windows of properties to the north of the appeal site. There would also be a strong perception of overlooking from the rear windows of properties to the west. Hence, users of the patio would suffer from a distinct lack of privacy, which in my view would make the patio very unpleasant to use. Thus, the proposal would harm the living conditions of the intended future occupiers of the scheme, with particular reference to privacy. It would conflict with Core Policy 57 of the Core Strategy which provides that new development should make a positive contribution to the character of Wiltshire through ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy.

Other Matters

12. The appellant has provided documentation relating to the planning status of the detached garage, and has referred to its past and present usage and relevant Building Regulations. However, these matters are not in dispute, and as these matters would not diminish the harm that would arise via the proposal, they do not change my findings on the main issues in this appeal.
13. The allegations of bias made against Councillors is not something that can be considered in the context of a planning appeal. For the avoidance of doubt, this appeal decision is mine alone, and has been made on the basis of the evidence before me.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR