
Appeal Decision

Site visit made on 15 March 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/Y3940/W/20/3254020

Land adjacent to Moor Cottage, Moor Hill, Fovant, Wiltshire SP3 5LB

- 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 Eugene Patel against the decision of Wiltshire Council.
 - The application Ref 20/01617, dated 26 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is a pair of semi-detached houses.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council had one reason for refusal that related to character and appearance, with particular respect to design, materials, layout and parking, and the living conditions of future occupiers. However, my attention has been drawn to the issue of highway safety by a number of interested parties. In light of this I consider that there are now two main issues involved in this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - a) Highway safety, and
 - b) The character of the area, with particular respect to design, layout, and materials, and also the living conditions of future occupiers with respect to outdoor amenity space.

Reasons

4. The appeal site lies towards the western end of the village of Fovant, but within that settlements' development boundary. Fovant is defined as a Large Village within the adopted Wiltshire Core Strategy. At the time of my visit the site had been cleared although vegetation had started to return. There were also various bits of debris scattered around the site. The site lies adjacent to the Fovant Conservation Area (CA) and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).
5. To the west of the appeal site there are a number of relatively large properties that front, and derive their access from, Moor Hill. They are set back from the road and finished in a mixture of materials, including stone, render and facing tiles. They sit in relatively spacious, landscaped plots. To the east of the appeal

site along Moor Hill is a stone property set behind a stone wall surmounted by a wooden fence. This property gains its access from Wyatt's Orchard, a small development of stone finished dwellings. Opposite the appeal site there is woodland and overall the immediate vicinity of the appeal site has a relatively rural and verdant aspect.

6. The proposed semi-detached houses would face onto Moor Hill and planning permission has also been granted for another two semi-detached dwellings on the contiguous site. There is also an extant planning permission for a detached property on the appeal site, and this is a significant material consideration in my assessment of the current appeal.

Highway safety

7. My attention has been drawn to the potential manoeuvring of vehicles in and out of the tandem parking spaces. There is no area within the appeal site allocated for the turning of vehicles. Consequently any vehicles parked in the proposed spaces would either have to reverse into or out of these spaces, directly onto Moor Hill. The latter is very narrow and cars travelling along the road would have very little room to avoid any vehicle that was leaving the tandem parking area. Furthermore Moor Hill, as the name suggests, slopes down from the west such that, notwithstanding the 30mph limit, vehicles would not necessarily be travelling within the limit and no visibility splays are shown on the application drawings. To my mind, any vehicles reversing out of the proposed spaces could present a significant threat to highway safety.
8. I acknowledge that the extant permission uses a similar parking arrangement. However, that would be for fewer cars and less manoeuvring would be likely to be necessary. I am also aware that the original permission for a dwelling on this site was the result of an appeal but have not been supplied with that decision letter or the circumstances surrounding it. I am not therefore aware of what was or wasn't before the Inspector in that case and cannot take it as a compelling precedent.
9. Paragraph 108 of the National Planning Policy Framework requires that a safe and suitable access to a site can be achieved for all users. This would not be the case with the current proposal and to my mind there would be an unacceptable impact on highway safety. In arriving at this conclusion I am aware that the Highway Authority did not object to the proposed development. Nonetheless it is incumbent on me to assess the proposal in light of the evidence before me and my own understanding of the situation. I am aware that the permission for the two semi-detached dwellings on the site of the original Moor Cottage utilises tandem parking. However, to my mind allowing further such parking would only compound what I consider to be a significant highway safety issue.

Character

10. The proposed development would have a slightly greater footprint than the approved development and would be of a similar height. The proposed dwellings would be finished in timber cladding above render with a slate or similar roof. I do note however that the previously approved single dwelling on the site featured a stone plinth, which would add a connection to the properties in Wyatt's Orchard and the north elevation of the proposed

dwelling on the next plot, as well as the stone plinth to the building to the west.

11. Other differences between the proposed development and the extant development would be a further area of hardstanding to accommodate tandem parking, with both proposed dwellings' occupants parking to the east of the proposed dwellings. The tandem parking would be out of keeping with the area, other than that permitted on the Moor Cottage site, and the need for it does to my mind indicate that the proposed development would be somewhat cramped. This parking arrangement and the need for the extra hardstanding, which would seem excessive in one block, whilst not necessarily fatal in themselves, do, to my mind, point to overdevelopment of the site. The sense of overdevelopment would also be exacerbated by its appearance in presenting two front doors in the street scene, at odds with the detached and more spacious properties further up Moor Hill.
12. I am also conscious that the appeal site and the adjacent site once contained one cottage. I accept that the various permissions on the two sites have led to a change in the character and appearance of the area and that subdivision of sites is not necessarily, in itself, an unusual occurrence. However, such a regime, if pursued vigorously, can lead to a significant erosion of the historical pattern of development in an area. The issues that I have highlighted above lead me to conclude that such a situation has been reached.

Outdoor amenity area

13. The total garden area provided for the development would be less than that provided in the extant permission and by virtue of the proposed development being for two dwellings rather than the approved single one, the garden area for each dwelling would be considerably less than that provided for the single dwelling, and once again also considerably less than the amenity areas provided for the adjacent properties further up Moor Hill.
14. Policy CP57 requires that appropriate levels of amenity are achieved, albeit that no figures are given within the policy. Although the outdoor amenity areas provided would be considerably less than those provided in the extant scheme, I have been given no significant evidence to show that they would be inappropriate. Nonetheless, once again, the relatively small size of the remaining amenity spaces points to an over development of the site.

Planning balance

15. I have found that, by virtue of the small outdoor amenity areas, the large expanse of hardstanding and the need for a tandem parking arrangement the proposal would amount to overdevelopment of the site, that, whilst only incremental in itself, would significantly effect the character of the immediate area.
16. Cumulatively my findings all point to conflict with policy CP 57 of the Wiltshire Core Strategy, which requires a high standard of design in all new developments. In this respect I also note that the Framework, at paragraph 130, indicates that permission should be refused for development of poor

design. I have also found that the proposed development would significantly impair highway safety, and in doing so conflict with the Framework.

17. I note that the Council are unable to demonstrate a five year supply of housing and as such the 'tilted' balance enshrined in paragraph 11 d of the National Planning Policy Framework (the Framework) comes into play. This means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The benefits in this particular case would be one new dwelling with the associated social and economic benefits that would go with that. I also note that there is a need in the area for smaller dwellings.
18. However, overall, I consider that the total harm identified is of such a magnitude that it significantly and demonstrably outweighs the benefits.

Conclusion

19. In light of my above reasoning and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR