
Appeal Decision

Site visit made on 5 July 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/Y3940/W/20/3262699

Thickett Cottage, Malthouse Lane, Upper Chute SP11 9EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Lelliot against the decision of Wiltshire Council.
 - The application Ref 20/05329/VAR, dated 29 June 2020, was refused by notice dated 15 October 2020.
 - The application sought planning permission for the demolition of existing dwelling and erection of replacement dwelling without complying with conditions attached to planning permission Ref 20/01143/FUL, dated 21 April 2020.
 - The conditions in dispute are Nos 2 which state that: The development hereby permitted shall be carried out in accordance with the following approved plans: 181041-01 (location plan) dated Feb 2019 received 03/02/2020, 081041-10A (proposed elevations, section and floor plans) dated Nov 2019 received 03/02/2020, 181041-11 (site plan) dated Nov 2019 received 03/02/2020, WHL-986-05 (Landscape strategy) dated Dec 2019 received 03/02/2020, Planning Statement received 03/02/2020, 19.986 (Landscape and visual appraisal) dated Dec 2019 received 03/02/2020 and 5 which states: All the soft landscaping comprised in the approved details of landscaping (WHL-986-05 Mitigation Strategy – Fig 5 within the Landscape and Visual Appraisal 19.986) shall be carried out in the first planting and seeding season following the first occupation of the buildings hereby permitted or the completion of the development whichever is sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
 - The reasons given for condition are: For the avoidance of doubt and in the interests of proper planning and for condition 5: In the interest of visual amenity.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Lelliot against Wiltshire Council. This application is the subject of a separate Decision.

Procedural matter

3. Planning permission has been granted for the demolition of Thickett Cottage and replacement with a larger dwelling of contemporary design. The application that is the subject of this appeal sought to amend the design by increasing the

ground floor area of the permitted development and adding two terraces at first floor level. The planning route taken for this was to apply for variation of conditions 2 and 5 of the permitted development. Condition 2 deals with the approved plans and condition 5 with the timing requirement for the implementation of the soft landscaping.

Main Issue

4. The main issue is what effect varying conditions 2 and 5 would have on the character and appearance of the area.

Reasons

5. The appeal site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) in a rural and tranquil settlement called Upper Chute. The properties within the settlement are generally of traditional design with pitched roofs, some of which are thatched, and elevations in brick and flint, although there are some rendered properties. The National Planning Policy Framework makes clear at paragraph 172 that great weight should be attached to conserving and enhancing landscape and scenic beauty of AONBs.
6. Planning permission already exists on the site for the demolition of the existing traditional cottage and its replacement with a dwelling of contemporary design. The proposed development that would be facilitated by the variation of conditions 2 and 5 would have the effect of increasing the ground floor area of the permitted building and adding two first floor terraces. At the time of my site visit work was well underway with the implementation of this proposed design.
7. The increase in floor area of the ground floor would be facilitated by the extension of the two 'wings' by about 4m each, thus increasing the length of both the north and south elevations. The proposed roof terraces would be situated on the flat roofs of these wings, the west terrace being the larger of the two with steps leading down to ground floor level at the far western end of the wing. The terraces would have a parapet and planting would be undertaken to soften their appearance.
8. Nonetheless, whilst not highly visible from public viewpoints the terraces and their users would be visible from several nearby properties including Chute Manor, Chute Collis Cottage and Long View, the latter being about 130m away. Whilst the proposed terraces would be far enough away from these properties to negate privacy issues, they would be the only terraces in the settlement, thus seeming as an alien and incongruous feature in the landscape. Furthermore, to my mind the fact that they would introduce human activity and associated paraphernalia into such a tranquil and rural setting at first floor level would seem intrusive would also be detrimental to the character and appearance of the AONB.
9. In arriving at this conclusion I am aware that the development already includes some activity at first floor level. This is however contained and at a considerably smaller scale than that which would result from the proposed change in design. I also note that lighting could be controlled by condition, which would go some way to limiting the impact of the terraces. However, it would be the presence of the terraces and any activity upon them, which would not be completely concealed by the proposed planting, that would seem out of

keeping with the area, and to this end I note that the appellant accepts that the formal roof terraces would change the function of the space.

10. In that the proposed development would therefore detract from the tranquillity of the AONB and introduce motion into an unexpected location, conflict would occur with Core Policy 51 (vii) of the Wiltshire Core Strategy (CS), which seeks to ensure, amongst other things, that proposals have demonstrated that the aspects of tranquillity and protection from intrusion from motion have been conserved and where possible enhanced. Conflict would also occur with policy CP 57 of the CS. This requires that proposals respond positively to existing townscape and landscape features in terms of, amongst other things, rooflines.
11. The original permitted development was accompanied by a Landscape and Visual Impact assessment (LVIA) by WH Landscape. This looked at a number of viewpoints and concluded that, taking into account the existing vegetation and topography and with the proposed mitigation planting, the proposed development, in terms of its design, mass and scale, could be assimilated comfortably into the landscape and that the overall Significance of Visual Effect would be negligible. From my own observations I do not consider that the extended wings of the proposed development would change this position. Consequently there would be no conflict with policies CP 51 or CP 57 in relation to the mass or size of the proposed dwelling.

Conclusion

12. Notwithstanding this however, my findings in relation to the matter of the terraces indicates that conditions 2 and 5 are necessary in their present form and that therefore the appeal should be dismissed.

John Wilde

INSPECTOR