



Appeal Decision

Site Visit made on 12 July 2021 by B Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/Y3940/W/21/3272570

1 Radnor Park, Corston, SN16 0HE

- 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 Phillip Glover against Wiltshire Council.
 - The application Ref 20/05433/FUL, dated 1 July 2020 was refused by notice dated 26 January 2021.
 - The development proposed is the erection of bungalow and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of bungalow and associated works at 1 Radnor Park, Corston, SN16 0HE in accordance with the terms of the application, Ref 20/05433/FUL dated 1 July 2020, subject to the conditions set out in the schedule below.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. The comments which have been received have been taken into consideration within the appeal decision.

Main Issue

4. The main issue in this case is the effect of the proposed dwelling on the character and appearance of the area.

Reasons for the Recommendation

5. The proposed dwelling would be sited on the corner of Radnor Park and Main Road. Radnor Park is a short cu de sac running off the Main Road, and is characterised by mostly detached bungalows, set back from the road with front gardens and parking areas, giving a spacious character to the street. However, the appeal site is surrounded by close boarded fencing, and the property opposite, No 8 Radnor Park, is surrounded by substantial hedgerows and vegetation. The entrance to Radnor Park is therefore relatively enclosed.

6. Main Road is more mixed in character, with no consistent building line as some dwellings are set adjacent to the highway and some set back. The mostly two storey dwellings are also varied in terms of their plot sizes.
7. The proposed bungalow would be seen in the context of both streets. It would sit between the host bungalow and the two storey traditional cottage to the south west, Southside Cottage, and would sit closer to Main Road than both these properties. The property would logically follow the curve of the road when viewed from Radnor Park, would follow the pattern of development on this street and would not harm the existing character of the entrance to the street.
8. When viewed from Main Road, the dwelling would appear conspicuously forward of Southside Cottage. However, there are examples of similar relationships between properties in the vicinity, for example directly on the opposite side of the Main Road and further down Main Road to the south west. Given this generally mixed building line and single storey nature of the proposed property, it would not appear unduly prominent nor incongruous in this setting.
9. Furthermore, the proposed property would sit comfortably within the plot and would retain sufficient visual gaps to its neighbours to not appear cramped. The plot sizes to both the existing dwelling and new dwelling would not appear significantly more constrained than the neighbouring units to alter the general spacious character of the immediate area.
10. Framework paragraph 126 supports beautiful and sustainable buildings and states that good design is a key aspect of sustainable development. There is not one consistent design of dwelling evident within the vicinity, and therefore the proposed 'dog leg' design and modest scale of the property would not appear incongruous in this context. The proposed vehicular access would appear similar to those of the neighbouring dwellings along Radnor Park, and the removal of a limited portion of hedge to make way for the new parking space would not harm the overall character of the surroundings.
11. Therefore, the proposed dwelling would respect the character and appearance of the area in accordance with Core Policy 57 of the Wiltshire Core Strategy (2015) (CS) and Policy 13 of the Malmesbury Neighbourhood Plan (2015) which collectively set out that development should respect the existing character and form of the settlement, be of a high quality, and respond positively to existing townscape features. There is also no conflict with the requirements of the Framework which requires that developments, amongst other matters, are sympathetic to local character and establish or maintain a strong sense of place, in addition to supporting the creation of high quality buildings and places.
12. The Council also reference Core Policies 2 and 13 of the CS, which set out the delivery and spatial strategy for development at large and small villages and the Malmesbury Community Area. As such these policies are not specifically relevant to the character and appearance considerations of this appeal.

Other Matters

13. The Council acknowledge that it cannot demonstrate a 5 year housing land supply. However, given my findings above, this issue is not determinative, and it is not necessary for me to consider the issue.

Conditions

14. The Council has suggested the imposition of a condition relating to the start date of development, and in addition to requiring compliance with the application plans. I consider these to be appropriate in the interest of clarity. In addition, I agree that a condition requiring details of materials to be agreed is also necessary in the interest of the character and appearance of the locality.
15. Conditions relating to the submission of details relating to the submission of a construction method statement and slab levels are considered necessary, in the interest of highway safety and to ensure the height of the building is appropriate, given the slightly sloping site, respectively.
16. A condition securing details (and implementation) of landscaping, both hard and soft and including the parking spaces, is considered necessary, in the interest of the character and appearance of the locality.
17. The Council indicate that the appeal site is located within an area where high ground water levels are of concern. A drainage strategy is indicated on the submitted site layout plan, and the Council state that they have no objection to these details. A condition is considered necessary to ensure the timely implementation of this strategy.
18. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. Given the limited height of the proposed dwelling, the Council have not provided this clear justification and as such the suggested condition removing permitted development rights and preventing any further windows or roof extensions is not considered appropriate.

Conclusion and Recommendation

19. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed with the suggested conditions.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be allowed with the conditions set out in the Schedule.

RC Kirby

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 2018/1 Rev E received 01 July 2020.
- 3) No development above damp proof course level shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) The dwelling hereby approved shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 2018/1 Rev E for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 9) The dwelling hereby permitted shall not be occupied until the drainage works shall have been completed in accordance with the submitted and approved plans.