



Appeal Decision

Site Visit made on 20 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/Y3940/W/21/3273519

Land west of Jasmine House, Hilperton Road, Trowbridge

- 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 T Mcdonagh against the decision of Wiltshire Council.
 - The application Ref 21/01266/FUL, dated 6 February 2021, was refused by notice dated 6 April 2021.
 - The development proposed is the erection of a bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow at Land west of Jasmine House, Hilperton Road, Trowbridge, BA14 7TS in accordance with the terms of the application, Ref 21/01266/FUL, dated 8 February 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to comments, where received, from the main parties in regard to this. There have been no fundamental changes relevant to the main issues in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including whether it preserves or enhances the setting of Hilperton Road Conservation Area.

Reasons

4. The appeal site comprises a parcel of grassland which is accessed via a lane which leads to further dwellings. The site is bounded to the rear by the large rear gardens of Halfway Close properties, to one side by the garden of a neighbouring dwelling and the other an area of undeveloped open space tracking along Hilperton Road. Opposite the site are two Grade II* listed buildings set back from the road and screened by mature trees and hedgerows. As such, the appeal site forms part of an attractive green undeveloped corridor to the entrance of Trowbridge.
5. The surrounding area is predominantly residential and is characterised by mature roadside trees and hedgerows which provide only glimpses to the buildings set back from the road. Accesses lead to properties, which mostly face away from Hilperton Road. The green corridor, mature trees and

hedgerows and lack of development fronting on to the road means the area has a spacious and verdant feeling.

6. The site is outside, but only some 15m from the boundary of, the Hilperton Road Conservation Area. The character of the Conservation Area is derived from its large historic villas set in spacious plots, boundary walls and mature landscaping. Therefore, at present the appeal site contributes positively towards the setting, i.e. the surrounding in which it is experienced, and this its significance.
7. The proposal would see the introduction of a single storey dwelling into the rear section of one of the green spaces that contributes positively to the character of the area (i.e. set back relative to the road). The proposal would be partially visible when travelling along Hilperton Road, in particular from the east, where views into the site from the access road would be possible. Views from the west and front of the site would be limited due to the existing hedgerow. However, where partially visible, the dwelling would be seen in conjunction with the residential dwellings neighbouring the site to the rear and side.
8. It is proposed to retain an area of green space alongside Hilperton Road. That, combined with the existing mature screening would ensure the area retains its feeling of spaciousness and green corridor. Additionally, it is proposed to further enhance the existing landscaping with hedgerow and tree planting which will echo the neighbouring undeveloped open space. This, combined with its relatively modest scale and single storey nature would ensure that the proposal would not harm the character and appearance of the area. The set back of the proposal and the improvement of the mature roadside landscaping, which could be secured via condition, would also ensure the development preserves the setting of the Hilperton Road Conservation Area.
9. I have had regard to the history of the site, and, whilst I have not been provided with all relevant documents, I have reviewed the three appeal decisions that I have been provided¹, although I am aware that the planning and appeal history goes back to the 1990's. I note that concerns are raised by the Council due to the perceived breach of the building line towards Hilperton Road which the previous Inspector agreed with and this has also been raised by third parties. However, from the plans contained within the Council's delegated report, the proposal has been significantly altered from a large two storey dwelling to that of a modest single storey dwelling.
10. A previous single storey proposal also appeared to project further forward in the site, with a design and the addition of a bund which the Inspector considered harmful. Whilst the proposal would lie closer to Hilperton Road than the dwellings on Halfway Close, due to the neighbouring dwelling to the east having its outbuilding and domestic paraphernalia projecting beyond the proposed development in that direction, it would not appear at odds with the surrounding area. Additionally, due to the altered design from previous appeal the proposal would not appear as a perceptible projection and would retain and enhance an area of green space, ensuring that the proposal does not diminish the character of the area.
11. For the reasons set out above I consider that the proposed development would not create a visual intrusion or harm the character and appearance of the area

¹ APP/F3925/A/08/2062520, APP/Y3940/A/11/2148637 and APP/Y3940/A/14/2225787

or the setting of Hilperton Road Conservation Area. Accordingly, I find no conflict with Wiltshire Core Strategy (2015) Policies CP57 and CP58 which seek, amongst other things, to ensure that development responds positively to existing townscape features and protects and conserves the special character of conservation areas. The proposal also complies with paragraph 130 and 206 of the National Planning Policy Framework which seeks good design sympathetic to local character and development that preserves the setting of conservation areas.

Other Matters

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The site is located close to a Grade II listed wall and Grade II* listed buildings.
13. In determining the application the Council's Conservation Officer raised no objection with regards to the setting of the nearby listed buildings. Neither main party have raised this as a concern during the appeal. Based on the evidence before me, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the listed buildings. That is by virtue of the physical distance between the scheme and those features, its modest design, and as reasoned above as it would not significantly affect the existing character of the area (part of the setting to those assets).
14. Local residents have raised various concerns including regarding highway safety and rights of access. Whilst the appeal site is located on a fairly busy road, during my site visit I noted that Hilperton Road is relatively straight and the access has good visibility for highways users entering and existing the site, along with being visible to highway users traveling along Hilperton Road. As such I do not consider that the modest effects of the proposed development would have a harmful impact on highway safety. With regards to the rights of access, matters related to ownership of land would be separate to the planning merits of a proposal. Therefore, neither those, nor any other matter, are sufficient to alter my conclusion regarding the overall acceptability of the proposal (as reasoned in respect of the main issue).

Conditions

15. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider the conditions relating to time limit for commencement and approved plans to be necessary in the interest of clarity and safeguarding character and appearance. Conditions relating to external materials and landscaping are also necessary. Conditions regarding the access and parking area are required in the interest of highway safety. I have altered the wording of some conditions in order to ensure they comply with the PPG without affecting their fundamental aims.

Conclusion

16. For the reasons given above, having had regards to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Tamsin Law

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TP 01 Location Plan, TP 02 Proposed Layout Plan, TP 03 Proposed Elevations, TP 04 Floor Plan.
- 3) Prior to their first use in the development details and samples of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, which shall thereafter be retained.
- 4) All soft landscaping comprised in the approved details of landscaping, as shown on plan TP 02 Proposed Layout Plan, shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner. 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development and shall thereafter be maintained as such.
- 5) The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
- 6) No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.