
Appeal Decision

Site visit made on 30 November 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/Y3940/W/21/3278252

41 Queens Avenue, Corsham, SN13 0DX

- 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 Jeremy DuToit against the decision of Wiltshire Council.
 - The application Ref 21/00778/FUL, dated 20 January 2021, was refused by notice dated 23 April 2021.
 - The development proposed is described as "Extension to dwelling, garden wall, change of land to domestic curtilage".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments and I have taken these into account in reaching my decision. I have considered the appeal on the basis of the revised Framework.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site comprises an area of land directly alongside the existing end-of-terrace dwelling, 41 Queens Avenue (No 41), and is a narrow, linear area of grass. Abutting the narrow grass strip is a tarmac footpath running alongside No 41 and to a number of newly constructed dwellings nearby. Beyond the footpath is a large, open grassed area which provides an attractive buffer between Bath Road to the north and the dwellings in the surrounding area. There was also an appreciable sense of spaciousness when travelling along most of the footways in the area.
5. The scheme would result in the construction of an addition to the side elevation of No 41, as well as a relocated garden boundary wall. These built features would extend beyond the existing gable end and garden wall, they would be positioned hard against the footpath and would occupy the entire width of the strip of grass, eliminating the contribution it makes to the spaciousness of the area. The appeal scheme would thus result in intrusive and insensitive additions at this location. As a consequence, while not encroaching onto public open space, the proposal would diminish the openness of the immediate

locality. That the introduction of the footway was undertaken recently does not diminish the harm that I have identified.

6. Accordingly, I find that the proposal would be harmful to the character and appearance of the area. Thus, it would conflict with policy CP57 of the Wiltshire Core Strategy, insofar as it seeks to ensure that development responds positively to the existing pattern of development. It would also conflict with the design aims of the Framework.
7. There is reference to policy HK02 of the Corsham Neighbourhood Plan. However, this appears to be an objective of the plan, rather than a policy. Nonetheless, I have found conflict with the policy of the development plan referred to above.

Other Matters

8. Some details have been provided in regard to other examples of extensions that have been added to properties within the area. However, the physical layout of these and their circumstances are materially different from the appeal scheme and thus do not serve to demonstrate the acceptability of the proposals.
9. Reference is made to the recently constructed houses which the footway serves, and which lie near to the appeal site. However, these properties feature small front garden areas set back from the footway, which help to maintain the openness of the area. They do not appear as oppressive features within the vicinity. As such, they do little to persuade me of the acceptability of the appeal scheme. There is also reference to the possibility of part of the scheme comprising permitted development, however planning permission has been sought for all of the proposals and I have assessed the scheme on this basis.
10. I acknowledge the benefits of the proposal that would accrue for the occupiers of the property, through an improved accommodation provision. However, this is not sufficient to outweigh the harm I identify.

Conclusion

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

Martin Allen

INSPECTOR