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## Appeal Decision

Site visit made on 15 February 2022

**by John Wilde CEng MICE**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> March 2022**

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**Appeal Ref: APP/Y3940/D/21/3289379**

**155 East Gomeldon Road, Gomeldon SP4 6NB**

- 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 H Hyde against the decision of Wiltshire Council.
  - The application Ref PL/2021/09955, dated 19 October 2021, was refused by notice dated 1 December 2021.
  - The development proposed is enlargement and alterations to the existing dwelling including the addition of a first floor level, the creation of a porch and first floor balcony, the rear extension of the building, the demolition of the existing lean-to structure on the eastern elevation and alterations to the hardstanding to the front of the property.
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### Decision

1. The appeal is dismissed.

### Application for costs

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

### Main Issues

3. The main issues are the effect of the proposed development on:-
  - a) The living conditions of the occupiers of Nos 153 and 157 East Gomeldon Road with respect to outlook and privacy.
  - b) The character and appearance of the area.

### Reasons

#### *Background*

4. The appeal property is a bungalow, set back from East Gomeldon Road and finished in render under a tiled roof. The properties in the immediate area are also generally bungalows and chalet style properties, and although there are true two storey properties in the road, these are some way to the east.
5. The proposed development would result in the addition of a first floor level, a rearward extension, the demolition of an existing lean-to structure on the eastern elevation and the provision of a porch and first floor balcony. The net result of these changes would be that the finished property would have an entirely different character and appearance compared to the existing.

6. However, there exists an approval under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an additional storey to the existing bungalow<sup>1</sup>. The information before me indicates that there is a real prospect of this approved design being built should the current appeal be dismissed, and consequently this fallback position is a material consideration that carries significant weight.

*Living conditions No 157 - outlook*

7. The neighbouring bungalow at 157 East Gomeldon Road has five windows on its west elevation that look over towards the appeal property. These windows serve bedrooms and the lounge, which is dual aspect. At present the top of the east elevation of the appeal property and its sloping roof are visible from these windows above an existing boundary hedge. The sky can clearly be seen above the existing built form. The approved development would result in a two storey elevation replacing the existing single storey one, thereby reducing the outlook from these windows. The Council have commented that this would cause some harm to the living conditions of the occupiers of No 157 and I agree with their assessment.
8. The proposed design, although being of the same overall height, would extend the elevation rearwards. Furthermore, the pitch of the roof on both the east and west elevations would be increased, resulting in a more dominating presence. Both of these changes would impact further on the outlook from the windows of No 157 to an extent that, to my mind, would be unacceptable.
9. I have been made aware of a Daylight and Sunlight report prepared by Right of Light Consulting on behalf of the appellant. This report concludes that *the proposed development sufficiently safeguards the daylight and sunlight amenity of neighbours*. This may well be the case. However I consider the availability of daylight and sunlight to be a separate matter from outlook, which in this particular case I have found would be unacceptably compromised.

*Living conditions No 157 - privacy*

10. The eastern elevation of the proposed dwelling would contain, at first floor level, three windows. Two of these, including the largest, would serve a bathroom and a condition could be imposed to ensure that these windows were fitted with opaque glazing. The third window would be high level, very small and serve the ensuite/dressing area of the proposed dwelling. Consequently intrusion of privacy from this window would be unlikely.
11. However, the proposed dwelling contains a first floor balcony to the front elevation. This elevation would be set slightly back from the front elevation of No 157. The result of this would be that there would be a direct line of sight from the balcony into the side window of the living room of No 157. This would unacceptably compromise the privacy of the occupiers of No 157. In arriving at this conclusion I acknowledge that there is planting on the boundary between the two properties. However this is not necessarily within the control of the occupiers of No 157.

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<sup>1</sup> PL/2021/08230

*Living conditions No 153 - outlook*

12. No 153 lies further forward than the appeal property and consequently the main bulk of the house would not be impacted by the proposal to the same extent as would No 157. However, No 153 does have a conservatory attached to its rear elevation and the erection of the additional storey to the appeal property would have an impact upon the outlook from this conservatory. Whilst I acknowledge the extant approval, the proposal before me would add significantly to any outlook concerns due to the steeper pitch of the roof and the rearward extension. Notwithstanding that the provision of daylight and sunlight may be acceptable; I consider that the changed pitch and rear extension would render the outlook from the conservatory unacceptable.

*Living conditions No 153 – privacy*

13. There would be one small window on the first floor of the western elevation of the proposed development. This would serve a small study. Given the positioning of the window and its small size views of the majority of the rear garden of No 153 would be hard come by. Consequently I consider that there would be no significant loss of privacy to the occupiers of No 153.

*Conclusion on the issue of living conditions*

14. Whilst I have found that there would be no significant impact upon the privacy of the occupiers of No 153 I have found that the proposed development would significantly impact upon the privacy of the occupiers of No 157 and would also cause harm to the outlook from both of these properties. There would therefore be conflict with policy 57 of the Wiltshire Core Strategy (CS), which seeks to ensure, amongst other things, that development has regard to the impact on the amenities of existing occupants.

*Character and appearance*

15. The extant approval retains the original footprint of the bungalow, has a similar roof shape and similar fenestration and would be, to an extent, by virtue of these factors, in keeping with the character and appearance of nearby properties, and with the existing property. In contrast, the proposed development would result in a radically different design with Georgian style sash windows, a grander entrance way under a balcony and would be greater in terms of its scale and bulk.
16. This would place it in conflict with policy 57 of the CP. This requires, amongst other things, that development responds positively to the existing townscape and landscape features and that it also takes account of the local context and relates to the immediate setting and the wider character of the area.
17. I note that the Council's Design Guidance 'Creating Places' recommends that extensions to existing properties will normally be permitted where the scale, design and character of the existing property has been respected. Whilst this would, to an extent, be the case of the extant permission due to its fenestration and roof shape, it would not be the case with the proposal before me.

18. I also note that policy 19 of the Idmiston, Porton & Gomeldon Village Design Statement (VDS) makes clear that *to ensure alterations to existing buildings do not result in an incongruous form of development in areas of purpose built bungalows, proposals that involve raising the ridge height and altering the pitch of the roof to a degree that is clearly different from that of the surrounding low rise properties should be avoided*. It follows that conflict also exists with this policy, and whilst from the information before me this document does not form part of the adopted local plan, it is nevertheless a significant material consideration.
19. The appellant argues that the proposed design would represent a higher standard of design, indicating the proposed fenestration and the fact that the Council would have more control over the materials used which could include slate, stone and painted timber sash windows. This may well be the case. However, my duty is to assess the proposal against the policies laid down within the local plan. In this case I have found that proposed development would be at odds in terms of its character and appearance with the other dwellings in the vicinity and that because of this it would conflict with the CS and the VDS. The fact that the proposed design, which is modelled on a dwelling in a settlement some distance away, may be more pleasing to the eye of some people does not outweigh this conflict.

### **Conclusion**

20. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

*John Wilde*

INSPECTOR