



Appeal Decision

Site visit made on 4 May 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/Y3940/W/21/3289683

Brackendale, Junction Road, Alderbury SP5 3AZ

- 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 Walden Homes Limited against the decision of Wiltshire Council.
 - The application Ref PL/2021/08056, dated 16 August 2021, was refused by notice dated 9 December 2021.
 - The development proposed is demolition of the existing dwelling house 'Brackendale', and for the erection of 2 x detached dwellings, associated parking, access and hard and soft landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of the existing dwelling house 'Brackendale', and for the erection of 2 x detached dwellings, associated parking, access and hard and soft landscaping at Brackendale, Junction Road, Alderbury SP5 3AZ, in accordance with the terms of the application, Ref PL/2021/08056, dated 16 August 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal submission has been accompanied by an amended site layout showing ecological compensation features which were not assessed by the Council when it made its decision. This represents new information. The appeals' procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'¹.
3. Nevertheless, it is my view, that the additional information does not fundamentally alter the scheme in terms of its design, scale and layout. Whilst I appreciate that the information is technical in nature given that it relates to biodiversity, the Council have had sight of it and had the opportunity to comment. I have therefore assessed the appeal on the basis of the new information.
4. Following the submission of the appeal, the Council has consented two dwellings at the site² (the approved scheme). The main parties have had the opportunity to comment on that scheme.
5. The Council's Officer's report indicates that waste water discharges from the site would drain into the catchment area of the River Avon Special Area of Conservation (SAC). Although not forming part of the Council's reason for refusal, it is incumbent upon me as the competent authority to consider whether the proposal would be

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

² Local Planning Authority Ref PL/2021/11851 (the approved scheme)

likely to have a significant effect on the ecological integrity of the SAC in accordance with the Habitats Directive³. For this reason, it is necessary to consider this matter as a main issue.

6. To inform my assessment of the appeal in relation to this main issue the Council has provided details of the relevant SAC designation along with other relevant documents including its mitigation strategy and supporting evidence base⁴ for the avoidance of impacts on the SAC. I have also sought comments from the appellant and Natural England on these matters.

Main Issues

7. The main issues are therefore the effect of the proposed development on:

- the character and appearance of the surrounding area; and
- the integrity of the River Avon SAC.

Reasons

Character and appearance

8. The application site comprises a detached bungalow set within sizeable grounds and set back from Junction Road. The intervening space between the house and the road is characterised by lawn and frontage landscaping. The other properties in the street primarily comprise large, detached dwellings arranged in a similar manner. The road serving the appeal site and those other dwellings is narrow and unmade and together with the many hedgerows and trees along property frontages, gives the street an attractive rural quality which makes a valuable contribution to the area's character.
9. The dwellings have a distinctive design with projecting front gables, a central covered porch and well-proportioned windows. In this context they would have an acceptable appearance that would be in keeping with the variety of properties along Junction Road. Although the proposed dwellings would have a deeper footprint than some properties in the street, this would not be perceptible given their set-back arrangement and the screening effect of the proposed boundary landscaping. Moreover, the height and general massing of the units would be consistent with other two storey dwellings nearby.
10. The Council is concerned that the uniform design of the two units would appear visually jarring in the street given the largely individual designs of dwellings. However, despite there being some similarity in terms of the arrangement of architectural features, there would be a degree of contrast between the projecting front garages placed on the opposing side of each dwelling. In my view this arrangement adds a degree of architectural interest between the pair which does not appear incongruous or discordant in the street. Moreover, through a planning condition the dwellings could incorporate different material finishes to maintain some individuality in appearance.
11. The appeal site would be split into roughly equal residential plots, which would be comparable in terms of their width and depth to others in the street, notably Ingelside, Westover, Newhaven and Somme. Each proposed dwelling would be set in from the side boundaries by around 2.4m-3.4m. Those spaces around the proposed units ensure they would not appear cramped relative to the boundaries,

³ Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

⁴ Strategic Appropriate Assessment of Developments in Wiltshire Occurring in The River Avon SAC Catchment, Wiltshire Council, 2022

whilst their arrangement in this regard would be similar to those aforementioned neighbouring dwellings. Accordingly, the proposal's layout is consistent with the general pattern of development in the area.

12. Each dwelling would have an attached garage that would project from the front elevation towards Junction Road, placing the dwellings in a more advanced position than those either side at The Grey Cottage and Ingleside. The garages would maintain around 8.9m and 12.4m from the roadside boundary, an arrangement which would maintain a generous area of undeveloped space at the front of the dwellings which would be consistent with other dwellings in the street. I observed no obvious uniformity in the street's building line, with properties such as Somme a short distance to the north-east positioned close to the front boundary with Junction Road. Moreover, the set-back position of the proposed units would not unacceptably encroach into the immediate setting of the proposed frontage landscaping, which contributes to the street's rural character.
13. Although the approved scheme for two dwellings at the site would comprise marginally smaller dwellings that would have more individual designs, I've found the appeal proposal to be generally consistent with the design, scale and layout of the street.
14. Therefore, taking all the above into account, the proposal would not have an unacceptable effect on the character and appearance of the surrounding area. It would accord with Core Policy 57 of the Wiltshire Core Strategy and the Council's – 'Creating Places – A guide to achieving high quality design in new development' (2006), where they require proposals to retain and respond to local character and distinctiveness by respecting existing spaces between buildings, building layout, built form, design, plot size and setting. The proposal would also align with the requirements of the National Planning Policy Framework (Framework), in terms of being sympathetic to local character, including the surrounding built environment and landscape setting (Paragraph 130).

River Avon SAC

15. The site is located within the River Test catchment Area but waste water from the proposed development would be transferred to the River Avon SAC, a European Designated Site, protected pursuant to the Conservation of Habitats Regulations 2017 as amended (the Habitats Regulations).
16. The SAC's designation is owed to it being one of the most diverse chalk streams in the UK, with over 180 species of plants, one of the most diverse fish faunas, and a wide range of aquatic invertebrates. In March 2022, Natural England informed the Council and other relevant local planning authorities about unfavourably high levels of phosphates recorded in the SAC. Residential development can contribute to this issue through the discharge of waste water, and I must therefore consider this matter in relation to the appeal proposal.
17. Accordingly, an appropriate assessment must be undertaken so as to ensure there is no reasonable scientific doubt as to the effects of the proposal, in combination with other development. Natural England advise a precautionary approach whereby new dwellings within the catchment should achieve phosphate neutrality. If they do not, then additional nutrient loads could enter the water environment causing significant adverse effects on the SAC and its features of interest. A further dwelling at the appeal site, discharging additional phosphates into the SAC would likely result in significant harmful effects to the habitats and to the species that depend on it.

18. To this end Wiltshire Council has agreed, to provide for the in-perpetuity mitigation for unmitigated permissions it grants under the Wiltshire Core Strategy up to March 2026. It has calculated the phosphorus burdens from new development in the River Avon catchment and will deliver the in-perpetuity mitigation necessary. It has secured funding to implement offsetting for, amongst other things, new wetlands and woodland habitats in the SAC catchment.
19. Furthermore, the Council's mitigation strategy includes a planning condition restricting water usage in new dwellings to 110 litres per person per day. The water use restriction will thereby achieve a reduction in total phosphorus discharged and reduce the offsetting by a small degree. The installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water would reasonably ensure that the condition is complied with. Those measures would require agreement for the condition to be discharged. Accordingly, the mitigation can be secured by condition, and in combination with the Council's strategic offsetting programme, the proposal would achieve phosphate neutrality.
20. Natural England has agreed to the strategic measures for the delivery of phosphate neutrality for planned new development within the SAC catchment. The strategy indicates that progress on mitigation delivery is monitored by the Council in close consultation with Natural England.
21. In view of the above, and as the competent authority for the purposes of the Habitats Regulations, I am satisfied that the proposal, alone or in combination with other projects, would not have an adverse effect on the integrity of the European protected sites. Therefore, the proposed development would not adversely affect the River Avon SAC and would not conflict with the Framework in this regard. For these reasons, the proposal would accord with Policies CP50 (Biodiversity and Geology) and CP69 (River Avon SAC) of the Wiltshire Core Strategy, where they seek to protect features of nature conservation and to maintain ecological value in the long term.

Other Matters

22. The River Test catchment drains into the Solent which is designated as a European Marine Site. However, as earlier indicated waste water from the appeal site would be diverted to the River Avon catchment, and therefore, it would not add nitrogen burdens to those habitat designations.
23. There are concerns amongst third parties that the removal of landscaping at the site would harm the street's rural character as well as the site's ecological value and ability to support habitats. Such concerns would be overcome by additional planting to be agreed through a planning condition, while ecological friendly bat features would be incorporated into the design of each dwelling. The Council's ecological adviser is satisfied with these measures, and I have no compelling evidence to conclude otherwise. I am therefore content that the proposal would not be harmful in the way described.
24. The addition of one further dwelling at the site would result in some further movements along Junction Road and its intersection with Southampton Road. Yet given the number of dwellings already being served by the road, the proposal would represent a low proportion of additional comings and goings. Accordingly, any increase in traffic movements would be unlikely to result in any unacceptable highway safety impacts. Moreover, the Council's Highways advisers have identified no safety issues. Therefore, in the absence of information to the contrary I have no reason to disagree with their findings.

25. In terms of neighbouring living conditions, habitable room windows have been orientated away from neighbouring dwellings. Furthermore, the separation distances maintained together with the orientation of the proposed units ensure that the nearest neighbouring occupiers at Grey Cottage and Ingleside would not have their living conditions harmed.

Conditions

26. I have had regard to the Council's suggested conditions, amending them where necessary for clarity and to ensure compliance with the tests set out in Paragraph 55 of the Framework. I also sought agreement from the Appellant to the pre-commencement conditions.
27. I have imposed a condition specifying the approved plans as this provides certainty.
28. Construction management and method statements are necessary to establish safety and environmental procedures for the work phase of the scheme, as well as practices that would ensure the protection of local living conditions and highway safety. These measures should be agreed before work begins.
29. Conditions requiring details and completion of works relating to parking, turning, access, entrance gate position and visibility splays are necessary in the interests of highway safety.
30. As indicated above a condition limiting water consumption at the units is necessary to protect the integrity and special ecological interests of the River Avon SAC.
31. To maintain the character and setting of the site, details of hard and soft landscaping are required before development commences. An implementation condition which will include scheme commencement details and a strategy for replacement species is also necessary in the interests of local character.
32. Similarly, it is necessary to include a condition requesting details of external finishes in the interests of local character and appearance.
33. A condition removing permitted development rights relating to works or additions to the roofs of the units is necessary to control the appearance of the dwellings and in the interests of neighbouring living conditions.
34. The bathroom windows on the flank walls of Plots 1 and 2 shall be obscure glazed. This condition is necessary to protect the privacy of neighbouring occupiers.

Conclusion

35. For the reasons given above I conclude that the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DWG No: 474-14 (Site Location Plan), DWG No: 474-11 Rev C (Proposed Site Layout Plan/Bat Mitigation and Sections), DWG No: 474-12 Rev A (Proposed Elevations and Floor Plans Plot 1), DWG No: 474-13 Rev A (Proposed Elevations and Floor Plans Plot 2) and Proposed Street Scene and Section drawing.
3. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following: i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and viii) measures for the protection of the natural environment; ix) hours of construction, including deliveries; and x) a pre-condition photo survey has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction management statement.
4. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Method Statement (CMS) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase. All habitats to be removed and retained and therefore protected throughout the construction phase shall be provided on a stand-alone plan. Development shall be carried out in strict accordance with the approved CMS.
5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: i) location and current canopy spread of all existing trees and hedgerows on the land; ii) full details of any trees to be retained, together with measures for their protection in the course of development; iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities; iv) means of enclosure to include details of fencing and gates serving the entrances; v) all hard and soft surfacing materials; and vi) minor artefacts and structures to include refuse storage units.
6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

7. No works above ground floor level of the development hereby permitted shall commence until details of the external materials for the new dwellings that shall include details and sample panels of the tiles and external brickwork, and materials to be used for the cills, chimneys, rooflights, windows and doors, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
8. Before the development hereby permitted is first brought into use the first-floor casement windows within the approved dwellings (serving the en-suite bathroom and family bathrooms) as shown on approved drawings DWG No: 414-12 Rev A and DWG No: 414-13 Rev A shall be glazed with obscure glass only (to level 5 obscurity) and shall be maintained with obscure glazing in perpetuity. Other than those hereby permitted, there shall be no further window openings inserted into the roof slopes or first floor elevations of the approved dwellings.
9. The development hereby permitted shall not be occupied or first brought into use until the area between the nearside road edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside road level. That area shall be maintained free of obstruction at all times thereafter.
10. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces for both plots have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times.
11. Any gates shall be set back 4.5 metres from the edge of Junction Road, such gates to open inwards only.
12. The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of the development brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions or alterations to the roof slopes to the approved dwellings other than as approved as part of a formal planning application by the Local Planning Authority.

*****End of Schedule*****