
Appeal Decision

Site visit made on 1 September 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/Y3940/D/22/3301387
17 Middle Lane, Trowbridge BA14 7LG

- 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 Justyn Rowe against the decision of Wiltshire Council.
 - The application Ref PL/2022/00964, dated 4 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is application to build a new garage at the front of the dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site is located at 17 Middle Lane in an area characterised by two storey dwellings that are set back from the highway with large front garden areas where outbuildings, such as garages and car ports, are not common features on the whole¹. Whilst there is no rigid symmetry or building line, and there are limited examples of buildings closer to the highway², the general pattern of development creates a sense of openness along the street's frontage.
4. The proposal would build a new garage and car port at the front of the dwelling. Whilst it may have been designed to reduce the effect of scale, it would still be of sufficient scale to materially erode the front garden area to an appreciable extent and the openness along this part of the street's frontage. Furthermore, it would introduce a form of development that is not a common feature of the street frontage and would appear incongruous in this context.
5. Whilst there is topographical relief, a boundary wall and hedgerow of appreciable extent at the front of the site, along with a grass verge to the highway, the screening effect would not be comprehensive, and the proposal would still be visible at points along the street.

¹ despite limited examples at 21a and 29 Middle Lane; where in any event the photographic evidence is unclear that there is a tangible effect on the site's immediate street scene.

² as per the development in relation to planning application reference PL/2021/08919 at 8 Middle Lane.

6. In any event, even if the boundary wall and hedgerow did provide sufficient levels of screening, it is not clear that they could be secured in perpetuity, whether by planning condition or otherwise. Furthermore, whilst I note the appellant's commitment to exploring boundary treatment enhancements, there are no details for me to assess and no mechanism to secure such a commitment. Accordingly, the potential for enhancements can only carry limited weight in my assessment.
7. I acknowledge planning permission³ has been granted for similar development elsewhere. However, the full details, including those relating to the effect of boundary treatments, are not in front of me. Notwithstanding, from the limited details available, it would appear the pattern of development is different, possessing smaller front garden areas and a greater propensity for frontage outbuildings. Consequently, this example, and others that sit within different contexts⁴, do not weigh in favour of the proposal in this case.
8. The materials proposed may match the renovation detailing for the dwelling granted planning permission⁵ at the site, however the acceptability of the finer details of the proposal's appearance would not change the conclusions related to its siting and conformity with the pattern of development.
9. The stepped nature of the existing dwelling and other dwellings along the street, whereby elements of the main built form project further forward on the plot, is not comparable to a new outbuilding, significantly forward and detached from the main built form.
10. There is no evidence that a proliferation of cars on the drive currently detracts from the street scene. Furthermore, it is unclear how a proliferation of cars would materialise given that existing garaging available at the site. Consequently, this matter carries limited weight.
11. Overall, the proposal would harm the character and appearance of the area and conflict with Policy CP57 of the Wiltshire Core Strategy 2015, which among other things ensures high quality design and place shaping.

Other Matters

12. Highways and right to light matters are not in dispute and have not been determinative under the appeal.
13. Details of electric car charging are not in front of me, or that the provision of such should carry any more than limited weight in favour of the proposal.
14. An absence of objection from other interested parties and statutory consultees is not indicative, in and of itself, that the proposal is otherwise acceptable.

Conclusion

15. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR

³ Reference W/20/05884/FUL at 7a Victoria Road

⁴ Including the example cited along Albert Road

⁵ Reference 19/00040/FUL