



Appeal Decision

Site visit made on 20 September 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/Y3940/W/22/3297398

Land at 6 Castlefields, Calne SN11 0EA

- 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 Driftsteer Ltd against the decision of Wiltshire Council.
 - The application Ref PL/2021/08158, dated 17 August 2021, was refused by notice dated 5 January 2022.
 - The development proposed is erection of 2-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a detached bungalow, 6 Castlefields (No 6), located in a residential area. No 6 is set within a particularly large plot in comparison with other nearby properties. The wider area consists of a variety of dwelling designs, ages, and styles. Plot sizes vary across the local area and higher density development exists within it when compared to Castlefields. Nevertheless, the primary relationship of the site is with Castlefields.
4. Castlefields has a particular layout. This consists of single storey detached dwellings set back from the road with open front gardens / parking areas, often with a driveway, a garage, and parking areas facing the road.
5. In marked contrast to this established layout, the proposed introduction of a bungalow within the site would result in the new dwelling being the only nearby property with a shared access, and the only nearby property without an individual drive and a garage. As such, although the single-storey scale and footprint of the new dwelling would be acceptable, as would its roof design, proposed materials, and its position on an existing building line, the layout of the proposal would be incongruous in its immediate context.
6. Moreover, due to its proposed siting in close proximity to No 6, with the parking area and pathway for the proposed new dwelling proposed to be positioned almost directly in front of No 6, the proposed new dwelling would appear noticeably cramped within its plot, even when considering the pattern of development along the southern part of Castlefields, which the appellant has described as being of an increased density.

7. Additionally, the siting of the proposed new dwelling would erode much of the existing gap to the side of No 6, which presently contributes to the spaciousness of the area and currently serves to break up the mass of built form in the vicinity. Accordingly, taking account of all of the above, the proposal would cause significant harm to the character and appearance of the area. It follows that the proposal would not constitute an innovative design solution, with respect to paragraph 6.133 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy).
8. I observed all the examples of sites put forward by the appellant¹. These examples demonstrate the principle that in certain circumstances an additional dwelling (or dwellings) which results in an increased level of density can be incorporated on specific sites without detriment to the character and appearance of the area.
9. However, the situation at the land adjacent to 19 Wansdyke Drive is quite different to the proposal before me, as that proposal involved a layout that was in keeping with its context, including a driveway and garden areas fronting the road in common with nearby properties, whereas for the reasons given above the appeal proposal would result in an incongruous layout in its context.
10. With respect to the land to the rear of 20, 22 and 24 Lickhill Road, I observed that a fairly dense array of 2-storey properties abut that site on The Gardens, which are themselves behind the main run of development on Lickhill Road, resulting in a denser pattern of development than which exists in the vicinity of the appeal site, which primarily consists of dwellings set in more spacious plots. The example at Lickhill Road also involves development to the rear of existing properties, in contrast to the proposed new dwelling which would be positioned in front of No 6.
11. Hence, I consider that the examples referred to above are not sufficiently comparable with the proposal. Moreover, the principal relationship of the site is with Castlefields, and this is where the visual impacts of the proposal would be predominantly experienced, which limits the relevance of sites further afield. As such, my findings on this main issue remain unchanged.
12. I therefore find that the proposal would have an unacceptable and significantly harmful effect on the character and appearance of the area. The proposal would conflict with Core Policy 57 of the Core Strategy which provides that, amongst other things, applications for new development must make efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.
13. The proposal would conflict with Policy BE2 of the Calne Community Neighbourhood Plan 2016-2026 (made February 2018) (Neighbourhood Plan), referred to by the appellant, which provides that, amongst other things, all development must be designed to a high quality that reinforces local distinctiveness, including in relation to settlement patterns.
14. The proposal would also conflict with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things,

¹ Including planning permissions at land adjacent to 19 Wansdyke Drive, land to the rear of 20, 22 & 24 Lickhill Road, 4 Silbury Road, 23, 25 and 25a Wansdyke Drive, and 29-31 Curzon Close, and development around Keevil Avenue, Sarum Way, and Curzon Close.

planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

15. For the avoidance of doubt, the conduct of the Council during the processing of the planning application, including concerns relating to how the planning application was dealt with, are not matters that I can assess in the context of a planning appeal.
16. The site is located outside, but within the setting of, the Calne Conservation Area (conservation area). The significance of the conservation area, as a whole, as a designated heritage asset is derived in part from its abundance of historic buildings, and, as described in the Neighbourhood Plan, historic routes and areas of 19th century housing. As public views of the proposed new dwelling would be somewhat reduced by the presence of No 6 and the fencing around the site, and considering the distance of the site from the southern boundary of the conservation area and that only one dwelling is proposed, in my view the proposal would not have any material adverse effect on the setting of the conservation area. Accordingly, the significance of the conservation area would not be harmed by the proposed development within its setting. This however is a neutral factor, which does not weigh in favour of the proposal.
17. No concerns have been raised by the Council in their decision notice with respect to matters relating to flood risk, the living conditions of neighbouring occupiers (including during the construction phase) and the future occupiers of the proposal (including internal living space and external private amenity space), vehicular access, the amount of parking spaces proposed, highway safety, traffic impacts with respect to the local highway network, archaeology, heritage, drainage, biodiversity, landscaping, or ecology. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.

Planning balance

18. The appellant has asserted that the Council is currently unable to demonstrate the supply of housing sites as required by the Framework, and this has not been disputed by the Council. As such, I would consider the most important policies out-of-date and be taken to the provisions of paragraph 11 d) ii. of the Framework in that planning permission should be granted for the proposal unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal would provide a number of benefits, including the provision of one new dwelling in an established and highly accessible residential area, located within the settlement boundary of Calne and served by a range of sustainable modes of transport.
20. In this regard, I note that paragraph 18 of the Neighbourhood Plan provides that, amongst other things, there was no requirement for the Neighbourhood Plan to allocate sites for housing. Nevertheless, the housing land supply

position, referred to above, demonstrates that there is an evident need for new housing within the wider area served by Wiltshire Council. In this respect the proposal would support the Government's objective of significantly boosting the supply of homes, referred to in paragraph 60 of the Framework.

21. Through the provision of a bungalow, the proposal would contribute to dwelling choice and mix in the local area. The proposal would contribute to economic growth by creating work for construction professionals, and from the future occupiers of the proposed dwelling likely using nearby services and facilities over the long-term.
22. All these matters would be in compliance with a number of the Council's development plan policies, relevant paragraphs of the Framework, and certain parts of the Neighbourhood Plan, including Policy H3 of the Neighbourhood Plan which requires that, amongst other things, specific consideration should be given to the inclusion of bungalows in development proposals.
23. However, whilst reference has been made to parts of the site being fenced off, the evidence indicates that the whole of the site within the red line boundary continues to be in residential use in land use terms, even if not currently available for use by the occupiers of No 6. In this respect there is little substantive evidence to indicate that this garden land is under-utilised in land use terms, with respect to paragraph 120 d) of the Framework which provides that, amongst other things, planning decisions should promote and support the development of under-utilised land.
24. Furthermore, paragraph 124 e) of the Framework refers to, amongst other things, the importance of securing well-designed and attractive places, and I have found on the main issue, above, that the proposal would not result in this outcome. Therefore, in my view the proposal would not constitute an efficient use of land, with respect to paragraph 124 of the Framework.
25. Moreover, the scale of the positive impacts of the various economic, social, and environmental benefits as summarised above would be directly linked to the limited quantum of development involved in this appeal. Thus, I consider that all these benefits, when considered cumulatively, provide only modest support for the proposal. Therefore, collectively all these would amount to no more than moderate weight in favour of the proposal.
26. The proposal would give rise to adverse impacts in relation to its unacceptable and significantly harmful effect on the character and appearance of the area, in the terms I have described above. As the Framework provides at paragraph 126 that, amongst other things, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, I give substantial weight to this harm.
27. Setting the substantial weight of this harm against the moderate weight I afford to the benefits I have found, it is clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR