



Appeal Decision

Site visit made on 8 November 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/Y3940/W/22/3298946

42 Kitchener Road, Amesbury SP4 7AD

- 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 Osman Homes Limited against the decision of Wiltshire Council.
 - The application Ref PL/2021/09272, dated 28 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is Subdivision of plot, alterations to existing dwelling and the erection of 3 dwellings (Use Class C3) and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed during my site visit that a dwelling has been constructed in a position within "Plot A". I understand the planning permission (reference 21/01745/FUL) has been granted for two new dwellings on the site together with alterations to No 42. I have no reason to consider that the development being carried out is not within the terms of the existing planning permission. I am however cognisant that the main parties agree that the new dwelling already approved within Plot A would lie in a position approximately 1 metre further southeast compared against the plans submitted in relation to this appeal.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the living conditions of neighbouring occupiers, with particular regard to the effect of Plot C upon the outlook of No 46, and the effect of Plot B upon the outlook of Karinya; and, (ii) the character and appearance of the surrounding area.

Reasons

Living conditions

4. The dwelling within Plot C would lie close to the shared boundary with No 46, adjacent to the rear garden areas of this property. No 46 also lies close to this boundary and there are windows, including patio windows, in its rear elevation as well as an external decking area. There is a high close board timber fence along the boundary between the two sites.
5. The rear garden of No 46 backs onto The Drove, and whilst there are two storey dwellings on the opposite side of The Drove, these sit at a lower level than No 46 and are set back. This, together with the presence of garden areas

either side of this property, means that the rear elevation and garden of No 46 are private and with a sense of spaciousness. The recently built dwelling at Plot A does not diminish these qualities.

6. The Plot C dwelling would be positioned close to the shared boundary with No 46. At its highest point it would be just under 7 metres. Whilst it would have a hipped gable roof, meaning that its highest point would not be close to the boundary, it would nonetheless be a conspicuous presence in rear views. Further, as the dwelling would extend along a large proportion of the shared boundary and be in close proximity to the rear of No 46, the proposal would be significant in terms of creating a dominant and obtrusive development. This would result in an undue sense of enclosure causing harm to the neighbouring occupiers living conditions. In coming to this view, I am mindful of the existing planning permission for a new dwelling at the rear of the appeal site which, although that would be a taller chalet bungalow, would be positioned more centrally within the site and further away from the site boundaries where the impact on neighbouring occupiers would not be so significant.
7. With regard to Plot B and the relationship of the proposal to Karinya, whilst the dwelling would lie close to the boundary, an access drive to a garage within the property of Karinya provides some separation and the proposed dwelling would lie roughly in line with its side end gable and to its northeast side. There are two windows in the side gable of Karinya, at ground floor level facing the appeal site, however, these appear to be dual aspect. In these circumstances, I find that as the Plot B dwelling would be closely aligned to the existing dwelling, replicating similar relationships between dwellings seen elsewhere in the local street scene, the new dwelling would not appear unduly overbearing to the occupiers of Karinya.
8. The proposed development would result in vehicles passing along a new access drive between No 42 and Plot A, with vehicles being parked close to the shared boundaries with No 46 and Karinya. However, given the small scale of the development, boundary treatments and relatively limited number of traffic movements associated with it, the proposal would be unlikely to cause unacceptable noise and disturbance to neighbouring occupants.
9. Therefore, I find the proposal would not result in unacceptable harm in terms of either noise and disturbance or the living conditions of Karinya. Nevertheless, I conclude that the proposal would have a harmful effect on the living conditions of the neighbouring occupiers of No 46 with particular regard to outlook. As such, with regard to this issue, there would be conflict with Policy 57 of the Wiltshire Core Strategy (WCS) which requires, amongst other things, that development is of a high standard of design, including having regard to the impact on the amenities of existing occupants. There would also be conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, requires the decision maker to ensure proposals create places that promote health and well-being, with a high standard of amenity for existing and future users.

Character and appearance

10. The site lies within a predominately residential area with some variety in plot configurations, layout and built form. Most properties are contained in reasonably sized plots which are accessed directly from the street. As Plots B and C would be accessed by the internal driveway the appeal scheme would

represent a departure from this, the principle of which has already been accepted by the extant approval for the site. Most generally the dwellings set within a townscape context where there is a wide variety of residential properties, including some detached chalet bungalows on Kitchener Road, and two storey houses such as those on The Drove. They would not appear unusual or out of place as part of the visible street scene of The Drove contributing to the range and diversity of properties in the area. Overall, the proposal would not appear as over-development, nor would it be overly prominent or incongruous in the existing street scene.

11. I conclude on this issue that the proposal would not have a harmful effect upon the character and appearance of the surrounding area. In this regard the proposal would not conflict with the provisions of Policy 57 of the WCS which, amongst other things, requires that developments should enhance local distinctiveness and take account of the characteristics of the site and the local context. Nor would it conflict with paragraph 130 of the Framework which, amongst other things, requires the decision maker to ensure that proposals will add to the overall quality of an area, be visually attractive as a result of good architecture, and maintain a strong sense of place.

Other Matters

12. On the evidence before me I am unable to rule out, in the first instance, likely significant effects on the integrity of the River Avon Special Area of Conservation as a result of increased phosphates through wastewater emanating from the proposal. In addition, the Council's Case Officer's Report refers to likely significant effects on Salisbury Plain Special Protection Area Site as a result of potential impact of recreational pressure on Stone Curlew in combination with other plans and projects. Had I been minded to allow the appeal, it would have been necessary for me to consider these matters further within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons given above, I have not pursued these matters further.
13. A previous planning application at Bulford Road has been brought to my attention. The full details of the case are not before me, however, from the evidence available that case related to a proposal with a larger number of houses and the relationship with neighbours was evidently different. My attention has also been drawn to other appeal cases relating to new housing. All but one of those cases was not subject to the WSC policies. The exception to this relates to Winterbourne Dauntsey, Wiltshire which did not consider the impact of development upon outlook of neighbouring occupiers as a main issue.
14. In any case, the circumstances in each proposal are likely to be different, and the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. The relationship with neighbouring properties, its scale and the nature of the development currently under consideration are materially different to those cases. Therefore, these are matters to which I attach limited weight.

Planning balance

15. The Council accepts that it is not possible to demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework states that plans and

decisions should apply a presumption in favour of sustainable development and that for decision-taking this means that, where the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

16. The proposed development would be harmful to the living conditions of No 46 with particular regard to outlook, contrary to policy within the development plan. Given that Policy 57 is broadly consistent with the relevant provisions of the Framework this conflict is a matter of considerable weight in my decision.
17. Paragraph 60 of the Framework refers to boosting significantly the supply of housing. Two new dwellings have already been permitted at this site by the Council. In terms of this proposal, there would be a small social benefit in providing an extra housing unit on the site in a location with good access to facilities and services to serve the day to day needs of prospective residents. The proposal would also make a more efficient use of land. Occupiers would be likely to participate in the local community and use relevant services. Some economic advantages would arise from the construction and occupation of an additional dwelling. However, the provision of one additional unit within the site would make little meaningful difference to the supply of housing and these benefits would be limited.
18. The appellant refers to the benefit of supporting the housing needs of vulnerable and older people. However, even if the dwellings were to be occupied by vulnerable and older people this would not be controlled because the proposal is for unfettered open market dwellings. I therefore attach limited weight to this point.
19. Against these limited benefits, the proposed development would cause unacceptable harm to the living conditions of occupiers of No 46. Overall, I find that the adverse impacts of the proposed development relating to the living conditions of occupiers of No 46 would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR