

Appeal Decision

Site visit made on 24 November 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/Y3940/W/22/3303133

69 Tollgate Road, Salisbury SP1 2JP

- 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 Eugene Patel of EV Developments against the decision of Wiltshire Council.
 - The application Ref PL/2022/03156, dated 20 April 2022, was refused by notice dated 13 June 2022.
 - The development proposed is new dwellinghouse.
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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 on land at 69 Tollgate Road, comprising the side garden and garage area of the existing dwelling, which forms a row with other three storey dwellings.
4. The site provides a degree of openness to the side of the existing dwelling, creating space between the built form and the street. As such, the existing dwelling sits comfortably on the corner plot.
5. Whilst the locality has a dense pattern of development in a general sense, these open spaces, limited as they may be, are important in achieving well balanced building to plot ratios.
6. The proposal would deliver a new dwelling that is three storeys in height, which would erode the side garden and existing level of openness. The resulting effect would be a cramped building to plot ratio and an incongruous and harmful pattern of development.
7. This is despite the new dwelling being broadly similar in scale to neighbouring dwellings and the retention of the front garden area, which would remain consistent with the prevailing pattern of development.

8. To be clear, it is not the scale of the proposal in and of itself that is harmful, it is the combination of scale and siting, the relationship with the plot and loss of openness taken altogether. The increase in density at this particular site would not be sympathetic to the character and appearance of the area.
9. Whilst I acknowledge the appellant is pursuing a more efficient use of land, this should not be at the expense of other considerations. A balance needs to be struck and I cannot conclude that the proposal would result in an appropriate balance given the existing context.
10. There is a dispute about the fenestration detailing associated with the proposal. However, it is not clear why such details could not potentially be secured by planning condition, as is common practice.
11. I acknowledge the proposal would use similar materials and detailing in all other respects, this would only preserve these aspects of the locality and would not counteract the incongruity of the proposal's scale and siting.
12. Landscaping may help soften the built form, but the dwelling is significant in height and therefore the effects of the proposal's siting and the perception of encroachment and loss of openness would remain. It follows any purported enhancement effects derived from landscaping would not arise either.
13. The appellant argues that the proposal is innovative but does not provide further evidence to substantiate. I have given the matter limited weight in this context.
14. Overall, whilst it is possible that planning conditions might be able to secure acceptable fenestration detailing, the proposal would still be of inappropriate scale and siting, harming the character and appearance of the area.
15. It would therefore conflict with Core Policy 57 of the Wiltshire Core Strategy 2015 and Paragraph 130(c) of the National Planning Policy Framework, which among other things seek to ensure high quality design and place shaping, and developments that are sympathetic to local character.
16. Given the statutory nature of the development plan, harm derived from conflict with it should carry significant weight in the planning balance. This would be reinforced by conflict with policy in the National Planning Policy Framework.

Other Matters

17. Whilst I note the planning history of the site, I have made my determination based on the current iteration of the proposal, considering the matters in dispute, in accordance with the development plan and other material considerations.
18. Arguments surrounding other matters, such as the loss of garden space in relation to the living conditions of future occupiers¹, are less well advanced by the parties.
19. For example, I do not have any detail about living space standards or walking distance standards in relation to other open spaces. Consequently, I am unable to make a definitive assessment in this regard.

¹ Also referred to as amenity.

20. As I am dismissing the appeal for other reasons alone, it is not necessary for me to probe these other matters further, as it would make no difference to the outcome of my decision.
21. The Council acknowledge an error was made in reference to the National Planning Policy Framework. However, this has not been determinative under the appeal in light of conflict with the development plan.
22. The appellant cites a number of other planning applications in the locality. However, without the full details of each in front of me, I am unable to determine whether they share a similar context or reach a finding on contentions about consistency.
23. The Council submitted correspondence between the parties during the application in relation to the appellant's claims about engagement. However, it is not for me to comment on the extent of engagement between the parties and, in any event, advice from officers during the application process would have been given without prejudice to the Council's decision.
24. The Council cannot demonstrate a five year housing land supply and Paragraph 11(d)(ii) of the National Planning Policy Framework is engaged. However, the proposal would deliver a very limited quantum of additional housing and therefore would not address the shortfall to any meaningful degree.
25. Consequently, the adverse impacts identified under the main issue would significantly and demonstrably outweigh the benefits in this case, and the presumption in favour of sustainable development would not be engaged in favour of the proposal.

Conclusion

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

Liam Page

INSPECTOR