



Appeal Decision

Site visit made on 10 February 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/Y3940/W/22/3303889

11 Quemerford, Wiltshire, Calne SN11 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Alistair Fenwick, Box Property Group Ltd, against Wiltshire Council.
 - The application Ref PL/2022/03438, is dated 3 May 2022.
 - The development proposed is described as 'The erection of a new dwellinghouse'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council did not issue a decision on the planning application, it has provided a statement setting out the reasons why it would have refused planning permission. This has informed the main issues of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on: a) the character and appearance of the area; and b) the living conditions of neighbouring occupiers of nos. 11 and 13 Quemerford, with respect to noise and disturbance.

Reasons

Character and Appearance

4. The appeal site predominantly forms part of the rear garden of no. 11 Quemerford, which comprises a large detached, two-storey dwelling set within a sizeable plot. The surrounding area has a suburban residential character.
5. The section of Quemerford in which the appeal site sits is predominantly characterised by traditional residential development that varies in its precise style and appearance. Nevertheless, properties along Quemerford maintain a clear linear arrangement and, for the most part, have a strong presence within the streetscene. Indeed, most buildings along the neighbouring section of Quemerford are set out on a consistent building line, fronting onto the main highway, behind front gardens with strong boundary treatments. This creates a consistent pattern and grain of development.
6. The proposed dwelling would be accessed from the main highway via a driveway that would run between no.11 and no. 13 Quemerford (nos. 11 and

- 13), with the proposed dwelling sitting behind no.11. As such, it would result in a backland form of development that would be in marked contrast with the prevailing pattern of development.
7. I recognise that the existing boundary frontage of no. 11 is to be retained. Additionally, the appearance of the proposed dwelling, in terms of its overall scale, architectural features and use of materials are sympathetic to the surrounding built form. However, the proposed dwelling's position and lack of street frontage would be out of character with the underlying form of neighbouring development. Furthermore, although located to the rear of no. 11 and only 1.5 storeys in height, the incongruous relationship that the proposed dwelling would share with neighbouring properties would still be appreciable from the public domain.
 8. I observed that more recent housing development exists off Wessington Park largely to the rear of the appeal site, while there are also relatively modern housing estates located to the south, accessed via Trinity Park and Stockley Lane. The layout and built form in these areas diverge from that found along Quemerford, instead comprising of dwellings that are laid out in cul-de-sacs and closes with less defined building lines. However, the proposed development would primarily be viewed in its more immediate context on Quemerford.
 9. The appellant highlights that the surrounding area already contains backland forms of development. Notably, a nearby development to the rear of no. 7 Quemerford (no. 7) has been identified. However, I have been provided with very little detail of the circumstances of that permission. In addition, from my observations on site, the development to the rear of no. 7, when viewed from public vantage points, did not obviously read as a backland dwelling. This was due to its design being more akin to a sizeable single storey extension to no. 7. Conversely, where views of the appeal scheme would be possible from the public realm, its relationship with the surrounding built form would more clearly appear as a separate, incongruous, backland dwelling.
 10. Additional examples of backland developments in the wider area have also been brought to my attention by the appellant. Again, I have little information before me as to the circumstances of these developments. However, from the evidence before me and my observations on site, these were located some distance from the appeal site. As such, while there are already existing backland developments nearby, I still did not find these to be particularly representative of the predominant layout and character of the area in which the proposal would sit. Consequently, the presence of these other examples does not lead me to a different view in this case.
 11. Whilst I agree that the site is in a sustainable location for residential development, the proposed layout would nonetheless be uncharacteristic of the surrounding pattern of development.
 12. Overall, I find that the proposed development would be at odds with the prevailing layout of neighbouring built form. It would therefore have a harmful effect on the character and appearance of the area. As such, it would conflict with Policy CP57 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy). The policy establishes that, amongst other matters, new development must make efficient use of land whilst taking account of the characteristics of the site and its local context, to deliver development that

relates effectively to the immediate setting and to the wider character of the area.

13. The proposal would also conflict with Policy BE2 of the Calne Community Neighbourhood Plan (Made 2018) (Neighbourhood Plan). The policy provides amongst other matters, that all development must be designed to a high quality that reinforces local distinctiveness, including in relation to settlement patterns.
14. It would also not comply with the principles set out in Chapter 12 of the National Planning Policy Framework (the Framework) which states that development should be sympathetic to local character.

Living Conditions

15. Core Strategy Policy CP57, amongst other matters, also requires that new developments have regard to their compatibility with adjoining uses and to the impact on the amenities of existing occupants.
16. The Council is satisfied that the proposed development would not result in a harmful loss of privacy or overbearing impacts to neighbouring properties. From the evidence before me and my observations on site I have found no reasons to disagree. The Council's concern instead lies with the relationship that the access drive and parking arrangements for the proposed dwelling would share with both nos. 11 and 13.
17. The parking spaces for the proposed dwelling would be sited adjacent to the rear garden boundary with no. 11. Although I note from the application drawings that sufficient space has been retained to incorporate planting alongside the rear boundary with no.11. This could be suitably secured by a planning condition on any grant of permission. Meanwhile, the proposed access drive would lead off the main highway and be routed between the flank walls of both no. 11 and 13. The access drive would be sited particularly close to the side elevation of no. 13, which contains windows at both ground and first floor level that face onto the proposed driveway.
18. Both the proposed access drive and parking spaces would therefore share a close relationship with the adjacent dwellings. However, it is not unusual for a driveway to a single dwelling to pass close to a neighbouring dwelling or its garden in suburban locations. The proposal would result in some additional brief noise associated with vehicle movements and also possible fleeting disturbance from headlights at night. However, given the scale of the development, and the likely associated level of vehicle movements, the overall level of noise and disturbance is likely to be somewhat limited in nature.
19. Consequently, I do not consider the proposal would result in significant noise or disturbance that would unacceptably harm the living conditions of neighbouring occupiers at nos. 11 and 13. I therefore find, in respect of safeguarding the living conditions of neighbouring residents, the proposal accords with Policy CP57 of the Core Strategy.

Other Matters

20. The Grade II Listed Talbot Public House lies closely to the north-west of the appeal site. The public house is already bound on three sides by residential properties, while the A4 highway lies immediately to its south. The Council has

not raised concerns in relation to the effects of the proposed development on the Grade II listed building. Nevertheless, I have a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

21. Based on the evidence before me and my observations on site, the building is of 18th Century origin and has been constructed in coursed limestone rubble, brick gable stacks and a stone slate roof. It displays an attractive double frontage and has previously been extended to the rear, probably in the mid to late 19th Century. I deem that the significance of the listed building primarily lies in its age, architectural qualities, and historic interest as a public house on a main thoroughfare.
22. The overall scale of the proposed development, its use, and relationship with the listed building is such that I am satisfied that the development would preserve the setting of the listed building. It would have a neutral effect that would have no material impact on its setting and significance, nor lessen the ability to identify its historic nature.
23. I note the appellant's frustrations with the way the Council dealt with the application, particularly its lack of communication. However, this is a matter for the Council to address, and I have determined the appeal on its own merits.

Planning Balance

24. The Council acknowledge that it is unable to demonstrate a 5-year supply of housing sites. Paragraph 11(d)ii of the Framework therefore applies. This requires an assessment of the proposal against the policies of the Framework taken as a whole.
25. Whilst paragraph 60 of the Framework refers to significantly boosting the supply of housing the provision of one additional unit would make little meaningful difference. When judged against some of the core planning principles, the proposal would perform well in that it would provide a new dwelling, in a sustainable location and make efficient use of land. However, good design is also a key aspect of sustainable development.
26. The proposal would provide a small social benefit through the provision of a new dwelling. It would also provide economic benefits through the creation of employment during the construction process, and further spend of residents in the local economy. However, given the scale of the proposed development each of these associated benefits would be individually and cumulatively modest.
27. The appellant has also identified various other attributes associated with the proposed development. These include that it would comply with all national space standards, is designed to protect neighbouring amenity, would actively promote the use of alternative sustainable modes of transport, and is also policy compliant in terms of archaeology, heritage, drainage, and ecology matters. However, these are each to be expected of new development proposals. Accordingly, they are neutral matters in the planning balance as opposed to benefits.
28. Against the above, the harm to the character and appearance of the area identified would be significant. As a result, the environmental role of sustainable development would not be achieved. Notably, the Framework sets

an expectation that development should be well designed so that it is sympathetic to local character, including the surrounding built environment. Policies CP57 of the Core Strategy and BE2 of the Neighbourhood Plan are therefore consistent with the Framework. Even taking account of the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be given significant weight in this instance.

29. Overall, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

30. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR