



Appeal Decision

Site visit made on 27 February 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/Y3940/W/22/3298746

Snowflakes, Rectory Road, Alderbury SP5 3AD

- 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 and Mrs David and Alexandra Rusholme against the decision of Wiltshire Council.
 - The application Ref PL/2021/07940, dated 11 August 2021, was refused by notice dated 7 February 2022.
 - The development proposed is demolition of domestic outbuildings and erection of two chalets to the rear of the bungalow 'Snowflakes', and associated parking, and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - flood risk; and
 - the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

3. The appeal site comprises a parcel of land to the rear of the residential dwelling known as "Snowflakes", which is located on the north-western side of Rectory Road. The plot also encompasses land adjacent to the rear gardens of two other dwellings along the road, known as "Oakfield" and "Lavington".
4. Rectory Road is residential in character, with the dwellings mostly fronting the road in an established linear arrangement. To the south of Rectory Lane, properties on the north-western side of Rectory Road typically benefit from substantial gardens to the rear, which are flanked at the back by a wooded area. Notwithstanding the presence of any low-level ancillary outbuildings, these common characteristics give the properties along this section of the road a strong degree of verdancy and openness, which contributes positively to the prevailing semi-rural character of the area.
5. The proposal would introduce two dwellings to the appeal site, which would be accessed via a shared driveway between Snowflakes and Holly Lodge. This would lead to a tandem form of development, which would juxtapose with the

established linear pattern of houses along this section of the Rectory Road. Indeed, the new houses would lack any direct frontage or relationship with Rectory Road, an arrangement which would be at odds with the closest neighbouring dwellings, which generally benefit from an active street frontage. This incongruity would disrupt the clear grain of residential built form which typifies this section of the road. This harmful impact would be further exacerbated by the partial erosion of the open land to the rear of these properties, which would undermine the verdant quality of the land in this location.

6. Whilst there is an example of tandem development near to the appeal site (known as Deer Leap), this property is flanked to its north by the rear gardens of other dwellings situated on the southern side of Rectory Lane. This means the surrounding context to this property is different, as the dwelling is more effectively integrated with the surrounding built fabric of the adjoining roads. In turn, this example would not justify a more isolated form of tandem development elsewhere along the road.
7. On account of these factors, I consider that the development would harm the character and appearance of the area. It would conflict with Policies CP51 and CP57 of the Wiltshire Core Strategy (2015) (Core Strategy), which seek to protect, conserve and where possible enhance the landscape character of an area. These policies highlight that development should draw on local context and relate positively to the existing pattern of development. The proposal would also conflict with saved Policy C6 of the Salisbury District Local Plan (2003), which promotes similar landscape protections as part of new development. Finally, the development would undermine the overarching design objectives of the National Planning Policy Framework (2021) (Framework).

Flood Risk

8. Although the appeal site is located within Flood Zone 1, part of the site lies within a 20-metre buffer of a watercourse to the rear of the site. Owing to this proximity, the Council's Strategic Flood Risk Assessment (SFRA) indicates that part of the site may be at risk from surface water flooding.
9. Paragraph 159 of the Framework says that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk". Paragraph 161 also says that "all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk [...] They should do this, and manage any residual risk, by: (a) applying the sequential test and then, if necessary, the exception test". Paragraph 162 then goes on to say that "the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding".
10. Whilst the appeal site's location within Flood Zone 1 indicates a low risk of flooding from rivers and seas, this flood zone does not extend to all sources of flood risk. In this instance, the SFRA indicates that part of the site may be susceptible to flood risk from other sources. The sequential test should therefore be applied to the development, in line with the requirements of the Framework.

11. The appellants' Flood Risk Assessment indicates that mitigation measures will be incorporated into the scheme to mitigate against the risk of surface water flooding. However, notwithstanding the proposed mitigation, there is no evidence before me to suggest that alternative sites for the development have been considered. The Planning Practice Guidance (PPG) says that the sequential test area shall be defined by local circumstances relating to the catchment area for the type of development. This means the sequential test area should not be limited to the appeal site alone.
12. Without proper application of the sequential test, I cannot determine whether there would be any sequentially preferable sites for the proposal, where there would be a lower risk of flooding. Irrespective of the proposed mitigation, the sequential test has therefore not been addressed adequately.
13. On this basis, I am unable to conclude that the development would meet the flood risk safeguards set out in the Core Strategy and the Framework. Specifically, the proposal would conflict with Policy CP67 of the Core Strategy which says all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground. The development would also conflict with the flood risk measures, particularly those relating to the application of the sequential and exception tests, as set out in the Framework.

Living Conditions

14. The new dwellings would be accessed via a shared driveway which would run between Snowflakes and Holly Lodge. Whilst the development would invariably lead to an increase in vehicle movements along this driveway, the appellants' Acoustic Report concludes that the noise attributed to the development would remain below the limits defined in BS8233:2014 and WHO Guidelines. The application plans also show that the existing hedgerow running alongside the boundary with Holly Lodge would be retained, together with a close boarded fence along this same boundary, both of which could be secured by condition. These boundary features should provide adequate protection from any other associated disturbance, including light and general activity. On this basis, I am satisfied that the development would not cause undue harm to the living conditions of neighbouring occupiers with regard to noise or disturbance.
15. The new dwellings would not face any of the existing properties along Rectory Road, nor would there be any windows on the side elevations which would face these houses. This means there would be very limited potential for direct overlooking. Snowflakes itself would retain a sizeable rear garden which would be commensurate in length with the gardens to adjoining properties, which means there would also be a substantial area of intervening space between the new dwellings and the existing properties. This arrangement would help ensure an appropriate level of privacy and outlook is maintained for the existing dwellings.
16. For these reasons, I am satisfied that the development would not harm the living conditions of neighbouring occupiers. In this regard, the proposal would be consistent with Policies CP51 and CP57 of the Core Strategy, which seek to ensure new development safeguards an appropriate level of amenity, with specific regard to privacy, noise and pollution. The development would also align with the overarching amenity objectives set out in the Framework.

Other Matters

17. The Council and the appellants have each cited appeal decisions to support their respective cases. Whilst there may be some divergence in approach between Inspectors, these examples demonstrate that tandem development must be determined on its own merits, based on its specific particularities and surrounding context. In this instance, the proposal would jar with the prevailing pattern of development in the area, which would harm the character and appearance of the area. The proposal has also failed to adequately address flood risk. In turn, the examples cited by the parties only carry limited weight in my determination of the present scheme.
18. The Council cannot demonstrate a five-year supply of deliverable housing, which means its policies relating to delivery of housing are deemed to be out of date. Paragraph 11(d)(ii) of the Framework (tilted balance) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
19. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area, highlighting the need for it to be visually attractive and sympathetic to local character and surrounding built environment. As mentioned, paragraph 161 is clear that all plans should apply a sequential, risk-based approach to the location of development in terms of flood risk.
20. The content of the Framework therefore reflects the principles and objectives of the Core Strategy and relevant saved policies of the Local Plan in terms of character, appearance and flood risk. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies in the Core Strategy and the Local Plan should therefore be attributed significant weight in this appeal. The proposal would therefore conflict with the development plan when taken as a whole.
21. The additional two dwellings would make a modest contribution to the Council's housing stock, which would be a benefit of the scheme. Nonetheless, I do not consider that this benefit would be sufficient to outweigh the harms identified with regard to character and appearance and flood risk. In turn, the adverse impacts of the development would significantly and demonstrably outweigh the scheme's benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development would not apply in this instance.

Conclusion

22. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR