



Appeal Decision

Site visit made on 3 October 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.10.2023

Appeal Ref: APP/Y3940/W/23/3319830

West Winds, 72 Netherstreet, Bromham, Wiltshire SN15 2DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr V Field against the decision of Wiltshire Council.
- The application Ref PL/2022/09738, dated 20 December 2022, was refused by notice dated 13 February 2023.
- The application sought planning permission for demolition of bungalow and replacement with 1 detached dwelling and associated works to include change of use of land to form extended residential curtilage without complying with a condition attached to planning permission Ref PL/2021/11715, dated 30 March 2022.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved drawings and details:
 - Location Plan (LOC_1969-RM-PLAN 1 Plot 1.dwg)
 - Proposed plans sections & elevations (P1-rev C_1969-RM-PLAN1 PLOT1 A.dwg)
 - Proposed plans sections & elevations (P2-rev B_1969-RM-PLAN1 PLOT1 A.dwg)
 - Protected Species Survey.
- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above site address is taken from the application form, which is consistent with the Council's decision notice. However, I note that the location has been described on the appeal form as Plot 1, 72 Netherstreet, Bromham, Wiltshire.
3. Since the Council made its decision, on 5 September 2023, a revised version of the National Planning Policy Framework (the Framework) has been issued. However, the only substantive revisions relate to national policy for onshore wind development in England, and I am satisfied that the changes to national planning policy do not materially affect this appeal. I have taken the Framework into account in reaching my decision.

Background and Main Issue

4. I observed that works have commenced. The construction works are at an advanced stage, however, a double garage has been constructed rather than an alternative to the approved plans in respect of a triple garage as per the appeal scheme. Notwithstanding, I noticed that foundations and a course of blockwork have been constructed in the position of the area of the proposed triple garage. I cannot be certain that those works occurred before the

application was made and, for the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

5. The appeal follows the Council's decision to refuse an application seeking to vary the approved drawings in order to construct a triple garage. The Council refused the application due to concerns relating to the effect of the development on the character and appearance of the area.
6. The main issue, therefore, is the effect of varying condition No 2 on the character and appearance of the area.

Reasons

7. The appeal site lies alongside Netherstreet within a predominately residential area towards the northern extent of the road. The surrounding area comprises a mix of property types, including detached and semi-detached dwellings of varying ages. Whilst there is variety in the wider area, the properties in the locality, for the most part, sit within medium and large sized plots and are set behind front gardens and driveways, which are mostly open with low-lying enclosures or landscaped with hedges. Properties are generally punctuated by small gaps that help define the varied architectural form and scale of buildings in the area. This gives the street a pleasant green and generally spacious character.
8. The row of dwellings on this side of the road, from 66 Netherstreet to the appeal site, are generally at road level with low front boundary enclosures, whereas many other dwellings appear to be more elevated. Consequently, the appeal site is closely associated with those neighbours.
9. Even though it would match the height, width and materials of the previously approved garage, the proposed triple garage would extend further to the west. It would have the effect of bringing the dwelling closer to and encroaching into the open space alongside the highway, hence reducing the openness of the site as appreciated from the street. Coupled with its scale and position forward, although not substantially, of the garages at the neighbouring properties at 68 and 70 Netherstreet, this would lend the appeal scheme an undue prominence in the street scene that would not be the case with the previously approved scheme despite an area of hardstanding having been granted. As a result of its cumulative mass and scale, the development would not respect the proportions of the dwelling and would detract from the street scene in this location.
10. The submitted evidence includes a site plan showing an alternative in respect of the garage at Plot 2. Even if the alternative scheme for a garage at Plot 2 is granted planning permission, the appeal scheme would significantly increase the mass of the approved building at the appeal site. This together with its position closer to the road would give rise to disproportionate bulk that would be over-dominant and at odds with the character and appearance of the local area, and it would jar with other properties, including Plot 2, in this part of the street. The whole effect is a scheme that lacks a sense of subtleness, and it would overpower the host dwelling, causing harm to the character and appearance of the local area.
11. For the reasons given above, the proposed triple garage would cause harm to the character and appearance of the area. Accordingly, it would not comply with Core Policy 57 of the Wiltshire Core Strategy Adopted January 2015. This

policy, amongst other things, requires a high standard of design and expects development to create a strong sense of place through drawing on the local context and being complimentary to the locality, including relating positively to the existing pattern of development, building layouts, scale and building line.

12. Whilst not referred to within the Council's reason for refusal, the main parties have referred to paragraph 135 of the Framework, which states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion. Accordingly, the appeal scheme would also conflict with paragraph 135 of the Framework.

Other Matters

13. The fact that the site is not within any special landscape or heritage designation does not undermine the value of the character and appearance of the area. I recognise the appellant considers that the proposal would provide the space they need and secure, covered parking for three vehicles. Nonetheless, from all that I have seen and read, I am not convinced that this would be an acceptable design solution.
14. I accept the appellant considers that the appeal scheme would enable more solar panels to be installed on the building and improve the sustainability credentials of the dwelling. Even so, this is not the only means by which to improve the sustainability of the dwelling and this does not negate the requirement for new development to have an acceptable impact on the character and appearance of the area. Moreover, the submitted plans do not propose solar panels on the roof of the garage. Accordingly, this is a matter of limited weight and would not outweigh the identified harm.
15. My attention has been drawn to permissions granted by the Council for car port buildings at 76A Netherstreet (ref PL/2021/08767) and 78 Netherstreet (ref 19/00839/FUL). Whilst those schemes would involve the construction of car ports closer to the highway than the host dwelling and set higher than the level of the road, they would be single storey and would have a smaller mass and scale than the appeal scheme. The appellant has referred to other buildings along Netherstreet which are set close to the road, including 60 Netherstreet, however, these are historic buildings and do not provide the immediate context of the appeal site. Therefore, these cases are not directly comparable to the appeal scheme. In any case, I have determined the appeal on its own merits.

Conclusion

16. For the reasons given above, I conclude that the development would not accord with the development plan as a whole and there are no identified material considerations, either individually or collectively, that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

J White

INSPECTOR