



Appeal Decision

Site visit made on 24 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.11.2023

Appeal Ref: APP/Y3940/D/23/3327408

The New House, Tuners Lane, Crudwell, Wiltshire SN16 9EN

- 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 J Blake against the decision of Wiltshire Council.
 - The application Ref PL/2023/02505, dated 28 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is a single-storey extension after demolition of existing conservatory.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr J Blake against Wiltshire Council. This application is the subject of a separate Decision.

Main Issues

- The main issues are the effect of the proposed development on the living conditions of the occupiers of 1 Turners Lane (No 1) having particular regard to outlook and light; and the character and appearance of the area.

Reasons

Living conditions

3. The appeal proposal seeks the erection of a single storey L shaped flat roof extension to the rear of the property, in lieu of the existing conservatory. The proposed extension would amalgamate with the existing detached garage, giving the appearance of a single large addition. The proposal would also include the raising of the eaves of the existing garage to reflect the height of the parapet wall of the proposed extension and the replacement of the existing pitched roof to the garage with a flat roof.
4. The appellant's submissions indicate that whilst the proposed extension would not breach the 45 degree line, having regard to the windows in the rear elevation of the single storey projection to the rear of No 1, the existing garage does. Nevertheless, given that there is no increase in the overall height of the garage, it is considered that any effects of the amended design would not give rise to any tangible harm in terms of loss of light to the rear of No 1, moreover, this would be limited to the latter part of the day and in the summer months.
5. The proposal would result in the loss of the existing space between the rear wall of the main dwelling and the existing detached garage, creating a

continuous built form between the dwelling and the rear garden boundary. The resulting structure would run almost the entire length of the shared side boundary with No 1. It would be significantly greater in height than the existing boundary fence and whilst similar in height to the ridge height of the existing garage, due to the amended roof design, including the raising of the eaves of the garage, would increase the bulk of the existing structure at the boundary of the site. For these reasons, the proposal would create a visually dominant and oppressive feature when viewed from the rear of No 1, which would result in an overbearing effect and feeling of enclosure to the rear garden.

6. I therefore conclude that, whilst the proposed development would not harm the living conditions of the occupiers of No 1, with regards to light, it would have an unacceptable and harmful effect on the living conditions of the occupiers of No 1, in relation to outlook. Accordingly, the proposal would fail to comply with the high quality design aims of Core Policy 57 of the Wiltshire Core Strategy 2015 (CS), in so far as it requires new development to have regard to the impact on the amenities of existing occupants.

Character and appearance

7. The appeal property is a 2 storey detached dwelling which occupies a corner plot at the entrance to the Turners Lane Estate from Turners Lane. The appeal site is slightly elevated in relation to the highway and footpath to the side boundary, and despite the presence of a mature boundary hedge to the side and the rear boundary fence, the existing dwelling, including the upper part of the conservatory and detached garage, are clearly visible in views from the public highway to the side and rear.
8. The site lies on the edge of the settlement opposite an area of open countryside, at the end of a row of semi-detached dwellings of similar scale and appearance. The properties in the row are set back a similar distance from the highway and benefit from vehicular access to the rear of the dwellings. The properties are host to a range of alterations and additions, including rear extensions and detached ancillary outbuildings that are visible from the highway. However, due to the mostly modest scale of these additions, there is a pleasant sense of openness to the rear of the properties, including the appeal site.
9. Views of the proposed development from the footpath immediately to the side of the site would be limited due to the lower ground level of the footpath and the existing boundary hedge. However, despite the existing boundary treatments, the upper section of the extension would be visible from both the rear and sides from vantage points beyond the footpath and in longer distance views. The alterations to the eaves height of the garage would also increase its prominence in the street scene.
10. The built form of the extension would be viewed in the context of and against the backdrop of the surrounding residential development. Nevertheless, the scale of the extension, combined with its amalgamation with the existing garage, would result in a substantial projection to the rear of the property that would dominate its rear elevation.
11. Whilst the Crudwell Design Guide (DG), which forms part of the Crudwell Neighbourhood Plan 2019-2026 (NP) does not refer to the appeal site specifically, the design advice it advocates is equally applicable to development

throughout the village. The DG identifies pitched roofs as a predominant feature, particularly in the Conservation Area, however neither the technical guidance therein, nor advice in the draft Wiltshire Design Guide is inimical to contemporary extensions or flat roof designs. The DG supports modern buildings of a good quality design that reflect the local vernacular.

12. Nonetheless, due to its siting close to the junction and particularly large expanse of flat roof, the development would appear as an anomalous feature that would be at odds with the prevailing pattern of the surrounding residential development. As such, it would diminish the sense of openness to the rear of the properties and would significantly harm the character and appearance of the area.
13. I note that the proposed extension has been designed with a flat roof to minimise the effect of the development, and that it would be constructed using materials that would match the existing dwelling. However, this would not outweigh the harm I have identified.
14. For the foregoing reasons, the proposal would conflict with Core Policy 57 of the CS which seeks development of a high standard of design, which among other things, responds positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting. It would also fail to accord with the NP, including the DG, which seeks to ensure that new development is appropriately located and of a scale and design sympathetic to its surroundings and sets out the need for buildings to sit comfortably within their context.
15. While the proposal would also conflict with advice set out in the draft Wiltshire Design Guide in relation to achieving well designed places, given this document is still in draft and has not been formally adopted by the Council, this carries limited weight.

Other Matters

16. My attention is drawn to the extension to the rear of No 1, for which planning permission was granted by the Council (Ref 18/03550/FUL), which is suggested is similar in scale to the appeal scheme. However, the extension in that case has a more modest footprint and does not project as far beyond the rear of the property. Nor does it attach to an existing detached garage. Consequently, it has a different effect on the character and appearance of the area to that proposed. Whilst the occupants of No 1 have not objected to the proposal, the absence of objection does not in itself render the scheme acceptable.

Conclusion

17. There would be no harm to living conditions in relation to loss of light, this is a neutral matter in the planning balance. Set against this I have found that there would be harm to living conditions having regard to outlook and the character and appearance of the area. Therefore, the proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley INSPECTOR