

Appeal Decision

Site visit made on 13 December 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/Y3940/D/23/3327114
7 Fisherton Island, Salisbury, SP2 7TG

- 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 A & R Kington & Bancroft against the decision of Wiltshire Council.
 - The application Ref PL/2023/02943, dated 11 April 2023, was refused by notice dated 28 June 2023.
 - The proposal is to carry out alterations and erection of first floor extension and rear two storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the locality and b) living conditions for neighbours.

Reasons

Character and appearance

3. The appeal property is a linked dwelling built in the 1970s in a short row of similar regular pairings which front a narrow private road with the River Nadder beyond and extensive water meadows to the rear. This is an edge of settlement location, almost an island, of established character, unusual form, and pleasing appearance. The proposal is as described above.
 4. The site lies within the Salisbury City Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
 5. The design of the appeal property and its nearest neighbours is unremarkable but it is of its time. To my mind it works visually in this area because the built mass is low key in form, the full two storey elements are limited at the front and, both at the front and rear, there is an appreciable upper-level gap between the linked homes, the rear elevation is simple, and the overall rhythm of this stretch of homes sits comfortably in this landscape. There is a sense of spaciousness. The planned works would be significant. I did not find the
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dormer to be discordant in its context, it would seem appropriate and visually suited to this semi-cat-slide roof with its repetition along most of the row of dwellings. The dormered chalet appearance visually reduces mass and the scheme would appreciably enlarge that perceptively from the front but also in actual terms as the upper level would extend closer to the its neighbour. Furthermore, the simple rear with its eaves along the top of the windows would gain two sizeable gable ends projecting well above the existing eaves line and would also add first floor mass closer to the neighbouring linked dwelling. The scheme would not appear to take design cues from the existing building, would not be subservient, and runs contrary to local townscape and landscape characteristics.

6. I agree with the Appellants that longer distance views are limited and filtered but the lack of stand-out features is partly due to the presently modest massing found on this 'island'. Even when there are limited vantage points, good appropriate design is a characteristic that should be aimed for, particularly in Conservation Areas. I am not convinced that the appeal scheme falls within this ambit; regrettably it would be incongruous.
7. Having regard to the foregoing I conclude that there would be conflict with S72(1) of the Act; there would not be preservation of the character and appearance of the Conservation Area. Core Policy 57 of the Wiltshire Core Strategy (CS) is also relevant. Amongst other matters this policy seeks to secure a high standard of design with development: enhancing local distinctiveness; respecting local townscape, landscape and heritage qualities; being of suitable sympathetic layout and scale; and protecting the character and appearance of the immediate and wider context. This is reflected in the design objectives of the Council's Supplementary Design Guidance 'Creating Places' (SDG), albeit this document cannot be expected to cover every eventuality in text or diagram. Given the nature of the scheme before me I conclude that the proposal would conflict with the CS Core Policy 57 and the pertinent aesthetic aims of the SDG.

Living conditions

8. The Appellants rightly identify that there appears to be some confusion in the Council's report and Decision Notice related to this matter. I shall seek to be clear.
9. Looking firstly at No 6 to the east. This home is set appreciably further back on the plot than the appeal property such that the latter is fully alongside the front garden of No 6. To my mind this unusual juxtaposition is already somewhat imposing on No 6's frontage and main entrance. By adding the extra length of two storey side wall via the extension works, with no set-in incorporated, there would be, in my opinion, the point reached where the overbearing aspect becomes unacceptable. Furthermore, the oblique, but close, face to face relationship of nearest upper-level windows would become too proximate and feel intrusive. All-in-all the planned extension works would make for uncomfortable hemmed-in relationship to No 6 and would unduly impose upon the residential amenity of those neighbours.
10. Turning to No 8 to the west. This linked dwelling, with a rear elevation set in line with the appeal property, enjoys spaciousness and openness to the rear. Two storey elements are presently well-separated and this is a key aspect of

the quality of living currently enjoyed. The appeal scheme would not only take the whole two storey massing on the existing footprint appreciably closer to the shared side boundary but would also at this point, with no set-in, project further into rear garden space than the current main rear elevation. In a setting where a sense of space is a reasonable expectation the appeal scheme would be unduly overbearing; it would simply be too large too close.

11. Previously referenced CS Core Policy 57 also seeks well designed development which would not impinge upon the amenity of adjoining occupiers and the SDG has objectives and guidance which reflect this. Given the characteristics of the proposal I conclude that there would be conflict with this policy and the aims of the SDG.

Other matters

12. The Council raises concern over the lack of provision of sufficient information to determine potential impacts on protected species. For my part I am currently satisfied that, had I been minded to allow the proposal, I should have been able to deal with this from latest information provided, via additional correspondence with the parties, and through the use of suitable planning conditions. In the circumstances of the appeal's outcome, I need not, however, explore this matter further.
13. I do understand the Appellants' wish to modernise this property and I sympathise with the asbestos situation. I can see that thought has been given to materials. Mention is made of other extensions being permitted but they are not of the same scale or form, not in the same more central location and, in any event, I would not see these as a precedent in this situation; I must determine this case on its own merits. I am also not persuaded by the 'permitted development' (pd) 'fall-back' case which is briefly put forward. I have no formal indication of lawfulness, no pd plans before me, no firm indication that the Appellants would consider a different scheme, and I have a refused planning application to determine through the appeal process drawing on planning policy and other material considerations. I do recognise that there would be some modest economic and social gains forthcoming from the scheme but given the impacts I identify I would not deem this as sustainable development.
14. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issues above.
15. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellants, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

16. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the locality and on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR