



Appeal Decision

Site visit made on 9 April 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2024

Appeal Ref: APP/Y3940/W/23/3326539

Land at Hightown, Cross Lane, Marlborough, Wiltshire SN8 1JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Sharp against the decision of Wiltshire Council.
 - The application Ref is PL/2022/09471.
 - The development proposed is erection of a detached dwelling with access, car parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Marlborough Area Neighbourhood Plan (NP) has been successfully 'made' in March 2023, and so forms part of the Development Plan. The Council has also recently endorsed the Wiltshire Design Guide (WDG). The parties have had the opportunity to comment on these changes and I have made my decision on the most up-to-date policies.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including Area of Special Quality 'A' (ASQ), a Non-designated Heritage Asset within which the site sits.

Reasons

4. The area around the appeal site consists predominantly of dwellings, many of which are set in deep or extensive grounds. Although not widespread, some others are within smaller, denser plots. These include those between the dwelling at Princes Paddock and Cardigan Road, and around Rosewood House. Close to the appeal site, Wyvern, Byways and Cross Patch are also on small plots, with the latter being an earlier sub-division of the garden of Hightown.
5. There is an eclectic mix of dwelling designs and positions in the area, and many gardens have verdant mature trees and planting. The ASQ 'A' designation covers Cross Lane, Cardigan Road, Leaze Lane and Back Lane (north side). In contrast to its south side, the north side of Back Lane is identified in NP Policy MARL10 as consisting of dense mature hedges and secluded houses. As such, relevant to the appeal, the significance of the ASQ is its distinctive informal, semi-rural pattern of development.
6. The appeal site itself is part of the garden at Highcross, at the corner of Back Lane and Cross Lane. The roadside boundary is formed of trees and thick

hedgerows, giving it a secluded character. As a result, the site positively contributes to the significance of the ASQ. NP Policy MARL10 requires proposals to respond to the status and guidance of the ASQ.

7. The proposal seeks to sub-divide the existing garden to create a new plot, within which a new bungalow would be erected. It would have a separate access point from Cross Lane and a parking area between the proposed dwelling and Hightown itself. There is no particularly important building line hereabouts and only a few trees and shrubs are shown in the Arboricultural Assessment as requiring removal from the site boundary as part of the proposal.
8. Nevertheless, the space created for the access and visibility splay, together with the additional built form of the proposed dwelling and hard surfacing areas, would open-up and urbanise the site. This would reduce its sense of informal seclusion. Furthermore, even in the context of its immediate surroundings, the proposal would have a relatively small plot size, with few others within the ASQ being smaller, or having a denser plot-size-to-footprint ratio. The proposed dwelling would also be lower but closer to Cross Lane than Hightown. For these reasons, the proposal would appear excessively dense.
9. The Daylight and Sunlight Assessment demonstrates no unduly adverse effects on the occupiers of Cross Patch in respect of light. However, overlooking from windows within Hightown means that the only private outdoor areas serving the proposal would be those closest to the roadside vegetation. Having regard to the WDG, these outdoor areas would be small and dominated by the tall trees and shrubs, as would the outlook from some of the windows within the proposed dwelling.
10. Consequently, to improve their living conditions, future occupiers of the proposal are likely to want to significantly prune or fell the roadside greenery. Given the proposed layout, the Council would find this difficult to resist, even if a condition requiring landscaping retention were imposed. Such reductions in vegetation would further undermine the character of the area and the seclusion of the appeal site. For the above reasons, I find that the proposal would harmfully diminish the informal, semi-rural development pattern of the ASQ.
11. As such, I conclude that the proposal would harm the character and appearance of the area, including the ASQ as a Non-designated Heritage Asset. It would conflict with Policy 57 of the Wiltshire Core Strategy (WCS), adopted January 2015, which requires proposals to positively relate to the pattern of development, including building layouts and plot sizes. It would similarly conflict with NP Policy MARL10 and the requirement of the National Planning Policy Framework (the Framework) to take into account Non-designated Heritage Assets, and to positively contribute to local distinctiveness. Therefore, I give this conflict substantial negative weight.

Other Considerations

12. At application stage, the parties disputed whether the Council can currently demonstrate an adequate supply of housing land. Accordingly, I have considered whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing any undersupply, as set out in Paragraph 11 of the Framework.

13. I have found conflict with WCS Policy 57 and NP Policy MARL10, which are consistent with the Framework. As such, the proposal would conflict with the Development Plan as a whole. Against that, it would make a positive contribution to the supply of housing. However, the proposal is for only a single unit. Consequently, its benefits to housing supply would be small and so I give them limited positive weight.
14. Construction of the proposal would make a positive economic contribution locally, as would its future occupiers both socially and economically. It would provide an additional two-bedroom house, thus helping to address affordability, housing diversity and the effects of in-commuting. The proposal would make efficient use of land, close to services and facilities and could be built quickly. However, as a single dwelling, these benefits would be modest, to which I give limited positive weight.

Planning Balance and Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For the reasons already given, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
16. I have found conflict with the Development Plan for the reasons set out above. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR