



Appeal Decision

Site visit made on 27 February 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2024

Appeal Ref: APP/Y3940/W/23/3327222

Land Adj. 17 Wellhead Lane, Westbury, Wiltshire BA13 3PW

- 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 Carruthers and Bell against the decision of Wiltshire Council.
 - The application Ref is PL/2022/07477.
 - The development proposed is described on the application form as, "New dwelling and associated works".
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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; and
 - the living conditions of the occupiers of 17 Wellhead Lane (No 17), with particular regard to sunlight, privacy, noise and disturbance, and outlook.

Reasons

Character and appearance

3. The appeal site comprises a vacant area of land on a corner plot, adjacent to No 17, in a predominantly residential area, although the Leighton Recreation Centre is located near to the site. No 17 is a semi-detached 2-storey dwelling which has its principal elevation facing the site. The dwellings along Wellhead Lane are varied in terms of their architectural stylings, and include late 20th century bungalows and red brick Victorian properties, although a traditional rural aesthetic is common in the vicinity of the site.
4. The proposed new dwelling would respect the predominant pattern of development exhibited on the same side of Wellhead Lane, due to its appropriate set-back from the carriageway, and therefore would not conflict with part i. of Core Policy 57 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) in this particular respect, which refers to new development enhancing local distinctiveness by relating positively to the existing pattern of development.
5. Despite the varied context of the local area, referred to above, No 17 has a commanding presence in the street scene due to its siting near to the corner of Wellhead Lane, its scale, and its attractive traditional design. When viewed on the approach to 19 Wellhead Lane, from near to the access road which leads to

the Leighton Recreation Centre, No 17 obscures the view of many of the dwellings on the same side of the road further beyond No 17.

6. Due to the prominence of No 17 in the street scene, it acts as a focal point, and the proposed new dwelling would primarily relate to it in visual terms. As the proposed new dwelling would be positioned in front of the principal elevation of No 17 and would be in close proximity to it, it would appear as an awkward visual juxtaposition when viewed in conjunction with No 17, even taking account of the fact that part of the principal elevation of No 17 is currently concealed. Reference has been made to the proposed development further exposing the principal elevation of No 17. If this were the case, the greater exposure of principal elevation of No 17 would serve to further highlight the incongruity of the proposed new dwelling when viewed in conjunction with No 17.
7. Moreover, although a contemporary design approach is not objectionable in principle, and the use of plain roof tiles would not be wholly out-of-place considering its existing use on a number of other buildings near the site, the proposed use of aluminium and zinc for the window surrounds would not blend well with the more conventional styles found on nearby dwellings. Furthermore, although the proposed new dwelling would have a slightly lower eaves and ridge height compared to No 17, its built form would serve to obscure a portion of the principal elevation of No 17, thereby undermining the valuable contribution which No 17 currently makes to the street scene due to its attractive appearance.
8. It is noted that 7 Wellhead Lane (No 7) has its principal elevation facing 9 Wellhead Lane, with the 2 dwellings being positioned in close proximity to each other, but these properties are not located on a prominent corner plot, and No 7, which is a bungalow, has a far less dominant appearance in the street scene when compared to No 17. These factors greatly diminish their relevance to the appeal proposal, and my findings on this main issue remain unchanged as a result.
9. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with part iii. of Core Policy 57 of the Core Strategy which provides that, amongst other things, new development must make a positive contribution to the character of Wiltshire through responding 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.
10. The proposed development would conflict with part vi. of Core Policy 57 which provides that, amongst other things, new development must make a positive contribution to the character of Wiltshire through making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.
11. The proposed development would also conflict with paragraph 135 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built

environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions

12. Due to the orientation of the proposed new dwelling, with its widest elevations facing away from No 17, and taking account of its distance from No 17 and the path of the sun, it is likely that any overshadowing caused to the living spaces within No 17 and its garden would be limited. Hence, it would not likely have significant adverse impacts on the living conditions of the occupiers of No 17 with respect to sunlight.
13. The proposed car parking area would be positioned in close proximity to the principal elevation of No 17. I observed that currently a solid wooden fence is present on site, which is positioned directly in front of the principal elevation of No 17. Whilst this existing fence is not specifically shown on the submitted plans, if the proposed development were acceptable in all other respects, potentially a planning condition could be imposed requiring a fence to be positioned near to the proposed car parking area. Such a fence would ensure that the living conditions of the occupiers of No 17 would not be harmed with respect to privacy arising from the use of the proposed car parking area, or from disturbance arising from the headlights of cars manoeuvring within it.
14. Only 2 car parking spaces are proposed, and as the proposed development relates to a residential use for one dwelling only in an established residential area, it is unlikely that the proposed development would generate a level of vehicle movements such that undue concerns with respect to exhaust fumes or noise would arise, even taking account of the proposed location of the proposed car parking area in relation to the living spaces at No 17.
15. The appeal proposal must be assessed on the basis of the currently prevailing circumstances. In this regard, I observed that the northern-most window on the first floor of No 17 offers pleasant views across the green space at the site towards the hedgerow on the boundary of the site and to the countryside further beyond Westbury. The proposed new dwelling would be positioned a short distance from this window, and only slightly off-set from its central point. As a 2-storey dwelling in close proximity to that window, due to its bulk and massing it would appear as an intrusive and overbearing feature. It would thereby unduly compromise the outlook from that window. Harm to the living conditions of the occupiers of No 17 would occur as a result.
16. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of No 17, with particular regard to outlook. It would conflict with part vii. of Core Policy 57 of the Core Strategy which provides that, amongst other things, new development must make a positive contribution to the character of Wiltshire through having regard to the impact on the amenities of existing occupants.
17. The proposed development would also conflict with paragraph 135 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Planning Balance

18. The proposed new dwelling would be sited in an established residential area, within the settlement boundary of Westbury, where reasonable access to the numerous services and facilities in Westbury could be achieved for the future occupiers of the proposed new dwelling. In this regard, I note that the principle of residential development in this location has been supported previously, via an outline planning consent granted in 2000 for a detached bungalow¹. This would be in line with the settlement strategy for the area, as detailed in Core Policies 1 and 2 of the Core Strategy. The proposed development would thereby support the Government's objective of significantly boosting the supply of homes, mentioned at paragraph 60 of the Framework.
19. The proposed development would incorporate a low-level hedge near to the carriageway, which is claimed will improve visibility at the junction between Wellhead Lane and Leighton Lane. However, few details have been provided to illustrate the actual effect that this would have in terms of its impact on highway safety in the vicinity of the site when compared to the current situation. Accordingly, it has not been demonstrated that any benefits in this regard would be significant. Little weight is therefore given to this matter.
20. Due to the significant deficiencies of the proposed development as identified on both main issues, great weight is given to proposed development's conflict with the relevant policies of the development plan. It follows that the other considerations in this case, which include the collective benefits of the proposed development and relevant provisions of the Framework, do not indicate that the appeal must be determined otherwise than in accordance with the development plan.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

¹ Local Planning Authority reference: W/00/01645/OUT