



Appeal Decision

Site visit made on 2 April 2025 by K Hole BA (Hons)

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/Y3940/D/25/3361173

9 Orchard Road, Corsham SN13 0DJ

- 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 Corsham Loft Conversions against the decision of Wiltshire Council.
 - The application Ref is PL/2024/05415.
 - The development proposed is described as a side extension with two Velux windows and extend the porch.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the plans are sufficient to assess the proposal in terms of the effect it would have on the character and appearance of the area and on the provision of parking.
 - The effect of the proposal on the living conditions of the occupiers of 7 Orchard Road with regard to overlooking and loss of privacy, and whether the proposal would provide acceptable living conditions for the occupiers of the host dwelling in terms of internal living space.

Reasons for the Recommendation

Character and appearance and parking provision

4. The appeal property is a two-storey end of terrace dwelling located on a residential road that contains several blocks of terraced dwellings which are set back from the highway. Although not identical, the dwellings are of similar design with generous spacing between each block providing an open, spacious character to the area.
5. The proposal is for a two-storey side extension and a single-storey front porch extension following the removal of the existing conservatory to accommodate an additional bedroom, shower room and utility room to the ground floor and additional bedroom to the first floor. The appeal property sits within a spacious plot with ample

space between the host dwelling and the next block of terraced dwellings. In principle, the scale and mass of the extensions would not appear as incongruous additions to the host dwelling and would not impact on the street scene.

6. However, the submitted plans do not appear to be accurate in terms of details and scaling and, amongst other things, portray different angles of roof pitch on the proposed side extension between the front and rear elevations. As such, essentially there are different schemes that have been submitted. Whilst, for the reasons given above, the principle of those schemes would be acceptable in terms of impact on the character and appearance of the area, the submitted plans provide no certainty as to what would be constructed in the event that the appeal was allowed.
7. Consequently, the proposal would be contrary to paragraph 140 of The National Planning Policy Framework (The Framework) which requires clear and accurate plans and drawings to enable a clear basis for Local Planning Authorities to identify any breaches of planning control.
8. Notwithstanding the uncertainty regarding the plans that accompanied the application as described above, the proposal would also utilise space at the site that is currently used for the provision of parking. Policy CP64 of the Wiltshire Core Strategy expects new residential development to be based on minimum parking standards. As the proposal would include at least one additional bedroom, 3 off-street spaces would be required. On my site visit I observed that 2 cars were parked on the driveway, but no plans or other documents have been submitted to indicate how 3 cars could be accommodated. Consequently, there is no evidence to confirm that the required minimum parking standards can be achieved at the site and, therefore, the proposal conflicts with policy CP64 of the Core Strategy.

Living conditions

9. A good proportion of the existing conservatory at the appeal site can be seen from the garden of 7 Orchard Road due to the properties being separated by a low fence. As such, a degree of overlooking at ground floor level into the neighbouring garden space already exists. The proposal would involve the removal of the conservatory and the construction of a new side elevation containing a single window for the proposed shower room at ground floor level. Given the proposed removal of the conservatory, and due to the size and position of the proposed window, there would be a reduction in the level of overlooking at ground floor level into the garden space at 7 Orchard Road when compared to the existing situation.
10. The proposed second storey of the proposal would include 2 large Velux windows. Although the angle of the roof pitch has not been ascertained, in any event, the proposed Velux windows at first floor level would create a sense of overlooking into the garden of 7 Orchard Road. The size of the windows combined with the effect of overlooking from height would cause further loss of privacy for the occupiers of 7 Orchard Road which would be more harmful than at present.
11. The appellant has indicated that the windows would be fixed, and that obscure glazing would be used to address any potential harm in terms of overlooking. However, this would be to the detriment of the living conditions of the occupiers of the host dwelling as it would appear that the newly created bedroom would have no means of natural ventilation and would have restricted outlook. The design of the second storey of the proposal would result in a small room with low head room and

together with the proposed fixed windows and obscure glazing it is likely to result in unacceptable living conditions for the occupiers of the host dwelling.

12. No objections were received from the current occupiers of 7 Orchard Road and the current occupiers of the appeal property consider the newly created bedroom to the first floor would be adequate for their needs. However, I am mindful that personal circumstances and ownership of properties can change and any harmful effects resulting from new development would be permanent. The proposal would therefore fail to accord with policy CP57 of the Wiltshire Core Strategy which, amongst other things, seeks to ensure that development provides sufficient living conditions for future occupants of the development, and which does not adversely impact neighbouring residents in terms of loss of privacy.

Planning balance

13. It has been brought to my attention that one of the purposes for the proposal is to provide a downstairs bedroom and shower room due to the personal circumstances of one of the occupants of the dwelling. In considering my recommendation, I have had due regard to the Public Sector Equality Duty set out under section 149 of the Equality Act 2010, particularly the need to eliminate discrimination against persons with protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others.
14. However, it has not been adequately demonstrated that the proposal is the only way of providing for those personal circumstances at the site. On balance, the potential benefits of the proposal would not outweigh the harm that has been identified and there are no material considerations that would justify departure from compliance with the development plan.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

K Hole

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR