



Appeal Decision

Site visit made on 24 March 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/Y3940/W/24/3357063

16 Kings Avenue, Corsham, Wiltshire SN13 0EF

- 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 S Dunford against the decision of Wiltshire Council.
 - The application Ref is PL/2024/07462.
 - The development proposed is the erection of 2no 2 bedroom semi-detached dwellings.
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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;
 - whether the proposed development would provide acceptable living conditions for future occupiers; and
 - whether the proposal could make adequate provision for Biodiversity Net Gain (BNG).

Reasons

Character and appearance

3. The appeal site is a spacious side plot, adjacent to no 16 Kings Avenue. Kings Avenue is characterised by mid-20th century housing which has a distinctively uniform appearance, comprising mainly semi-detached houses, terraces, and flats, which are set out along and back from the highway. The semi-detached houses and terraces have generous gardens to the front and rear, and also to the side, where rows of houses end.
4. The proposed semi-detached dwellings would occupy the full width of the plot, replacing the existing garage and greenhouse, losing the open space which denotes the end of the row of houses. Indeed, there would be very little space left between the development and no 16 and even less space between the building's frontage and the site's boundary fence on the other side. As such the dwellings would look squashed into the plot, detracting from the liberal spacing in the area. Furthermore, being set back from the front elevation of the house, the development would not maintain the street's clear building line.

5. Various attempts have been made to respond to the context, including the corresponding ridge and eaves height and the buildings largely matching materials with no 16. However, these design measures do not go far enough to overcome the disharmony to the existing building line, the loss of the side space and the overall cramped appearance of the development.
6. I therefore conclude that the proposed development would be harmful to the character and appearance of the area, in conflict with Policy 57 of the Wiltshire Core Strategy (WCS) and Policy HE1 of the Corsham Neighbourhood Plan 2016-2026. Amongst other things, these seek to achieve high quality design that complements the character of the surrounding area, respecting established building plot arrangements, widths and the rhythm of the street.
7. In addition, the proposal would be contrary to the Wiltshire Design Guide 2024 *Shaping the future: My Place, Your Place, Our Place* (Design Guide), which seeks to ensure that developments respect the intrinsic local character and distinctiveness of the local area.

Living conditions

8. Policy 57 of the WCS requires that all new homes provide an appropriate level of living space, and the Design Guide requires homes to meet or exceed the Nationally Described Space Standards (NDSS).
9. Each dwelling has two bedrooms both exceeding 11.5 square metres (sqm) which equates to 2 bed spaces per bedroom in terms of the NDSS. Therefore, each dwelling would be a 4-person dwelling in the context of the NDSS. The minimum gross internal floor area and storage for a 4-person, 2 storey dwelling is 79sqm. The NDSS does not provide a minimum standard for a 2-bedroom, 4-person, 3 storey dwelling, but an acceptable minimum standard would not be any less than 79sqm. The Council have calculated that at 75.91sqm the gross internal floor area falls short of the requirements of the NDSS. Therefore, based on the evidence before me, the dwellings would fail to provide acceptable living conditions for future occupiers with regards to internal space.

Biodiversity Net Gain

10. BNG is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
11. The proposal does not contain the minimum information required by Article 7(1A) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of the statutory BNG condition.
12. I note that the appellant has indicated in the application form that the development is subject to the *de minimis* exemption where the statutory BNG condition does not apply as it would impact less than 25sqm of habitat. However, the site layout plan shows the proposed development would extend beyond the area of existing buildings and would therefore encroach into the undeveloped garden. The Council has indicated that the development would lead to an 82sqm loss of the garden, and no alternative figures have been provided.
13. The Planning Practice Guidance indicates that, when providing reasons for the *de minimis* exemption, the appellant should provide sufficient evidence to support their justification. The proposal does not quantify the amount of land that would be

utilised beyond the existing buildings and does not provide details of the habitat value of such land.

14. Whilst it is not likely that the site contains priority habitat, the proposal does not demonstrate that on-site habitat exceeding 25sqm would not be impacted. Therefore, it is not demonstrated that the *de minimis* exemption would apply.
15. As set out above, it has not been demonstrated that the proposal would be exempt from the BNG condition, and the minimum information required to support the application in this regard has not been provided. I am therefore not satisfied, on the very limited information provided, that the statutory BNG condition would be capable of being complied with in this instance.

Conclusion

16. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

SE Hughes

INSPECTOR