



Appeal Decision

Site visit made on 31 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025.

Appeal Ref: APP/Y3940/W/24/3353365

Brindisi, Pollen Lane, Figcheldean, Wiltshire SP4 8JR

- 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 Mrs Rita Pope against the decision of Wiltshire Council.
 - The application Ref is PL/2024/02554.
 - The development proposed is demolishing existing property, build replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. Therefore, I have taken into account the changes therein, albeit none have a direct bearing on the issues relevant to this appeal.
3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72(1) of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Main Issues

4. The main issues are:
 - a) the effect on the character and appearance of the area, including whether the proposed development would preserve the setting of the listed building known as Corner Cottage, whether it would preserve or enhance the setting of the Figcheldean Conservation Area (FCA), and the Special Landscape Area (SLA); and
 - b) the effect on the living conditions of occupants of Corner Cottage, with particular regard to garden privacy.

Reasons

Character and appearance

5. The appeal site lies within the FCA which is characterised by its numerous historic buildings and thatched cottages clustered along the High Street and Church Lane.

In so far as relevant to the proposal, the significance and special interest of the FCA mainly lies in the historic settlement pattern of the village and its local vernacular architecture.

6. The Council have indicated that the appeal building was once an outbuilding associated with the adjacent Corner Cottage, a one and a half storey grade II listed building dating from the late 17th to early 18th century. The cottage features a thatched roof, which is half hipped next to the appeal site, above a single storey flat roofed extension. In so far as is relevant to the proposal, the special interest and significance of the cottage is derived in part by its historical development as part of the village, its distinctive corner position and its traditional construction, including its prominent thatched roof.
7. In addition, the appeal site is located within a Special Landscape Area (SLA) which is protected under saved Salisbury District Local Plan (SDLP) policy C6 and more generally under core policy 51 in the Wiltshire Core Strategy (WCS) which protects landscape character. The Council have indicated that grassed/landscaped banks along Pollen Lane, including the one that exists at the appeal site, are a principal feature of the Special Landscape Area.
8. The development would replace the existing single storey property, and a verdant bank it sits on, with a larger replacement dwelling. To the rear, a southwest gable would extend out onto the garden, and a box dormer would serve an upstairs bedroom and ensuite.
9. The increased bulk of the new dwelling would reduce the spacious, soft verdant setting of Corner Cottage which would be harmful to its character and appearance. In addition, as the development would also be visible behind Corner Cottage from the High Street in the vicinity of its junction with Pollen Lane, it would also harm the character of the FCA, by encroaching into the skyline of the corner building. However, whilst the loss of the bank would have a harmful impact on Corner Cottage and the FCA, given that the property is contained within the village, I do not consider that the harm would extend beyond the immediate locality and undermine the scenic qualities of the wider landscape of the SLA.
10. Although the development would introduce a gap of approximately 2 metres along Pollen Road between the building and Corner Cottage and the ridge height would remain similarly low, these measures would not mitigate the harm caused by the increased building mass, compared to the smaller scale of the existing building.
11. The appellant has suggested that the property and the landscaped bank are out of keeping with the area, so the replacement building would be more in keeping. However, I noticed a variety of property styles along Pollen Lane, including bungalows that were sited at street level and up above landscaped banks. Consequently, the existing development is not out of keeping with the character or appearance of the area, in contrast to the proposal.
12. Therefore, based on the above, and in the terminology of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to the significance of the listed building and the FCA. As the harm to the listed building and the FCA is less than substantial, it should be weighed against the public benefits of the proposal.
13. The appellant describes the existing property as being in a dilapidated state and

the proposal would replace it with a modern property that meets building regulation requirements including disabled access. However, whilst this would improve the housing stock of the area, the creation of a single new dwelling would be a limited and largely private benefit to the future occupiers.

14. The proposal would provide off road car parking space for two vehicles, doubling the current provision to the property and reducing parking on the highway which would be a minor public benefit.
15. Paragraph 202 of the Framework states that heritage assets are an irreplaceable resource. The public benefits of the proposal carry some weight in combination, however on the basis that paragraph 212 of the Framework establishes that great weight should be given to the conservation of a heritage asset, they are not sufficient to outweigh the degree of less than substantial harm I have identified.
16. In summary, the proposal would harm the character and appearance of the area, including the FCA and the setting of the adjacent listed building. It would not accord with core policies 57 and 58 of the WCS which together seek to ensure that development proposals compliment the locality, enhance local distinctiveness and protect, conserve and where possible enhance the historic environment and would also conflict with the Framework in this regard.

Living conditions - privacy

17. Whilst it is accepted by the parties that subject to landscape planting along the boundary, the proposal would not affect the privacy of no 2 Oak Lane or The Old Chapel. Despite the presence of an outbuilding and a small tree and planting, the rear box dormer bedroom window would nevertheless allow oblique views from a height into the garden of Corner Cottage which would erode the sense of privacy in the cottage's garden.
18. The proposal would therefore harm the living conditions of occupants of Corner Cottage, with respect of garden privacy, so would conflict with core policy 57 of the WCS which requires development to consider adjoining buildings and ensure appropriate levels of privacy.

Other Matters

19. I have compared the appeal proposal with the scanned copies of the drawings which the Council previously approved. However, there is only limited information regarding the previous approval, which in any event has expired therefore could no longer be lawfully implemented. Furthermore, the policy context for that proposal is different and I have determined this on the basis of the current policy context and the submitted evidence. Therefore, the previously approved scheme does not provide a justification for permitting a scheme which I have found to be harmful.
20. I note that the appellant has endeavoured to respond to consultee comments and design a scheme which the Council could support. I also note that the Parish Council are generally supportive of a newly developed and modernised dwelling. However, these matters do not outweigh my concerns about the development.

Conclusion

21. For the reasons given above the appeal should be dismissed.

SE Hughes

INSPECTOR