



Appeal Decision

Site visit made on 30 May 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/Y3940/W/24/3352997

6 Ash Walk, Warminster, Wiltshire, BA12 8PY

- 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 A. Janes against the decision of Wiltshire Council.
 - The application Ref is PL/2023/02682.
 - The development proposed is the conversion and extension to a partially constructed single storey ancillary garden building to a 2-storey detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area, including the settings of various designated heritage assets; and (ii) the effect of the proposed development on the living conditions of the occupiers of both the host dwelling and the proposed dwelling, with particular regard to the provision of private garden space.

Reasons

Character and Appearance

3. The appeal site is located on the edge of a 1960's housing estate which largely comprises semi-detached homes set within plots that are of a broadly consistent size. The proposed development would involve the sub-division of the existing plot associated with No. 6 Ash Walk, and the construction of a new detached dwelling.
4. It is abundantly clear from the approved plans that the width of the proposed dwelling, and the plot that it would sit within, would be very noticeably narrower than any of the dwellings within the immediate vicinity. As a result, it is absolutely inevitable that it would appear as a highly contrived, cramped and incongruous development. Indeed, the dwelling would not appear as a natural addition to the street scene and would clearly detract from the character and appearance of the surrounds.
5. The site is immediately adjacent to the Warminster Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Warminster in the eighteenth and nineteenth centuries, and the architectural styles and tastes of the time.

6. I recognise that Imber Court, which neighbours 6 Ash Walk, does not make a positive contribution to the character of the area. However, from the appeal site there are views along the street towards the heart of the Conservation Area at the junction of Ash Walk and Silver Street. Indeed, there are several Grade II listed buildings that fall within that view, including 1 to 5 Ash Walk and 2 Silver Street. Their significance is derived from their historic appearance and notable design features. Given that the significance of the Conservation Area and listed buildings can be appreciated from the appeal site, it is inevitable that the harm that I have identified would extend to the settings of these designated heritage assets.
7. I note that the appellant has provided two reports that seek to address heritage matters, with the latter having been produced by Wessex Archaeology in August 2024. This report concludes that the proposed development would not result in any loss of significance or harm to any heritage assets. However, this conclusion is predicated on the findings in paragraph 8.1.7 that the development would also be in keeping with the character of the 20th century estate in terms of design. I have set out why this would not be the case in this instance.
8. I have found that the proposal would have a negative effect on the significance of several designated heritage assets and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
9. In this instance, the development would provide one new dwelling which would add to the local housing stock and make efficient use of land, while also providing some economic benefits. However, the scale of the proposal means that these benefits are limited. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified.
10. Taking all of this into consideration, the proposed development would conflict with Policies 57 and 58 of the Wiltshire Core Strategy, January 2015 (the CS) as well as Policy L1 of the Warminster Neighbourhood Plan, 2016 (the NP). Taken together, these policies seek to protect designated heritage assets and ensure that development is of a high quality design.

Living Conditions

11. NP Policy L1 sets out that new developments are encouraged to reflect the principles of the Building for Life 12 industry standard (BfL 12). The guidance within BfL 12 sets out that 'it is a good idea to ensure that rear gardens are at least equal to the ground floor footprint of the dwelling'. This aspiration is also set out within paragraph 9.2.2 of the Wiltshire Design Guide Supplementary Planning Document, 2024. Furthermore, the Design Guide notes that, in general, gardens facing south, east or west should be at least 10 metres deep.
12. It is abundantly clear that the remaining garden space available to the occupiers of No 6 would be significantly smaller than the footprint of the dwelling. With regards to the proposed detached home, there is some disagreement between the parties as to whether the garden space would accord with BfL 12. However, even if it did, it clearly would not conform with the Design Guide's suggestion of a minimum 10 metre depth.

13. It is the case that both BfL12 and the Design Guide only contain guidance rather than mandatory requirements. However, the purpose of the identified standards is to ensure that developments have garden spaces that are of a sufficient size to provide a good standard of living for occupiers. The fact that the two garden spaces would not comply with these documents is indicative of a poorly designed and cramped development that would have a harmful effect on living conditions.
14. The appellant has suggested that various developments have been approved in recent years with smaller garden spaces. Even if that is the case, it does not justify allowing a development which I have found would lead to harm. I also note that the Design Guide was only adopted last year and so may not have been taken into account for earlier schemes.
15. I therefore conclude that the proposal would conflict with CS Policy 57 and NP Policy L1, the relevant aspects of which seek to ensure that development is well designed and maintains quality of life.

Other Matters

16. The appellant has partially built a single storey outbuilding on the appeal site. The Council has noted that the proposed height of the outbuilding would contravene the relevant criteria for permitted development rights. However, it is clear that a suitably sized outbuilding could be provided in this location and that there is a greater than theoretical prospect of this occurring. Nevertheless, a single storey outbuilding of this nature would clearly appear subservient to the main dwelling and would not be seen as an incongruous feature within the street scene. In essence, the harm associated with an outbuilding would be significantly less than the harm I have identified in relation to the proposal for a two storey detached home.
17. The appellant has noted that it could be possible to sub-divide the land in any event and sell it as separate plots. While this might be the case, I am required to assess the proposal before me, and in this instance, a significant proportion of the identified harm is derived from the relationship between the proposed built form and the plot size.

Conclusion

18. The Council cannot currently demonstrate a 5-year supply of deliverable sites, and at only 2.03 years, the current shortfall is significant. I have no evidence before me to suggest that this position is likely to improve in the short-term. The test set out within Paragraph 11(d)(ii) of the Framework is not invoked, however, because Paragraph 11d(i) and footnote 7 seek to protect both areas and assets of particular importance, which include designated heritage assets. In this instance, I conclude that the identified harm provides a strong reason to dismiss the appeal.
19. As such, the proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR