



Appeal Decision

Site visit made on 9 June 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/Y3940/D/25/3363885

34 Brook Drive, Corsham, Wiltshire SN13 9AU

- 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 Ms E Lucking against the decision of Wiltshire Council.
 - The application Ref is PL/2025/01307.
 - The development proposed is Loft conversion with rear flat roof dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposals on the character and appearance of the host dwelling and the area, and the living conditions of the occupiers of neighbouring properties with regards to overbearing and overlooking.

Reasons

Character and Appearance

3. The appeal property is a two-storey, pitched roof, semi-detached dwelling located within a residential estate of similar properties constructed at the same time, and which encompass a mix of detached and semi-detached two-storey properties, together with areas of detached bungalows.
4. The properties share common materials and forms, with some properties, the appeal property being an example, that have had two-storey side extensions to enlarge them. During my site visit, I observed one example of a box roof dormer at 19 Brook Drive, though this is much smaller, is set well back from the gable of the property and is located on a corner plot facing into adjacent woodland, and so is not comparable with the appeal proposal.
5. Brook Drive forms a long, circuitous loop route, on sloping ground, between its two junctions with Broadmead, and includes six cul-de-sacs all sharing the Brook Drive name, the appeal site being located on one of these cul-de-sacs. This results in the estate having a complex relationship between properties, due partly to the varying angles of properties to one another, but also due to the differences in the relative ground levels between properties and on the type of individual dwellings.
6. The appeal property is located as the first property on the cul-de-sac, its side gable facing the rear elevations of 30 & 32 Brook Drive (No.30 and No.32) which are in close proximity. As a result, the gable of the appeal property is highly visible from

the public realm at the junction of the main portion of Brook Drive and the cul-de-sac.

7. The appeal proposal would introduce a flat roofed box dormer to the rear roof slope across the entire rear elevation, finishing only slightly back from the gable at one end and the party wall line with the adjacent property at the other end, and only slightly behind the line of the face of the property's main rear elevation.
8. The walls of the dormer would be finished in tiles to match the main roof. However, the flat roof section would be higher than the ridge level of the existing roof, necessitating the front roof slope to be extended to meet the flat roof of the dormer.
9. The proposal would result in the pair of semi-detached properties becoming unbalanced when viewed from the front elevation, due to the front roof slope of the appeal property being raised to meet the flat roof of the dormer. The proposed dormer would also be clearly visible from the junction in the road, removing the characteristic gable and introducing an incongruous box shape element.
10. The proposal would also introduce roof windows to the principal elevation of the property, a feature which I did not observe within properties in the area at my site visit. I have found that the cumulative effect of the raising of the ridge level, creating imbalance in the semi-detached properties, the visibility of the box dormer from within the public realm and the introduction of the roof windows to the principal elevation, causes harm to the character and appearance of the host dwelling and the surrounding area.
11. I therefore conclude that the proposal would be an incongruous and dominant form of development which would harm the character and appearance of the host dwelling and the surrounding area. It follows therefore, that I find the proposal would be contrary to Policy CP57 of the Wiltshire Core Strategy (2015) (the Local Plan), and Appendix D of the Wiltshire Design Guide, which require, among other things, development to deliver a high standard of design which enhances local distinctiveness, and which respects the existing dwelling, neighbouring properties and fits within the street scene.

Living Conditions

12. The appeal property is sited perpendicular to the properties on the main section of Brook Drive. Its gable sits alongside the rear gardens of No.'s 30 and 32, whilst its rear garden sits alongside those of 28 and 26 Brook Drive (No.28 and No.26). The rear garden of the appeal property is elevated above its floor level due to the slope of the ground. To the rear of the property, are bungalow properties at 22 and 24 Brook Drive (No.22 and No.24), a similar cul-de-sac accessing from the main Brook Drive highway, and whose eaves levels are broadly level with that of the appeal property.
13. The resulting relationships between the properties from No.22, No.24 around the corner via No.26, to No.28 and No.30 and the appeal property is very close, both on plan and because of the relative levels due to the sloping nature of the ground. However, the change from two-storey dwellings to bungalows, and the boundary treatments between, currently provides acceptable levels of privacy between No.22, No.24 and the appeal property.

14. The proposal would introduce a new floor level and increased height to the rear of the appeal property, with two new windows from bedrooms and one from a bathroom. This would result in a level of overlooking from the proposed extension that would significantly diminish the privacy afforded to the neighbour occupants of No.'s 22, 24, 26 and 28.
15. Moreover, the vertical wall of the dormer would be prominent and overbearing in views from these properties, unduly dominating the outlook from the rear windows and gardens of No.28 and No.30, and to a lesser extent No.32, whilst the windows would present privacy issues at such close distances to all but No.32.
16. It would be possible to restrict the visibility from the new windows with obscure glazing via a suitably worded condition. However, this may be acceptable for bathrooms, but bedrooms are habitable rooms, and it is often the case that, in addition to sleeping accommodation, they are also used for study or working from home. Therefore, it would not be acceptable for such habitable rooms to have such a restricted outlook, as it would have a confining effect that could compromise the living conditions of existing and future occupants.
17. The proposal would therefore create a sense of overbearing and significant overlooking because of the new windows to habitable rooms at an elevated position and with short separation distances relative to both the dwellings and gardens of neighbouring properties, which would be detrimental to the outlook and privacy of their existing and future occupants.
18. I therefore conclude that the proposal would be overbearing and would harm the privacy of the occupiers of neighbouring properties. It follows therefore, that I find the proposal would be contrary to policy CP57 of the Wiltshire Core Strategy (2015) (the Local Plan), and paragraph 135 of the National Planning Policy Framework (the Framework), which require, among other things, development to deliver a high standard of design which enhances local distinctiveness, and which creates places which promote a high standard of amenity for existing and future user.

Other Matters

19. I note the appellants statement that the Council has erred in assessing that the proposal would increase the number of bedrooms at the property to seven bedrooms, noting that one bedroom would be lost to accommodate stairs to the new second floor rooms, and that the ground floor bedroom would return to use as a lounge. However, this is not borne out by the application drawings, which is the only evidence that can be assessed, which indicates that a bedroom is not lost at first floor level to accommodate the new stairs, and there is no proposed ground floor plan enclosed to identify the return of the ground floor bedroom to lounge use.
20. I further note the appellant's reason for pursuing the application being to support their ongoing role as foster carers, noting the additional space would allow them to meet accommodation standards whilst preserving family privacy and comfort for their own children and the children they foster. Whilst I have given due regard to the public sector equality duty for persons with protected characteristics under the Equality Act 2010, it has not been demonstrated that the appeal proposal is the only available option that might deliver the benefit to the appellant's family. It is likely that other means to do so exist, which may not result in the harm that I have found. On that basis, I attribute limited weight to this matter and am satisfied that dismissing the appeal would be a proportionate response.

Conclusion

21. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan as a whole and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR