



Appeal Decision

Site visit made on 27 August 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/Y3940/D/25/3368350

Fordlands, Main Road, Christian Malford, Chippenham, SN15 4BB

- 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 Reena Rowan against the decision of Wiltshire Council.
 - The application Ref is PL/2025/01116.
 - The development proposed is described as retention of external and internal alterations, extend rear orangery and roof terrace following consent PL/2023/06767.
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Decision

1. The appeal is allowed, and planning permission is granted for retention of external and internal alterations, extend rear orangery and roof terrace following consent PL/2023/06767 at Fordlands, Main Road, Christian Malford, Chippenham, SN15 4BB in accordance with the terms of the application, Ref PL/2025/01116, subject to the conditions set out in the accompanying Schedule.

Preliminary and procedural matters

2. The banner heading above uses the description of the development seen in the application form and Council's decision notice. A previous permission is referred to and this was dated 7 February 2024. This permitted the erection of what is described as an orangery, that is, a rear single storey extension with a balcony/terrace above, together with various alterations to fenestration, internal and external works, including external materials.
3. The appellant in effect wishes to vary the previous permission by proposing several changes, which are listed in the officer report. This includes some works already carried out without complying with the previously approved plans. Since planning permission is sought partly for the retention of works I shall treat the appeal as if the original application had been made under s73A of the Act¹.
4. The officer report on the application is comprehensive and covers a range of issues including the principle of development, amenity, heritage, access and parking. The officer recommendation was to approve, and planning permission would normally have been forthcoming, since the application was originally meant to be determined by officers under the Council's scheme of delegation. However, the application was 'called-in' for determination by a local councillor² so that the decision to refuse

¹ The Town & Country Planning Act 1990 (as amended)

² In accordance with the Council's adopted procedures

permission was taken at a meeting of the Council's Northern Area Planning Committee.

5. Since this is a householder appeal, the opportunity does not arise for the Council to produce a statement of case. However, I have been provided with a copy of the minutes of the determining Planning Committee which provides an account of the factors considered in the determination. The reasons provided in the decision notice also give a clear indication of the Council's stance.
6. The Council has clarified since my visit that the appeal property is not sited within a conservation area, nor is there one within close striking distance.
7. Since one of the reasons for refusal relates to the impact of the development on the amenity currently enjoyed by the residents of the adjacent dwelling, The Old Chapel, arrangements were made at my behest to enter that property and its garden during my site visit. The Old Chapel is a listed building (*Grade II*).
8. The appellant has made an application for costs against the Council. This is the subject of a separate decision.

Main Issues

9. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and its surroundings, and (b) the living conditions of the residents of the neighbouring dwelling, The Old Chapel, with specific reference to privacy, noise & disturbance and light.

Reasons

Character and appearance

10. The appeal property is a detached dwelling set on the outskirts of the settlement and on the northern frontage of Main Road (B4069). It is a relatively large dwelling, previously extended, which the officers describe as having no particularly recognisable architectural style or character. I share that view, and the dwelling as it stands does not, in terms of its design, contribute positively to local character.
11. The house is set back within its plot being fronted by a timber gate, fence and vegetation, which effectively screen much of the front elevation, especially the ground floor, from the street outside. An intervening agricultural building masks the appeal property when approaching from the east. There are no footways on the B4069 to the west beyond Main Road's junction with Avonweir Lane, and motorists approaching the site from this direction would obtain but fleeting glimpses of the upper part of the house above the fence on the frontage. The rear of the property is not noticeable in the public realm.
12. Having regard to these factors and the scheme already approved, I consider the proposed amendments to the approved plans, including those changes already carried out, to be acceptable. This includes the elevational changes to the front, the materials to be used externally, the changes to the west and east elevations, including the new openings and the small single storey extension to the east.
13. The previous permission authorised the erection of a single storey extension to the rear elevation. This took up about two-thirds of the width of the rear elevation. The current proposal seeks to utilise the full width of the elevation. I see no reason to

object to this on design grounds, or to the new openings to be provided above it, particularly since the addition would have no discernible impact on the public realm.

14. Having regard to the above, and the nature of the scheme previously approved, I share the officer assessment on this issue and conclude that the proposed amendments to the approved scheme would be compliant with those aspects of Core Policy 57 of the Wiltshire Core Strategy (WCS) and Policy D1 of the Christian Malford Neighbourhood Plan requiring development to respond positively in design terms to the existing townscape and to respect local character.

Living conditions

15. The Council's concerns in this regard are related to the alleged effects on the residents of The Old Chapel. This is a former chapel, tastefully converted to a dwelling. It has a lengthy, well-maintained rear garden which, judging from the furniture and equipment within it, is valued and well used as an amenity to be enjoyed.
16. The Council's concerns relate principally to the alleged loss of privacy to the neighbouring residents. In assessing this aspect, I consider the extant permission, which remains capable of implementation, to represent a realistic fall-back, and thus a weighty material consideration. This authorised the erection of a single storey extension to the rear, and a balcony or terrace above, to be accessed from bedrooms on the first floor. The approved balcony would occupy that part of the appeal property's rear elevation closest to The Old Chapel. A privacy screen would be installed to prevent direct overlooking. The proposed extended part of the balcony would occupy the remaining space on the rear elevation furthest away from The Old Chapel.
17. A high thick hedge occupies most of the common boundary separating The Old Chapel and the appeal property's rear gardens. Beyond that, to the north, a high timber fence has been erected on the boundary. Judging from what I saw, most of The Old Chapel's garden would be effectively screened so that it would not be overlooked from either the approved or extended balcony. However, a small gap in screening occurs near to the Old Chapel's rear elevation. It would be possible to see into part of the neighbouring property's garden from that part of the approved balcony, closest to the boundary. However, the screen to be provided at the side of the balcony under the terms of the previous permission would prevent direct overlooking and loss of privacy.
18. In my opinion, there would be no greater incidence of overlooking or perceived overlooking from the extended balcony than would occur with that approved, and this is capable of being mitigated by condition, to which I shall return later.
19. There would be activity on the balcony which may involve the transmission of noise, but since entry to the balcony would be from the upper floor, from bedrooms/dressing room, this would probably be limited to the permanent residents. The approved balcony is sizeable, and it is unlikely in my view that the incidence of use would be significantly increased. The extended balcony would therefore generate no significantly greater levels of noise or to be the greater cause of disturbance than that already granted permission.
20. The Old Chapel has a large window opening in its eastern elevation. Alongside is a means of access enabling the appeal property's residents to reach the rear of the

property from the front. It would also enable them to access a newly inserted door in the west elevation. I walked along this access, and due to screening measures applied to the window of concern and its glazing, I could not see directly into The Old Chapel. I am therefore satisfied that the installation of the door has not resulted in loss of privacy. Whilst the side means of access may become slightly more used than before this would not in my view harmfully impinge of the amenities currently enjoyed by The Old Chapel's residents.

21. Reference has been made to a light nuisance which, judging from the Council's Committee minute, I understand is a reference to lighting on the balcony if it were used at night. The approved balcony would also be a source of light at night, which was not a matter of previous concern, and I do not consider that the extended balcony would create a greater level of light likely to cause nuisance.
22. I therefor conclude that the proposal would not have an unacceptable impact on the residents of the Old Chapel with specific reference to privacy, noise & disturbance and light. Accordingly, there is no conflict with those provisions of WCS Core Policy 57 requiring neighbouring living conditions to be protected.

Conditions

23. The Council has suggested the imposition of several conditions. Since part of the development has already commenced, the statutory condition in respect of timings is unnecessary. It is however necessary that the development is completed in accordance with the approved plans in the interests of certainty.
24. A condition is also suggested regarding a privacy screen. The condition leaves the materials to be used to the discretion of the appellants, which I do not consider appropriate. Nor, having regard to my site visit, do I consider the suggested condition to afford sufficient protection to the privacy interests of neighbours. In my experience, some users of balconies often lean on the front barrier enabling them to look around the side of any screen installed. A longer right-angled screen shall therefore be required to assist in safeguarding neighbouring privacy.
25. An additional condition shall be imposed to ensure that access to the balcony shall be taken from first floor rooms as intended so that its use is limited.

Other matters

26. I have considered the views of the residents of The Old Chapel and those of the Parish Council, and I have already dealt with most of the material planning-related points raised. In respect of access and parking this too is dealt with in the officer report on the application, and I share the conclusion reached there for the same reasons. A concern has been expressed that the property may be changed into a House in Multiple Occupation, but that is not the proposal before me.
27. As mentioned before, The Old Chapel is a listed building, but I am satisfied that its setting would not be materially affected or harmed by the revisions to the approved scheme. I note that the Council has not raised an objection on this score.
28. All other matters have been taken into account, including the references to the National Planning Policy Framework and to local design guidance. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be completed in accordance with the following approved plans: Drawings Ref 3050:001; 3050:150 Rev B; 3030:160 Rev B.
- 2) Prior to the use of the balcony/terrace hereby permitted a privacy screen shall be installed in accordance with details previously submitted to and approved in writing by the local planning authority. The approved privacy screen shall be no less than 1.8m high and installed along the entire western edge of the balcony/terrace and extending 2.0m from that edge across the front. Once installed in accordance with the approved details the screen shall remain fixed in position in perpetuity.
- 3) The balcony/terrace hereby permitted shall be accessed from the first floor rooms only, and no direct connection to the balcony/terrace shall be provided from the ground floor or garden.