
Appeal Decision

Site visit made on 26 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/Y3940/W/25/3367100

9 Albion Crescent, Corsham, Wiltshire SN13 0DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs Wendy and Graham Byrne against the decision of Wiltshire Council.
 - The application Ref PL/2024/09270 was approved on 13 December 2024 and planning permission was granted subject to conditions.
 - The development permitted is the conversion of existing double garage to 'granny annex'.
 - The condition in dispute is No 4 which states that: "The rooflight to be installed in the south elevation (over the bathroom) shall be fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity".
 - The reason given for the condition is: "In the interests of residential amenity and privacy".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted for the conversion of a garage to a 'granny annex'. The appeal seeks permission to carry out the development without complying with condition 4. This requires that a rooflight serving the annex's bathroom, which would be adjacent to the garden area of 11 Albion Crescent, is permanently closed.
3. The Council's statement indicates that the condition is necessary due to the effect on the living conditions of the occupiers of No 11 with particular regard to noise. This is consistent with the reasons for the condition given on the decision notice.
4. Accordingly, the main issue is whether condition 4 is necessary and reasonable in the interest of protecting the outdoor living conditions of occupants at 11 Albion Crescent.

Reasons

5. I observed on my site visit that the rear gardens of No 9 and 11 Albion Crescent were tranquil spaces which were relatively free from noise, such as noise of traffic. Whilst this is a snapshot in time, there is nothing in the evidence before me which indicates that this would not typically be the case.
6. The rooflight would be positioned immediately next to an existing outdoor seating area in the garden of No 11.
7. Whilst the rooflight would serve a bathroom, which would not be used as much as the rest of the annex, given that appellants explain that the annex would provide

accommodation for a family member so that they could be supported by family, from time-to-time the sound of conversations in the bathroom would be audible in the garden of No 11 were the rooflight to be open. There would also be other noises, such as showering and toilet flushing.

8. Although, such noise would not be unduly loud or frequent, the very close proximity of the noise would interrupt the sense of peaceful seclusion of the occupants of No 11 when using this part of the garden.
9. The appellant argues that closure of the rooflight would lead to more disturbance associated with the longer use of the extractor fan. However, there is no indication that the annex could not be occupied without a non-opening roof light. Furthermore, given the fan would be an ambient noise, it would blend into the background and would consequently be less invasive.
10. In respect of the appellant's argument that outdoor conversations are presently audible over the garden fence, this does not alter the harm I have found above.
11. For the above reasons, I therefore conclude that without the permanent restriction to the opening of the roof light, noise from the annex has the potential to cause disturbance to the occupiers of 11 Albion Crescent. Therefore, the condition is necessary and reasonable as the proposal would result in harm to the tranquil living conditions of the occupiers of 11 Albion Crescent. As such it conflicts with Core Policy 57 of the Wiltshire Core Strategy, insofar as it requires development to have regard to the adjoining uses and to ensure appropriate levels of amenity, including the consideration of matters of privacy and noise.

Other Matters

12. The main parties agree that the proposal would not result in opportunities for overlooking of 11 Albion Crescent. Based on the evidence before me and my observations during my site visit, I have no reason to disagree. Nonetheless, compliance with the relevant development plan policy in this regard would be required in any case. Thus, this matter weighs neutrally, rather than in favour of the proposal and in any case would not outweigh the harm in relation to noise disturbance I have identified above.
13. I note that the current occupiers of 11 Albion Crescent withdrew their objection to the original planning application. Nonetheless, for the reasons set out above, I find that the proposal would be harmful to the living conditions of the occupiers of this property. Therefore, this matter does not weigh in favour of the proposal.

Conclusion

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

SE Hughes

INSPECTOR