



Appeal Decision

Site visit made on 28 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/Y3940/W/25/3369194

69 Tollgate Road, Salisbury, Wiltshire SP1 2JP

- 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 Eugene Patel against the decision of Wiltshire Council.
 - The application Ref is PL/2025/03840.
 - The development proposed is a side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parties disagree whether the proposed development does or does not (in addition to the side and rear extension) include the subdivision of the dwelling into smaller units. Having highlighted discrepancies with the simpler 'householder application' process and the development proposed, and bringing this to the attention of the appellant, rather than invalidate the application, the Council proceeded to make a decision on the basis that the development included the subdivision of the dwelling into smaller units. However, the appellant maintains that the proposed development is a householder application.
3. The submitted plans show the 'existing plans' as a single, 3-bedroom house. The proposed plans, in addition to the physical extensions, show 4 units, each with their own bathrooms/kitchens and entrance door (which are numbered on the plans). The physical extensions are therefore intrinsically linked to the proposed layout and would facilitate the use of the existing property as 4 self-contained units.
4. The appellant refers to the proposal as an enhancement of the design of an 'extant certificate of lawfulness for an HMO'¹. Based on what I saw on my site visit and the existing plans which show a 3-bedroom dwelling, the certificate of lawfulness of proposed use or development (CLOPUD) has not been implemented.
5. In view of the above, I have used the description of the development stated on the application form in the banner heading above, and I have considered the appeal on the same basis as the Council, that the proposal would facilitate the use of the existing property as 4 self-contained units.

Main Issues

6. The main issues are:

¹ Planning Reference PL/2023/01338

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposed development would provide its occupants with acceptable living conditions.

Reasons

Character and appearance

7. The appeal site is a side garden of a semi-detached building located at the junction of Tollgate Road and The Beeches. The garden contributes positively to the street scene, providing a sense of openness in what is otherwise a dense development of simple two and three storey semi-detached properties.
8. Whilst the proposed extension would be slightly set back from the front elevation and would step down in height from the ridge of the host property, it would nevertheless add significant bulk to the side of the property which would be excessive in scale and insufficiently subordinate to its host. Furthermore, together with the ground floor element (which would be visible above the property's existing fence) it would reduce the sense of openness in the area. As such I find that the extension would look cramped and incongruous.
9. I appreciate that the extension would feature largely matching brick and roof materials with No 69. However, these design measures do not go far enough to overcome the excessive scale of the extension and the overall cramped appearance of the development.
10. I therefore conclude that the extension would be harmful to the character and appearance of the area, in conflict with Policy 57 of the Wiltshire Core Strategy (WCS). Amongst other things, these seek to achieve high quality design that relates positively to the existing pattern of development, respecting established building layouts.

Living conditions

11. With regards to living conditions, in particular the internal space and amenity areas, Policy 57 of the WCS requires an 'appropriate level of amenity' within the proposed development. Whilst the policy does not provide a definition of what constitutes an appropriate level of amenity, both parties have referred to guidance contained in the 'Wiltshire Council 2023 Draft Minimum Space, Amenity and Fire Standards in HMO Properties' (WCMSS). On this basis, I have taken it into account as a relevant material consideration to which I have attached important weight.
12. The WCMSS requires 1 person accommodation of two or more rooms to have a bedroom of at least 6.51sqm. Whilst I do not have all the internal room dimensions before me, the Council has highlighted that the bedroom for unit 4 is 4.8 sqm. As such, it would fall short (by 1.71 sqm) of the space standard in the WCMSS. Consequently, I do not consider that the bedroom would be of a size sufficient to provide the occupant of unit 4 with acceptable living conditions.
13. With regards to the external amenity area, there would be two usable amenity areas, one to the rear and one to the side. However, as the entrance to unit 4 would be directly adjacent to the rear area, it would likely limit its use by the

occupants of the other units. This would similarly be the case for the side garden area, given its position next to unit 1, which I note would be accessible via a set of double doors off the kitchen/living room. Notwithstanding, that some people may exercise consumer choice over outdoor amenity space, I consider that the proposed development would have insufficient outdoor private amenity space for use by the occupants of units 2 and 3.

14. As such the proposed development would fail to provide its occupants with acceptable living conditions. Therefore, it would not accord with the requirements of Policy 57 of the WCS, nor would it comply with paragraph 135 f) of the Framework which requires developments to create places with a high standard of amenity for existing and future users.

Other Considerations

15. I have considered the appellant's argument that the proposal would provide larger, improved living space for the occupants of the HMO than the CLOPUD, including providing better bin and cycle storage facilities. Furthermore, I have had regard to the appellant's assertion that in order to obtain an HMO license, the CLOPUD would have to meet the Council's required amenity and space standards. However, as the CLOPUD does not involve a 3 storey extension, it would be less harmful in terms of its impact on character and appearance. Accordingly, the existence of a fallback that would cause no harm to living conditions, and no harm to character and appearance, weighs against the appeal, so would not therefore outweigh the conflict with the development plan and the Framework that would be necessary to justify the development.
16. In the absence of any mitigation to address the impact of additional sewage discharges arising from the net addition in overnight accommodation on the integrity of the Hampshire Avon Special Area of Conservation, the Council's reason for refusal has cited conflict with policies CP50 and CP69 of the WCS.
17. Had I been satisfied that there was no harm with respect to the matters in dispute, it would have been necessary to pursue this matter further with the parties, to clarify the implications arising from the Habitat Regulations. However, in view of the harm I have found, this is not a determinative matter, therefore there is no need to consider it further.

Planning Balance

18. The appeal proposal would cause harm to the character and appearance of the area by virtue of its incongruous siting, form, scale and massing relative to the surrounding area. (For the avoidance of doubt, this would have been the case even if I had accepted the appellant's contention that the development constituted a householder extension). In addition, it would also fail to provide its occupants with acceptable living conditions.
19. Set against these harms, the proposal would provide 4 self-contained units, within a sustainable location, which whilst welcome, would make limited difference to the overall supply of housing. The support that those extra households would provide to the vitality of the local economy and community would also not be significant. Consequently, I attach minor weight to these benefits.

20. Referring to the development plan as a whole, paragraph 232 of the National Planning Policy Framework (the Framework) makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is a fundamental aim of the planning process, and decisions should ensure that developments maintain a strong sense of place, are sympathetic to local character and ensure a high standard of amenity for future users.
21. Therefore, the conflict between the proposal and policy 57 of the WCS should be given significant weight in this appeal and it amounts to a conflict with the Development Plan as a whole.
22. The Council has not disputed that it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances paragraph 11d) of the Framework is engaged. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. As described above, the benefits associated with the provision of 4 self-contained units would be minor even taking account of the objective of boosting significantly the supply of housing in the Framework.
24. Consequently, the harm that would arise from the proposal's incongruous design and its failure to provide its occupants with acceptable living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal would conflict with the development plan as a whole and the material considerations, including the approach in the Framework in regard to housing supply, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

SE Hughes

INSPECTOR