



Appeal Decision

Site visit made on 23 July 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/Y3940/W/24/3342907

1 Philip Close, Melksham, Wiltshire SN12 7AP

- 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 & Mrs Carl Whiting against the decision of Wiltshire Council.
 - The application Ref is PL/2024/00785.
 - The development proposed is a detached 1 bed dwelling on vacant land to the rear of 1 Philip Close.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed reforms are draft and therefore may be subject to change before the final document is published. The consultation closes on 24 September 2024. I have sought comments from the parties as to whether these proposed reforms have any relevance to the appeal, and I have taken the comments received into account in my consideration of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether acceptable living conditions would be provided for future occupiers of the proposed dwelling with regard to private garden space.

Reasons

Character and appearance

4. The appeal site comprises a small parcel of land formed through the subdivision of the garden to No. 1 Philip Close. It has a frontage to Littlejohn Avenue. It lies between the retained garden of No. 1 and The Pig and Whistle public house car park. The area is mainly residential. Surrounding dwellings predominantly consist of two storey terraced and semi-detached houses, set back from the street behind front gardens and parking areas. The plot sizes vary, but this pattern of development nonetheless provides a sense of openness and contributes to the spacious character of the area.

5. The plot width of the proposed dwelling would be noticeably wider than some of the terraced dwellings on its opposite side along Littlejohn Avenue. The appeal dwelling would sit in very close proximity to its side boundary with the public house car park, and to its rear boundary with No. 3 Philip Close. Its side elevation would also extend outwards at an angle towards and along the car park boundary, noticeably contrasting from the more regular right-angled footprints of the surrounding dwellings. This means that the garden area of the appeal dwelling would be to its front and side only, which further diverges from the surrounding dwelling layouts.
6. Despite the setback distances of buildings from the street, the proposed layout and footprint of the appeal dwelling, especially its tight proximity to two of its boundaries, would appear cramped and contrived in comparison to the surrounding residential plots. This jarring layout with its surroundings would be readily visible from the surrounding area, and harm would arise from this.
7. I accept that it would be possible to maintain the proposed dwelling, despite being so close to the boundaries. The proposed dwelling would also be similar to nearby properties in respect of its roof form, fenestration details and materials. However, these matters do not overcome the harm I have identified.
8. The appeal proposal would cause significant harm to the character and appearance of the area and would fail to effectively integrate into its setting. The proposal therefore conflicts with Core Policy 57 of the Wiltshire Core Strategy (WCS) 2015, insofar as it requires all new developments to respond positively to the existing townscape in terms of building layout and plot size. In this respect, the proposal also conflicts with Policy 6 of the Joint Melksham Neighbourhood Plan (JMNP) 2021, which requires housing development within settlements to have regard to the character of, and integration with, the surrounding area.

Living conditions

9. The private garden space would be to the side and north west facing. It would be modest in size, indicated to be around 10.6 metres in length and up to 6.2 metres at its widest point to the boundary with No. 1. The drawings indicate that it includes a shed, path and vegetable patch. Due to its narrowness and orientation, most of the space would experience significant shading impacts from the new dwelling and enclosing fences across much of the day, especially in wintertime. Whilst the level of sunlight would improve during summer when people are more likely to want to sit out, the garden would nonetheless be in the shade for much of the time.
10. Paragraph 9.2.2 of the Wiltshire Design Guide Supplementary Planning Document (SPD) 2024 advises that minimum garden areas for all houses should be equivalent to the footprint of the house. It also provides general minimum garden depths of between 10m to 12m, depending on the orientation. I have had regard to this advice, and also accept that some people may be flexible in terms of their level of need for outdoor amenity space. The size of the garden would be similar to the footprint of the appeal dwelling and whilst its length would be around 10.6 metres, its depth would be much shorter. In any event, whilst the overall garden size may be suitable in quantitative terms given the small size of the proposed dwelling, for the above reasons it would not provide satisfactory living conditions.

11. I have therefore found that future occupiers of the appeal dwelling would be provided with inadequate living conditions in terms of sunlight provision to its private garden space. In this regard, the appeal proposal is contrary to Policy 57 of the WCS and the Framework, which together require new development to ensure that appropriate levels of amenity are achievable, and the supporting guidance of the SPD as referred to above.

Other Matters

12. The appellants allude to the possibility that the adjacent public house, like many others in recent times, may be considered for redevelopment and should this happen, the appeal proposal would “lead the way” in terms of future considerations. I have not however been provided with any substantive evidence of this. In any event, I have considered the appeal proposal on its own planning merits.

13. It is also put to me that appeal site has become a vacant site because of the size of the original garden of No. 1 Philip Close, which was becoming too much to manage and maintain. However, this garden is of similar size to others along that road. I am therefore not persuaded that this garden is unduly large to maintain or manage. The provision of suitable bike and bin storage, off-road parking, and a study room to support working at home, are all neutral factors that neither weigh in favour or against the appeal proposal.

14. The Council has demonstrated 4.2 years of deliverable housing supply, which under the provisions of paragraph 226 of the current published Framework is the Council’s requirement in respect of housing land supply. This has not been disputed by the appellant and although the Government’s draft reforms may increase the required supply of housing, they are at the early stages of consultation and I therefore only afford them limited weight.

15. The proposal would provide a small, one-bedroom house, described by the appellants as ‘affordable’ although to be provided as market housing. Its small size would appeal to certain households and it would therefore contribute to the overall housing mix. This contribution to the Council’s overall housing supply, whilst welcome, would be limited. I also note that the proposal would be within the existing built-up area in an accessible location for the town centre by foot or cycle, and it indicates a provision of solar panels and electric vehicle charge point for future occupiers. The Council’s development plan and the Framework both support sustainable construction techniques. The above factors do not however outweigh the harm that I have identified.

Conclusion

16. The proposal would conflict with the development plan as a whole and the material considerations before me, including the Framework, do not indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

R Cahalane

INSPECTOR