



Appeal Decision

Site visit made on 17 May 2023

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/Y3940/W/23/3314214

14 Sherwood Avenue, Melksham, Wiltshire SN12 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr W McDonagh against the decision of Wiltshire Council.
 - The application Ref PL/2022/06749, dated 30 August 2022, was refused by notice dated 28 October 2022.
 - The development proposed is described as "resubmission for proposed detached new dwelling at applicant address 2 bedroom bungalow."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the planning process several plans showing different parking arrangements have been submitted by the appellant. The Council has confirmed that they determined the application on the basis of the parking arrangement shown on Drawing Number 21-242-02 Rev P5, which is consistent with the plans listed by the appellant on the application form, and I have determined the appeal on the same basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of the occupants of 14 Sherwood Avenue with particular reference to the quality of the garden, loss of light and outlook; and
 - Whether adequate and suitable parking provision would be provided.

Reasons

Character and appearance

4. The appeal site comprises part of the rear garden of 14 Sherwood Avenue (No 14) which is a semi-detached bungalow located within an established residential area comprising predominantly bungalows and dormer bungalows of a similar age and style. The rear garden, on which the proposed dwelling would be located is in a prominent position on the corner of Ashdown Drive and a pedestrian walkway, Epping Walk. This arrangement and the lack of buildings at the end of the garden creates a strong sense of spaciousness. Further, properties along Epping Walk are set back on their plots which reinforces the

sense of spaciousness which contributes positively to the character and appearance of the area.

5. The proposal would result in the introduction of a detached bungalow which would be located immediately adjacent to the newly created rear boundary with No 14 and would be set in only a short distance from its boundary with 9 Epping Walk. Notwithstanding that the height, architectural design, building line and materials of the proposed bungalow would be compatible with surrounding properties, due to its width and limited set in from the common boundaries on both sides, the proposal would appear unduly cramped on the site. Further, it would not integrate effectively into this setting, and would undermine the existing spacious character. As a result, it would appear as a discordant feature that would look out of place.
6. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area and would conflict with the relevant part Core Policy 57 of the Wiltshire Local Development Framework – Wiltshire Core Strategy adopted in January 2015 (WCS) which seeks to ensure that all development should respond positively to existing townscape features to effectively integrate into its setting. The proposal would also conflict with Policy 6 of the Joint Melksham Neighbourhood Plan 2020-2026 which seeks to ensure proposals have regard to the character of and integration with the surrounding area. The proposed development would also not accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character.

Living conditions

7. The proposed bungalow would be built up to the newly created boundary with No 14. However, adequate private outdoor garden space of an appropriate width would be retained to serve the occupants of No 14. Also, the proposed bungalow would be sited on its plot so that the majority of its side elevation would not face directly towards the rear elevation of No 14 or the garden area immediately to the rear of that property. Therefore, it would not appear unacceptably overbearing when viewed from the rear facing windows or the garden area of that property.
8. I have taken account of the solar assessment undertaken by the Council. However, taking account of the position of the proposal relative to No 14 and the trajectory of the sun I consider that although there would be a degree of overshadowing, it would not be unacceptably harmful. That is because the garden and habitable rooms at No 14 would still receive an acceptable level of sunlight.
9. I therefore conclude that the proposal would not unacceptably harm the living conditions of the occupants of 14 Sherwood Avenue, with particular reference to the quality of the garden, loss of light and outlook. As a result, the proposal would not conflict with the relevant part Core Policy 57 of the WCS which seeks to ensure that proposals do not have a harmful impact on the amenities of existing occupants. The proposed development would also accord with the Framework which seeks to ensure that developments result in a high standard of amenity for existing residents.

Parking

10. Vehicular access to the proposed development would be via Ashdown Drive. At the time of the site visit I observed that there is some parking pressure in the cul-de-sac. Core Policy 64 sets out that parking provision associated with new residential development will be based on minimum parking standards, set out in the Wiltshire Local Transport Plan 2011-2026 (WLTP). For a two-bed bungalow the minimum provision would be two spaces.
11. The proposed parking spaces are shown using an existing garage with access from Ashdown Drive. The Council highlights that the garage is below the minimum dimensions that the WLTP says an existing garage can count as a parking space. Given that the width of the existing garage would make it a tight fit particularly to accommodate a larger vehicle especially when there may be a need to help a child get in and out, I have discounted the existing garage as parking space.
12. Further, the hardstanding in front of the garage is less than the length of a standard parking space and is outside the red line plan showing the site. Putting aside whether the hardstanding area is included within the red line plan, this area would again be a tight fit to accommodate a larger vehicle, especially if there would be a need to access the existing garage. I am therefore concerned that such an arrangement could lead to vehicles encroaching onto the pavement resulting in inconvenience and danger for pedestrians.
13. The appellant highlights that they could demolish the existing garage. However, that is not part of the proposal before me and would amount to a material amendment to the proposed development. Rather, based on the information provided on the appeal plans, as clarified above, I am not satisfied that adequate and suitable parking provision would be provided. Further, a reduction in parking provision is not warranted in this case as there are no significant urban design or heritage issues associated with the proposal, parking demand in the area would not be low and parking overspill could not easily be controlled.
14. I therefore conclude that that the proposal would not provide adequate and suitable parking provision and consequently the proposal would conflict with Core Policy 64 of WCS which seeks to ensure that the provision of car parking associated with well designed new residential development will be based on minimum parking standards as included in the WLTP set out above.

Other Matters

15. I accept that the proposal would not result in an unacceptable loss of privacy or appear overbearing for neighbouring residents and the proposed garden area would be sufficient to serve the occupants of the new bungalow. However, these matters do not justify harmful development at the appeal site.

Conclusion

16. I am satisfied that the proposal would not have an adverse impact on the living conditions of the occupants of 14 Sherwood Avenue. However, for the reasons I have set out, the proposal would be harmful to the character and appearance of the area and the proposal would not provide adequate and suitable parking provision. Overall, I conclude that the proposal would conflict with the

development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR