



Appeal Decision

Site visit made on 15 August 2023

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/Y3940/W/23/3318981

Land adjoining 59 and 60 Summer Down Walk, Trowbridge BA14 0LJ

- 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 M Wareham against the decision of Wiltshire Council.
 - The application Ref PL/2022/06812, dated 31 August 2022, was refused by notice dated 27 February 2023.
 - The development proposed is erection of attached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed development on the living conditions of neighbouring occupiers at No's 59 and 60 Summer Down Walk, and
 - whether the living conditions of future occupiers of the proposed development would be acceptable, with particular regard to the size of the dwelling.

Reasons

Character and appearance

4. The site is viewed in association with the general pattern of development on Summer Down Walk and Marston Road that is characterised by a uniformity of detached, semi-detached and terraced properties in a staggered arrangement. These properties are either set back from the road behind reasonable sized front gardens or face onto footpaths and green space that run through the area with parking provided off roads to the rear of the properties. In both cases, gaps between dwellings, particularly between pairs of semi-detached properties, form part of the planned character of the area.
5. No's 59 and 60 Summer Down Walk form part of a pair of separate semi-detached dwellings with their side elevations, containing their entrances,

- broadly facing each other across the gap between them. The proposal would add a dwelling within this gap and result in the provision of a porch to the front of No.59 to provide it with suitable access. The development is proposed in matching materials and with matching eaves and ridge heights following the existing building line.
6. The proposed dwelling would occupy the majority of the gap between the properties, leaving a path for access. Consequently, the proposal would result in the loss of a considerable extent of the gap between the properties that forms part of the character of the area. This would disturb the symmetry of the existing semi-detached pairs. In this regard, the proposal does not adequately address the concerns raised by the Inspector dealing with a previous appeal on the site¹.
 7. I accept that other similar dwellings² in the area have benefitted from built form to their sides and within gaps, but they are generally either narrower than the appeal proposal, more subservient in nature, comprise side extensions, or in a different context. I also note that some of these pre-date the existing local plan and National Planning Policy Framework (the Framework). In light of this, and as I have a duty to consider the proposal on its merits, these other developments do not justify the loss of such an extent of the visual separation between No's 59 and 60 that contributes positively to the open character of the estate.
 8. The proposed dwelling would be considerably narrower than No's 59, 60 and the other dwellings forming this pair of semi-detached properties. As a result of this, the proposed dwelling would also appear incongruous, cramped and at odds with the prevailing built form. This would be the case when viewed from the grassed public realm to the front of the site, and from the parking area to the rear despite its more functional setting. Due to the width of the dwelling, the likely provision of separate gardens, accesses and parking, the proposal will not appear as an extension to No.59.
 9. There are no similar porches to the fronts of No's 55-61 Summer Down Walk. Although porches are common in the wider area, the proposed porch would appear out of character and further disturb the symmetry of the pairs of semi-detached properties that benefit from side accesses. I acknowledge that a porch could be constructed under permitted development rights, but I give this limited weight given that its provision would be unlikely without the proposed development.
 10. Considering the short length of the private gap proposed between the proposed dwelling and No.60, presence of the side entrance doors to the proposed dwelling and No.60, and its visibility from the public domain, it would not be likely to give rise to a harmful level of antisocial behaviour. I also accept that the area could also be lit with external lighting to make it safer.
 11. For the above reasons, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area. Accordingly, in relation to this main issue, the proposal would not comply with Core Policy 57 of the Wiltshire Core Strategy (January 2015) (CS) and the Framework which seek to ensure, amongst other things, that development is of a high standard

¹ APP/F3925/A/08/2086556

² 34 Bennett Road, 1-6a 2, 3 and 58 Summer Down Walk

of design, draw on the local context and is complementary to the locality, enhance local distinctiveness and the existing pattern of development and achieve well-designed places.

Living conditions of neighbouring occupiers

12. The orientation of the proposed dwelling would result in its side elevation being in close proximity with the side elevation with No. 60 Summer Down Walk. The proposal would therefore narrow the existing usable gap between the properties.
13. The side elevation to No.60 facing the proposed dwelling is particularly sensitive to change as it contains its main entrance. By reason of the combination of the close relationship, depth and height of the proposal, and the extent of narrowing of the gap, it would result in an overbearing impact upon the side of No.60 and its access. For the same reasons, the proposal would result in an increased loss of natural light and feeling of enclosure to the side entrance to No.60. I have considered the examples of similar gaps to the sides of 6 Summer Down Walk and 34a Bennett Road but they are not viewed in association with the appeal site, have a different character and do not therefore alter my assessment above.
14. In light of the proposed dwelling being attached to the side of No.59 directly in line with its front and rear elevations, and despite its orientation broadly to the south, any overshadowing from the proposed dwelling would be over the front and rear gardens to No.59. Moreover, any overshadowing would be limited in extent and time.
15. For the above reasons, and although I have found no harm to the living conditions of the neighbouring occupiers of No.59 Summer Down Walk, I conclude that the proposal would have a significant harmful effect on the living conditions of the neighbouring occupiers at No.60 Summer Down Walk. Accordingly, in relation to this main issue, the proposal would not comply with Core Policy 57 of the CS and the Framework. Amongst other things, these seeks to ensure that new development has regard to the compatibility of adjoining buildings, impact on amenities of existing occupiers with a high standard of amenity for existing users.

Living conditions of future occupiers

16. Despite the smaller footprint of the dwelling in comparison to surrounding properties, the proposed development would benefit from accommodation arranged over two floors. Over the two floors the dwelling would benefit from a separate kitchen, toilet, lounge, two bedrooms and a bathroom. This would provide adequate facilities for individuals, couples or a small family. In addition, the proposed plans demonstrate that adequate space would be provided to meet basic furniture needs and provide suitable circulation space.
17. The Nationally Described Space Standards prescribe minimum gross internal floor areas and storage. However, the failure to meet the technical requirements does not necessarily mean that living accommodation would be unacceptable or sub-standard. Moreover, in the absence of a development plan policy securing these standards, they carry limited weight.
18. Whilst a bedroom to the proposed dwelling may end up facing a streetlight, such arrangements are not uncommon, and the dwelling would be positioned a

suitable distance away from the light such that it would not cause demonstrable harm to the occupiers living conditions.

19. For the above reasons, I conclude that the living conditions of future occupiers of the proposed developments would be acceptable with particular regard to the size of the dwelling. Accordingly, in relation to this main issue the proposal would not conflict with Core Policy 57 of the CS or the Framework, which, amongst other things, seeks to ensure a high standard of design, and high standard of amenity for future users.

Other considerations

20. The provision of two parking spaces per dwelling, a suitable access and lack of harm to ecology and surface water drainage are neutral factors in my consideration as they are requirements of local and national planning policy.
21. The development would harm the character and appearance of the area, the living conditions of neighbouring occupiers and be contrary to the local development strategy. The relevant policy is largely consistent with the Framework where it states that planning decisions should reflect the character of an area and provide a high standard of amenity for existing and future users. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with this policy.
22. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. the Framework should be applied. The appeal proposal would provide a number of benefits, including providing much needed housing of a small scale which would contribute towards the supply and mix of housing in the area with good accessibility to services and facilities in Trowbridge. It would bring forward a small windfall site making a more efficient use of land, benefit the local economy from construction works and associated spending from the occupiers, and contribute towards CIL Payments and Council Tax.
23. However, given the scale and nature of the development, the benefits would be limited. In contrast, I have found that the appeal proposal would result in significant harm to the character and appearance of the area and living conditions of neighbouring occupiers. Accordingly, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
24. I acknowledge the appeal decision in *Devizes*³ but in that case the Inspector identified only small harm from the proposal with the benefits outweighing this. With regard to the current appeal, I have identified significant harm to the character and appearance of the area and living conditions of neighbouring occupiers that are not outweighed by the benefit from one dwelling. As a result, the appeal decision in *Devizes* is not comparable and does not alter my findings above.

Conclusion

25. Although I have found no harm to the living conditions of future occupiers, the proposal would harm the character and appearance of the area and living

³ APP/&3940/C/20/3261363

conditions of existing occupiers. In my view, these are the prevailing considerations, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.

26. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR