



## Appeal Decision

Site visit made on 28 September 2023

**by Lewis Condé Msc, Bsc, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 20 November 2023**

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**Appeal Ref: APP/Y3940/W/23/3321030**

**Plot adjacent to No. 2 Pembroke Road, Melksham, Wilts SN12 7NA**

- 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 S. Rowe, D S Developments, against the decision of Wiltshire Council.
  - The application Ref PL/2022/04516, dated 6 June 2022, was refused by notice dated 1 December 2023.
  - The development proposed is 'Erection of a pair of single bedroom houses with off-street parking'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on a) the living conditions of future occupiers with regards to the provision of internal space; and b) the living conditions of the neighbouring occupiers of no. 2 Pembroke Road, with regards to overshadowing and loss of light.

### Reasons

#### *Living Conditions of Future Occupiers*

3. Core Policy 57 of the Wiltshire Core Strategy (adopted 2015) (the Core Strategy) requires a high-standard of design in all new developments. This includes through taking account of the needs of potential future occupants of new developments and ensuring that appropriate levels of amenity space are provided within the proposed development.
4. Whilst the Council does not have an adopted policy or guidance that specifically identifies its expected space standards for new dwellings, it has referred to the Government's Technical Housing Standards – Nationally Described Space Standards (2015) (the NDSS).
5. The NDSS sets out requirements for the gross internal floor area (GIA) of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home. The NDSS is the most up-to-date expression of national planning policy on this matter, it is therefore a consideration to which I attach significant weight.
6. The NDSS does not include a minimum overall floorspace standard for 1-bedroom, 1-person, two-storey houses. However, from the information before me, it appears that the proposed dwellings, although containing only a single bedroom, could lend themselves to each accommodating two persons. For

example, although the properties' bedrooms would be narrow in width, they would be capable of accommodating double beds due to their overall composition/level of floorspace<sup>1</sup>, while the proposed dwellings both appear to have been provided with two vehicle parking spaces. Indeed, there is no appropriate mechanism which would prevent the proposed dwellings from being occupied as two person homes. I therefore consider it appropriate that the proposal is considered against the standards for a 1 bedroom, two person, two-storey dwelling as expressed within the NDSS.

7. In such circumstances, the NDSS advises that a minimum floorspace of 58sqm should be provided. Although the layout of each of the proposed dwellings appears logical, they would both be very small in scale, with the internal floorspace to be provided (approx. 47sqm) falling significantly below the minimum standards that are advised through the NDSS. Indeed, I find the overall level of space in each dwelling would provide a cramped and unsatisfactory environment for two residents.
8. Consequently, I find that the proposed development would provide inappropriate living conditions for potential future occupiers and would therefore conflict with Core Policy 57 of the Core Strategy.
9. Likewise, the proposal would not adhere to the aims of the National Planning Policy Framework (the Framework) in respect of promoting a high standard of amenity for future users.

#### *Living Conditions of Existing Neighbouring Residents*

10. The appeal site is a vacant plot that previously formed part of the side/rear garden to no. 2 Pembroke Road (no. 2). However, it has been segregated off from no. 2 and I understand that the adjacent property has since been sold separately with its reduced plot size. This has resulted in the private outdoor space serving No. 2 being reduced to a small, north facing, rear garden, of particularly shallow depth.
11. The Council has provided detailed analysis which demonstrates that the garden serving no.2 would experience a near complete loss of direct sunlight for approximately 6 months of the year, due to overshadowing from the proposed development. The analysis also suggests that even during the summer months there would be a significant degree of overshadowing of the garden area. No robust evidence (e.g. sun path/shadowing modelling or analysis) has been provided by the appellant to refute these claims.
12. Indeed, from the evidence before me and my observations on site I consider that the proposal would lead to a harmful level of overshadowing to the rear garden of no. 2. This is due to the overall scale, proximity, and orientation of the proposed development to the adjacent garden, combined with, the diminutive size of the rear garden to no.2 and its orientation. Additionally, I am mindful that the majority of natural light serving no.2's kitchen/dining room is likely to come from the property's north facing windows and patio doors, which overlook its rear garden. The proposed development is therefore also likely to lead to a harmful loss of daylight reaching these rooms, which would result in rather dreary conditions being experienced by the neighbouring occupiers.

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<sup>1</sup> I note the width of the proposed bedrooms are below that recommended for in the NDSS, but it remains that the overall level of floorspace (taking account of built in storage) is akin to what may be expected for a double/twin bedroom.

13. I am informed that the present owners of no. 2 purchased the property despite being made aware of the intention to develop housing on the appeal site. However, this does not negate the need for development proposals to be suitably designed so as not to harm the living conditions of the existing or future neighbouring residents.
14. Overall, I find that the proposed development would also harm the living conditions of the neighbouring occupiers of no.2 Pembroke Road. Accordingly, it further conflicts with Core Policy 57 of the Core Strategy, which also seeks to safeguard the living conditions of existing residents as part of its promotion of development that is of a high-quality design. Similarly, the proposal would again conflict with the Framework which also seeks for developments to provide high standards of amenity for existing users.

### **Other Matters**

15. The appeal scheme has been designed to address issues raised in relation to a previous application (ref: 20/09005/FUL) for residential development at the site that was refused by the Council. I also appreciate that the appeal proposal may accord with other design expectations outlined under Core Policy 57. Nevertheless, the proposed scheme would not provide satisfactory living conditions for future occupiers, whilst also harming the amenity of adjacent neighbouring residents.
16. I note that Melksham Town Council has previously expressed some support for the development of 1 bedroom starter homes and affordable properties. Despite this, the Town Council has seemingly objected to the appeal proposal. In any case, it's support or not, for the proposed development does not alter my above concerns with the appeal scheme.
17. The appellant has referred me to nearby examples of infill development that have taken place, albeit has provided very limited details of those developments. However, their contexts do not appear to be comparable to the scheme before me due to differences in site context (e.g. position of the plots and relationship to adjacent dwellings) and the nature of the proposals (e.g. level of floorspace provided). Additionally, I understand each of the permissions referred to were granted between 2004 to 2007, under different planning policy contexts. My decision therefore does not turn on this matter.
18. The appellant has highlighted research undertaken by the Home Builders Federation, which identifies a sharp fall in planning permission for housing (nationally) despite acute shortages. I do not have the full details of the research/report, while matters of housing supply are dealt with in my planning balance below. Nonetheless, this does not justify the development of housing of an inappropriate quality.
19. I also note the appellant's frustrations with the manner in which the Council dealt with the application. However, the appeal has been determined on its own merits.

### **Planning Balance**

20. The appellant highlights that the Council cannot demonstrate a five-year housing land supply, which has not been contested. Paragraph 11(d)ii of the Framework therefore applies. This requires an assessment of the proposal against the policies of the Framework taken as a whole.

21. Although paragraph 60 of the Framework refers to significantly boosting the supply of housing, the provision of two additional units would make little meaningful difference. When judged against some of the core planning principles, the proposal would perform well in that it would provide a new dwelling, in a sustainable location. However, good design is also a key aspect of sustainable development.
22. Regardless of the precise level of demand for one-bedroom properties in Melksham, the proposal would still provide socio-economic benefits associated with the delivery and subsequent occupation of the proposed dwellings. Such benefits would however be limited, given the scale of the proposal.
23. Against the above, the harm to the living conditions future residents would be significant. Even if it were to be shown that the properties would be occupied as single person dwellings, it remains that there would also be significant harm to the occupiers of neighbouring residents. The Framework attaches importance to achieving well designed development that provides high standards of amenity for existing and future users. Policy CP57 of the Core Strategy is therefore consistent with the Framework. Even taking account of the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be given significant weight in this instance.
24. Overall, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply.

### **Conclusion**

25. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

*Lewis Condé*

INSPECTOR