
Appeal Decision

Site visit made on 21 September 2015

by Megan Thomas BA(Hons) in Law, Barrister

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/Y3940/D/15/3081163
22 Cholderton, Salisbury SP4 0DL

- 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 & Mrs A Minting against the decision of Wiltshire Council.
 - The application Ref 14/11591/FUL, dated 19 November 2014, was refused by notice dated 19 March 2015.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal before me involves the partial demolition of the listed building and an alteration to it, in addition to the construction of a single storey extension. However, the appeal before me does not refer to or relate to a refusal of listed building consent. It is solely a s.78 appeal relating to the refusal of planning permission for proposed development and I proceed on that basis.

Main Issues

3. The appeal site is a grade II listed building in a row of listed buildings and is located in the Cholderton Conservation Area 'CA'. The main issues in the appeal are the effect of the proposal on any features of special architectural interest possessed by the listed buildings, or on their settings, and on the character and appearance of the CA and the effect on the living conditions of the occupants of Staddlestone Cottage with particular regard to light.

Reasons

Listed buildings and conservation area issue

4. The appeal site is situated in a row of cottages. The cottage at the northern end, Tuppney Cottage, has its own grade II listing entry. The remainder of the row has a grade II listing dating from at least 1987. Nos 23 and 24 Cholderton have been combined to form a single dwelling now known as Staddlestone Cottage. This is situated to the north of no.22 which is the southerly-most of the group and on the end of the terrace. The cottages face in a broadly westerly direction and there is a house to south of the appeal site known as
-

Hollytree House. Public views into the rear of the appeal site are limited. There is an outbuilding to the rear of no.22 and Staddlestone Cottage. About one third of it is situated in the garden of no.22 and about two thirds in the garden of Staddlestone Cottage.

5. No.22 is two storeys, brick with a tiled roof. To the rear of no.22 there is a single storey extension and a garden room. These appear to have been added in the late 70s and 1980s. The garden room would be demolished and the new extension would connect to the existing single storey rear extension. Only its walls would remain as there would be a new double pitched slate roof leading to the new hipped roof over the main part of the new extension. This latter roof would have a pitch of about 40 degrees. The extension would be timber framed with some full length glazing and a conservation rooflight. It would be rectangular, about 5.4m wide by about 3.8m deep and about 4.2m high to the roof ridge and about 2.2m to eaves. In total the rear element would protrude about 6.8m from the main rear elevation of no.22.
6. In coming to my decision I have borne in mind the statutory duty on me to have special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess. Similarly I have borne in mind the duty to pay special attention to preserving or enhancing the character or appearance of the Conservation Area.
7. The listed buildings play an important role in contributing to the historic and attractive designated Conservation Area in Cholderton. This row of cottages makes its principal contribution by maintaining a front façade of general uniformity with traditional fenestration and door openings. The proposed development would clearly affect the setting of no.22 and to a much lesser extent Staddlestone Cottage. However, it would not be too domineering or overwhelming. It would be difficult to see from public vantage points. The roof ridge would be a similar height to the roof ridge of the nearby outbuilding. The proposed use of full length glazing in parts of the extension would give it a rather more lightweight appearance than a fully timber clad building. The resulting mass and bulk would not in visual terms overwhelm the existing rear elevation of no.22 or Staddlestone Cottage and the overall design is reflective of the outbuilding. The proposal would not harm the special architectural interest of either properties. The area between the rear elevation and the outbuilding does not in my view need to be kept free of development for historic or conservation reasons but the fact that no.22 has a good-sized plot mitigates any potential cluttering or overdevelopment of the site as a whole.
8. In relation to this first issue I therefore conclude that the special architectural interest and setting of the listed buildings would be preserved as would the significance and character and appearance of the Cholderton Conservation Area. There would be no conflict with core policy 57 with the exception of (vii) or with core policy 58 of the Wiltshire Core Strategy (adopted 2015) 'CS'.

Living conditions of neighbours issue

9. The boundary between Staddlestone Cottage and the appeal site is staggered such that the northern boundary of no.22's land extends further northward the further east along the boundary from the rear elevations of the two properties. There is a close-boarded fence with open trellis work above to a total height of

about 2m. Staddlestone Cottage has a rear ground floor window close to the common boundary. I had access to the Cottage and its garden on my site visit. At its nearest point the proposal would be only about 0.8m away from the common boundary. At no.22, the proposed new link roof ridge would extend from just underneath the first floor window out to the proposed kitchen. The roof ridge of the rectangular structure would be about 4.2m high. Given that the proposal would be to the south of Staddlestone Cottage, I conclude that there would be an unacceptable loss of light to some of the windows and part of the garden to Staddlestone Cottage. The evidence before me does not convince me that the Building Research Establishment guidelines found in *Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice* (2011) are met but even if they were my concerns in relation to part of the adjacent garden being unduly overshadowed would not be overcome. I am also mindful of the importance of seeking to maintain natural light levels (and any sunlight) to the often limited fenestration of listed cottages.

10. I do not find comparisons with what might be obtained if permitted development rights were available or used very persuasive or of much weight. Whilst noting that care has been taken to attempt to design an extension sympathetic to neighbours and noting that some vegetation may be removed by the appellants to try to improve light levels for Staddlestone Cottage I am not convinced that the proposal is acceptable in residential amenity terms.
11. Consequently on this issue I conclude that the proposal would unduly harm the living conditions of the occupants of Staddlestone Cottage by reason of loss of light. It would contravene core policy 57(vii) of the CS.
12. Given the finding I have made it is not necessary for me to go on to consider other matters raised in third party correspondence.
13. Having taken into account all relevant material considerations, I dismiss the appeal.

Megan Thomas

INSPECTOR