

**Wiltshire Council
Western Area Planning Committee**

**Planning Appeals Update Report
October 2010**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/10/02115/FUL	16A Horse Road Hilperton	Hilperton	The proposal is for the subdivision of an existing plot at 16a Horse Road, construction of a separate single detached dwelling with attached single garage, plus parking spaces, including forming new vehicular access	DEL	REF	WR
W/10/02318/FUL	Turnpike Cottage 76 South Wraxall	South Wraxall	Two storey extension to the rear of Turnpike Cottage, a proposed new access drive with provisions for parking and a turning area.	DEL	REF	WR (Householder)
W/10/01984/FUL	Land Rear Of 36 Bradley Road Trowbridge	Trowbridge	Demolition of existing garage and erection of new bungalow and access	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
W/10/00328/FUL	Land Adjacent 3 East End Avenue Warminster	Warminster	Proposed detached house	DEL	REF	WR	DISMISSED
W/10/01434/FUL	Sainsbury Store Bath Road Melksham	Melksham	Extensions to existing foodstore, including a mezzanine floor, cafe, construction of a new pedestrian link to bank street, relocation of the petrol filling station and new kiosk, extensions and alterations to the car park and associated landscape, flooding and ecological works	COM	PER	INQ	ALLOWED
W/09/02476/FUL	Land Adjacent Potters Hill Farm 50 Little Hill Crockerton	Longbridge Deverill	Demolition of agricultural building and construction of detached house	DEL	REF	WR	DISMISSED
W/09/03166/FUL	Woodside Cottage East Hill Heytesbury	Heytesbury	Replacement building to form residential annexe	DEL	REF	WR	DISMISSED
W/10/01011/FUL	Land Fronting 2 Sandridge Road Melksham	Melksham	Erection of two dwelling houses	DEL	REF	WR	DISMISSED
W/09/03538/FUL	7 New Road Bradford On Avon	Bradford on Avon	Provision of 2 car parking spaces at rear of property	DEL	REF	HRG	ALLOWED
W/09/03539/LBC	7 New Road Bradford On Avon	Bradford on Avon	Provision of 2 car parking spaces at rear of property	DEL	REF	HRG	ALLOWED
08/00272/USE_L	Fairfield Piggeries Leigh Road Bradford On Avon	Bradford on Avon	Appeal against unauthorised use of site as waste transfer depot	ENFORCEMENT APPEAL		INQ	WITHDRAWN

* additional notes on decision below

- I = Inquiry H = Hearing
- Del = Delegated decision

WR = Written Representations
Comm = Committee decision

WR (HAS) = Written Representations (Householder)

❖ Points of interest arising from decisions

W/10/00328/FUL - Land Adjacent 3 East End Avenue Warminster

This appeal was dismissed and the Inspector considered that the main issue was the effect of the proposal on the character and appearance of the street scene and wider residential area. Her view was that a small detached house with a shallower roof, narrower width and no bay windows would appear incongruous in this setting. She concluded by stating that the effective use of land should not be at the expense of design quality.

W/10/01434/FUL - Sainsbury Store Bath Road Melksham

In allowing this appeal subject to stringent conditions the Inspector considered that although there was a high risk of flooding in the area there would be no increase in risk as a result of the proposals. He found in the absence of any contrary evidence that the proposals would not cause unacceptable harm to the living conditions of neighbouring residents with regard to noise, fumes or lighting. He took the view that there would be very few glimpses of the extended store or petrol filling station from public vantage points within the conservation area, gave little weight to the impact on private views, and as such concluded there would be no harm to its character or appearance. The impact on the setting of listed buildings was negligible. There was no compelling evidence of a risk of pollution.

A partial award of costs was justified on the grounds of unreasonable behaviour resulting in unnecessary expense with regard to the appellant having to submit a proof of evidence in relation to noise when its impact could have been controlled by conditions to prevent late night and early morning nuisance.

We await details of the amount of costs being claimed by the appellant and the amount will be reported to the committee in due course.

W/09/02476/FUL - Land Adjacent Potters Hill Farm 50 Little Hill Crockerton

The Inspector in dismissing this appeal stated that the proposal was overbearing and would harm the amenities of neighbours and would also increase traffic use of a sub-standard road junction.

W/09/03166/FUL - Woodside Cottage East Hill Heytesbury

The Inspector in dismissing this appeal considered that the main issues in relation to the proposal for a residential annexe were the rural location impact on the countryside and matters of sustainability in this isolated location. It would result in an unsustainable pattern of development that would be contrary to policy. The argument that the proposed annexe was necessary for the future health and well-

being of an elderly relative was not sufficient justification to outweigh the more general planning considerations and that the personal circumstances of the appellant were not a material consideration.

W/10/01011/FUL - Land Fronting 2 Sandridge Road Melksham

This appeal was dismissed and the Inspector took the view that although the dwelling had an unusually large front garden the introduction of two more dwellings would appear as if they had been 'shoe-horned into the site' and would appear very cramped and with a very small amount of space around them.

W/09/03538/FUL & W/09/03539/LBC- 7 New Road Bradford On Avon

In allowing these appeals the Inspector considered that the main issue was the need to preserve the character of the principal listed building and the character and appearance of the conservation area. He stated that in his view demolition of and alterations to an external curtilage wall that was of little intrinsic value would result in little harm to the heritage asset or materially diminish its significance. Furthermore, the location of the proposed parking area in a discreet and private enclave would be unlikely to harm the character or appearance of the conservation area.

The Inspector allowed the partial award of costs because unnecessary expense had been incurred by the appellant because the Council had failed to substantiate its assertion that the wall was an 'important feature' and due to its inconsistent behaviour in granting permission for a similar development on the adjoining site.

We await details of the amount of costs being claimed by the appellant and the amount will be reported to the committee in due course.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/10/00091/ENF_L	Barn at Manor Farm North Bradley	North Bradley	Land and new dwelling / Land and converted agricultural building	INQ	CC	19.04.2011 & 20.04.2011