



# Appeal Decision

Site visit made on 29 July 2008

by **Clive Kirkbride BA(Hons) DipTP MSc MRTPI**

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

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Decision date:  
6 August 2008

**Appeal Ref: APP/F3925/A/08/2073125**

**6 Summerdown Walk, Trowbridge, Wiltshire, 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 Ledbury against the decision of West Wiltshire District Council.
- The application Ref 07/03825/FUL, dated 4 December 2007, was refused by notice dated 31 January 2008.
- The development proposed is conversion of existing house into two one bedroom flats and new build creating a further two one bedroom flats.

## Decision

1. I allow the appeal, and grant planning permission for conversion of existing house into two one bedroom flats and new build creating a further two one bedroom flats at 6 Summerdown Walk, Trowbridge, Wiltshire, BA14 0LJ in accordance with the terms of the application, Ref 07/03825/FUL, dated 4 December 2007, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

## Main issues

2. I consider that there are three main issues: The effect of the proposal on the character and appearance of both no.6 and its matched pair and the surrounding area; its effect on living conditions of future occupants and at neighbouring properties, with particular reference to the proposed standard of accommodation, overlooking and noise and disturbance, and its effect on highway safety.

## Reasons

3. The appeal dwelling is a three bedroom, semi-detached house on an estate of houses of broadly similar appearance. No.6 occupies a large, corner plot well screened by a tall conifer hedge and has vehicular access at the rear from the head of a cul-de-sac. The large rear curtilage includes a lean-to car port against a garage with space on the driveway to park two cars.
4. The proposal is to convert the existing dwelling into two flats, extend at the side to provide further two flats and remodel the rear curtilage to provide a patio across the rear of the building, on-site parking and turning space for four cars, bin storage and landscaping.

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### ***Character and appearance***

5. Externally the appeal dwelling would remain the same, with the new build attached at the side and set flush with the existing front elevation. It would be the same height as, and similar in size to no.6 and constructed in matching materials, albeit with the addition of a new front entrance and porch.
6. The Council's supplementary design guidance advises that extensions to existing dwellings should be subservient. However, the proposal would create the impression of being an end-of-terrace house, rather than an extension. Although there would be some loss of symmetry, there is a variety of house types and sizes in the immediate area, including short terraces, and I do not consider that this to be reason alone to warrant a refusal of permission.
7. Sufficient space would be retained at the side of the proposed new build to ensure that the proposal would not look cramped or otherwise harm the spacious quality of the area. Much of the existing screening to the front and side boundaries would also be retained.
8. Consequently, I conclude that the proposal would not harm the character and appearance of the existing pair of houses or the surrounding area, and would not conflict with either policy C31a or the relevant provisions of policy H16 of the West Wiltshire District Plan First Alteration 2004 (LP).

### ***Living conditions***

9. There is no evidence before me to indicate that the proposal would result in over-intensive sub-division of no.6, even though this is central to the Council's case. The proposed new build flats would be of a similar size and I note that the Council has not suggested these would be inadequate. Future occupants would also have access to a shared outdoor amenity space which, although small, would be adequate to meet their needs.
10. Nor has the Council provided any evidence to support its reason for refusal that the proposal would have a severe adverse impact on the amenity of occupiers of neighbouring dwellings. No.4 is some distance from the appeal site and would not be adversely affected by the proposal, yet it is specifically referred to by the Council, and there would be no increase in overlooking towards the rear of no.5.
11. The proposal provides for the same number of cars to be parked on site as at present and a number of other houses in the same row also have off-road parking at the rear. Therefore, I do not consider the proposal would result in such an increase in noise and disturbance from the coming and going of cars as to harm living conditions at adjoining houses.
12. Therefore, I conclude that as the proposal would neither harm living conditions of future occupants or at neighbouring houses it would not conflict with LP policy H16.

### ***Highway safety***

13. The proposed level of parking provision was agreed with the County Highway Authority which considers this to be adequate to serve the needs of the proposal. The provision of on-site turning space would also improve highway

safety, as cars cannot currently enter and leave the site in a forward gear. The Council, on the other hand, has not provided any evidence to support its claim that the level of on-site parking proposed would be inadequate.

14. From the evidence before me, I am satisfied that the proposed level of parking provision would be adequate to serve the needs of the proposal and would not result in any harm to highway safety. Therefore, I conclude that the proposal would comply with LP policy H16 in this respect.

**Other matters and conditions**

15. Concerns have been raised locally that the proposed flats would be inappropriate in an area of predominantly family houses. However, the proposal is in line with the government's strategic housing policy objectives to achieve a wide choice of homes, to improve housing affordability and to create sustainable, inclusive, mixed communities.
16. There are also concerns about drainage capacity in the area. The appellant would need to obtain permission from the other owners to connect to the private sewer serving the site and a condition can also be imposed to control the proposed means of drainage.
17. I have considered the conditions suggested in the light of advice set out in Circular 11/95. In addition to a need to control drainage, conditions relating to external materials and hard and soft landscaping, including the retention of existing trees and hedges and proposed boundary treatments, are necessary in the interests of appearance. The suggested condition does not refer to the protection of retained trees and hedges during construction but I consider such a clause to be necessary, given the proximity of some ground works to the site's boundaries.
18. Conditions relating to surfacing materials for the approved access, parking and turning areas and the retention of these areas for their intended use are necessary in the interests of highway safety. A standard working hours condition would also be appropriate, as noted by the Council, in view of the close proximity of surrounding houses.

*C.S.Kirkbride*

INSPECTOR

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#### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include details of those trees and hedges to be retained and the means for protecting them during construction; means of enclosure and the surfacing materials to be used in construction of the approved access, parking spaces, turning area, pedestrian circulation areas and patio. The works shall be carried out as approved and completed prior to first occupation of any of the flats hereby permitted or in accordance with a timetable to be agreed in writing by the local planning authority.
- 4) The approved parking spaces and turning area shall be kept free from obstruction and retained for their intended purpose thereafter.
- 5) None of the flats shall be occupied until works for the disposal of sewage and surface water on site have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.
- 6) Demolition or construction works and deliveries to and from the site shall not take place outside 0800 hours to 1730hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays and shall not take place at any time on Sundays or public holidays.