



Appeal Decision

Site visit made on 3 March 2011

by R J Marshall LLB Dip TP MRTPI

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

Decision date: 24 March 2011

Appeal Ref: APP/Y3940/A/10/2135766

23, Astor Crescent, Ludgershall, Andover, SP11 9RG

- 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 S and T Connolly against the decision of Wiltshire Council.
 - The application Ref E/10/0819/FUL, dated 24 June 2010, was refused by notice dated 20 August 2010.
 - The development proposed is three new dwellings to the rear of 23 Astor Crescent.
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Decision

1. I dismiss the appeal.

Procedural matters and background

2. The site comprises a substantial part of the garden of a semi detached house No. 23, Astor Crescent. Since the recent changes made to Planning Policy Statement 3: Housing (PPS3) garden land is no longer defined as previously developed land and there is no longer a national indicative minimum density. That said the Council, correctly in my view, raises no in principle objection to development on the site given that it lies within the built up part of Ludgershall. The development plan encourages the efficient use of land within settlements, subject to a satisfactory impact on, amongst other things, the character and appearance of the surrounding area and residential amenity.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on: **first**, the character and appearance of the surrounding area; **second**, the living conditions of those nearby; and **third**, highway safety.

Reasons

Character and appearance

4. The application property is the southernmost in a line of dwellings fronting Astor Crescent. The rear gardens of most of these properties are unusually lengthy in comparison with much of the housing in the area, especially the more recent housing to the east. The garden of No. 23 Astor Crescent is larger than most to the gardens to the north as it broadens out more to the rear.
5. The proposed development would be at the rear of No. 23 and accessed down the side of that house. The proposed dwelling on plot 1 would be directly to the rear of No. 23 and face onto the access road. The remaining 2 dwellings

- would be located at right angles to this house at the end of the plot. They would back onto bungalows to the rear.
6. The density of the proposed development is not high in numerical terms and would result in development in keeping with that to the east. However, given the constraints that would arise from providing this number of houses on a relatively a small and constrained parcel of land the site would have a fairly extensive coverage of buildings and hard surfaces. As such it would appear more intensively developed than would be appropriate given the housing fronting this length of Astor Crescent and that nearby to the west generally. This would be noticeable in views down the proposed access road where the houses on plots 1 and 2 would be seen with front elevations closely abutting hard surfaces.
 7. Moreover, the front elevation of the proposed dwelling on plot 1 would face closely onto a line of trees on neighbouring land to the south. Although these trees are not covered by a Tree Preservation Order they have been identified in a tree survey as being of local significance. It was clear from the site visit that they make an important contribution to the character and appearance of the area especially given the now fairly denuded state of the appeal site. They are shown on the application plans as being retained. However, the canopy of these trees would be in such close proximity to the front elevation of the house as to seriously overshadow and dominate it. It is highly likely that future occupants of the house would seek to have these trees reduced in size or removed. This would be to the detriment of the character and appearance of the area.
 8. The Council's concern extends also to a "precedent" being created for development of the remaining garden land to the north of the appeal site. To the extent that allowing this appeal could encourage development on this land at a density that would be out of keeping such concerns are merited. However, this merely adds weight to the harm already identified and is not relied on in this decision.
 9. A garden centre directly to the south of the site appears to be allocated for housing in the Local Plan. However, this is a substantial and a discreet site in its own right and there is no definite indication as to how development on it would affect the appeal site. The potential future development of this site is not therefore indicative that development of the appeal site in the manner proposed is acceptable.
 10. It is concluded that the proposed development would harm the character and appearance of the surrounding area. As such it would be contrary to Policy PD1 of the Kennet District Local Plan (2004) in so far that it seeks to maintain the character and appearance of areas.

Living conditions

11. The Council considers that the proposed houses at the rear of the site would detract from the outlook of those in the bungalows that back onto the site. These bungalows are on slightly lower lying land than the appeal site and the 2 directly behind the site have been extended out at the rear or are in the process of being so extended. Even so, a sufficient gap would be retained between these properties and the proposed houses for there to be no harm through visual intrusion or over-dominance. In part this is because the new houses have been designed in a cottage style with a low eaves line to minimise

their bulk. Nor, in the absence of substantial first floor fenestration would neighbours to the rear suffer any unacceptable loss of privacy. Neighbouring bungalows to the east, that do not directly back onto the site, would be sufficiently removed from the proposed houses for no harm to be caused through over-dominance.

12. The Council is also concerned that traffic on the proposed access road past No. 23 Astor Crescent would cause unacceptable noise and disturbance for the occupiers of that property. However, the proposed access road would be reasonably distant from the side elevation of this house. And the amount of traffic movement likely from a development of this small-scale would not be sufficient to be harmful.
13. The neighbour in the adjoining house to the north, No. 21 Astor Crescent, is concerned about the impact of the proposed development on his property. The proposed dwelling on plot 1 would back onto the side boundary of his rear garden. However, with its low eaves height, and lack of first floor habitable room windows, it would cause no harm through over-dominance or loss of privacy. The 2 houses at the rear would be too distant from No. 21 to cause unacceptable harm to living conditions.
14. Local concerns on the generation of additional noise generally, and of traffic pollution, are noted. However, within an existing urban area the small amount of additional housing would have a negligible effect in this regard.
15. It is concluded that the proposed development would not be harmful to the living conditions of those nearby. As such it would not conflict with Local Plan Policy PD1 in so far that it seeks to ensure compatibility with adjoining land uses.

Highway safety

16. The Council's concern on this issue lies in some minor details of the layout with regard to manoeuvring and turning space. Between permission being refused and the appeal lodged, the appellant has provided an amended plan which overcomes the Highway Authority's concern. Had it been determined that the appeal should be allowed a modifying condition could have been imposed to require that these minor changes be made.
17. Those locally are concerned about that additional traffic movements would be detrimental to safety and the free flow of traffic. However, the limited amount of traffic that would arise would not cause the harm feared. Concerns on the highway safety of the proposed access point are not borne out by technical evidence.
18. It is concluded that the proposed development would not be detrimental to highway safety. As such there would be compliance with Local Plan Policy PD1 in so far that it requires new development to ensure highway safety and provide safe and convenient access arrangements.

Other matters

19. Local views that planned for large scale housing schemes would meet housing needs, thus negating the need to develop other sites, are not supported by evidence or borne out by the Local Plan. There is no substantial evidence to support concerns on loss of biodiversity and the currently cleared site has minimal wildlife value. The layout of the proposed development would have no

harmful effect on the security of local residents and there is no evidence to support concerns on water pressure.

Conclusion

20. No harm has been found on the second and third issues and on the "other matters". However, the harm on the first issue alone warrants dismissing the appeal.

21. For the reasons given above the appeal is dismissed.

RJ Marshall

INSPECTOR