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# Appeal Decision

Site visit made on 28 June 2011

**by Les Greenwood BA(Hons) DipTP MRTPI**

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

**Decision date: 8 July 2011**

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## **Appeal Ref: APP/Y3940/D/11/2153171**

### **Fairview, Uphill, Urchfont, Devizes, Wiltshire SN10 4SB**

- 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 Keith Ewart against the decision of Wiltshire Council.
  - The application Ref E/11/0174/FUL, dated 1 February 2011, was refused by notice dated 21 April 2011.
  - The development proposed is a double garage with a garden and log store and PV panels on the roof.
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### **Application for Costs**

1. An application for costs was made by Mr Keith Ewart against Wiltshire Council. This application will be the subject of a separate decision.

### **Decision**

2. I allow the appeal, and grant planning permission for a double garage with a garden and log store and PV panels on the roof at Fairview, Uphill, Urchfont, Devizes, Wiltshire SN10 4SB in accordance with the terms of the application Ref E/11/0174/FUL, dated 1 February 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 1004-L001, L100, L101, D110A and D111A.
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted (including the finish for the wall cladding) and specifications for the photovoltaic panels have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### **Procedural matter**

3. At my visit, I viewed the site from 2 neighbouring properties, Gaddon House and Carina Cottage, as well as from the street and from the appeal site itself.
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## **Main issue**

4. The main issue is the effect of the proposal on living conditions at the neighbouring properties, with particular regard to Gaddon House and Carina Cottage.

## **Reasons**

5. Fairview House sits to the rear of a row of houses, in a rural situation outside of the main part of the village of Urchfont. It has a large garden area, including a low, overgrown single garage faced with corrugated metal sheeting and located near to the boundary with Gaddon House. This would be replaced by a timber and slate double garage with a small garden/log store, in approximately the same location.
6. Gaddon House is a thatched cottage, backing onto Fairview's garden and sitting at a lower level, with only a narrow strip of land and a hedge between. Several of the cottage's rear windows look out towards the existing garage, particularly a ground floor kitchen window and a first floor bedroom window.
7. The proposed new garage building would, although much larger than the existing garage, be modest in height and scale. It would be turned end on to Gaddon House, would have an asymmetrical gable with a low eaves height at one side and would step down at the end closest to Gaddon House. All of these factors would minimise its apparent bulk as seen from that property. There are other windows in both of the rooms which would be most affected. I find that the new building would be designed and sited so that, even with the difference in levels, it would not be an unacceptably overbearing feature in the outlook from Gaddon House.
8. The garage would sit almost directly east of the nearest windows at Gaddon House, where it would block some morning sunlight. I note the lighting calculations submitted by the occupier of Gaddon House. However, the same factors which limit the impact on outlook would also limit the amount of overshadowing. I find that the impact on light at that property would be well within acceptable limits, bearing in mind the scale, orientation and position of the building. I am not convinced that the overhang of the house's thatched roof or the existence of trees near to the other kitchen window cause sufficient shading to alter this finding.
9. Carina Cottage is farther away and has a very large rear garden, with the main patio area located towards the farthest end of the house from Fairview. While the new garage would be clearly visible from Carina Cottage, that property would retain an open aspect to the rear and would not be significantly overshadowed. The garage also would be set well away from the house to the other side, Jasmine Cottage.
10. I conclude that the proposal would not unduly harm living conditions at neighbouring properties, including Gaddon House and Carina Cottage. The proposal therefore complies with Policy PD1(10) of the Kennet Local Plan 2011, which requires all development to adequately address the impact on residential amenity.

11. I have taken account of all other matters raised, including the comments of both the Parish Council and local objectors. I agree that the garage could practically be sited further away from Gaddon House, but must consider the acceptability of the proposal as submitted. The existing garage can be glimpsed from the street and the new garage building would be more visible, but not prominent. It would be a better quality building and would be far enough away from Carina Cottage so as not to significantly affect the setting of that grade II listed building. The provision of photovoltaic solar panels would be visually inoffensive and would accord with policies promoting sustainable development.
12. I impose a condition listing the approved plans, for the avoidance of doubt and in the interest of proper planning. This condition includes drawing No 1004-D110A, with a corrected east elevation. The approval of materials samples, and details of the solar panels, is necessary in order to protect the character and appearance of the area. Wessex Water advises that there is a public foul sewer crossing the site. It asks for a condition or informative notifying the developer that an agreement is needed for the protection of this infrastructure, prior to development. Having made reference to this matter, I see no need for a condition.
13. For the reasons set out above, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR