



Appeal Decision

Site visit made on 12 July 2011

by Wendy McKay LLB

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

Decision date: 4 August 2011

Appeal Ref: APP/Y3940/A/11/2148108
Land off Tern Close, Calne, SN11 8NG

- 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 P Butler against the decision of Wiltshire Council.
 - The application Ref N/10/04562/FUL, dated 7 December 2010, was refused by notice dated 4 February 2011.
 - The development proposed is the erection of a pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, the effect that the development would have on the character and appearance of the surrounding residential area, and secondly, the implications for the living conditions of neighbours with particular regard to overbearing.

Reasons

3. The appeal site is located within a residential area. It presently comprises an area of grassed open space at the eastern end of Tern Close. It is positioned between existing residential properties with farmland to the east of the plot. There is another area of open grassed space at the entrance to the cul-de-sac.
4. An application for a new detached house, detached garage, access and fencing on the site was approved in August 2010.

The effect on the character and appearance of the surrounding area

5. On the first issue, whilst there are blocks of two-storey terraced housing in the vicinity of the site, their set-back, orientation and general space around them are such that Tern Close presently retains a very open and spacious ambience. The approved scheme would impact to some extent upon the existing open nature of the site. However, the proposed pair of semi-detached dwellings would be far wider than the approved development and would occupy most of the site frontage. Although the garage attached to the Plot 2 dwelling would have a flat roof, due to its height and bulk, its physical impact would be far greater than a fence or wall, as permitted, across the site. Notwithstanding the space that would remain to either side of the pair of houses, the perception of the open land beyond the appeal site and the contribution that it makes to the spacious character of the area would be significantly reduced. Given the prominent position at the head of the cul-de-sac, the proposal due to its bulk

and proximity to the side boundaries would appear visually dominant and out of keeping in the streetscene.

6. Although the density of the approved scheme would be significantly less than that of the surrounding area, the desirability of making more efficient use of land, in line with the advice set out in PPS3: Housing, is strongly outweighed in this case by the harm which I have identified. I conclude that the development would materially detract from the spacious character and appearance of the surrounding area, contrary to North Wiltshire Local Plan 2011 Policy C3.

The implications for the living conditions of neighbours

7. On the second issue, the two storey side elevation of the proposed Plot 2 would be some 7.2m from the first floor bedroom window in the north side elevation of No 8 Tern Close. Notwithstanding the hipped roof design, at this separation distance the new house would have a significant overbearing impact on the outlook from No 8.
8. The front elevation of No 6 Tern Close would face the two storey side of the proposed Plot 1 at a distance of about 9.8m. The appellant acknowledges that the dwelling on Plot 2 would be closer to the boundary which faces the front of No 6 than the approved dwelling. He submits that since the appeal proposal has a shallower pitched roof and is slightly lower at the ridge, the line of sight from either ground or first floor windows from No 6 would not be materially different. Since the level of the land rises from north to south, the new building would sit at a higher level than No 6. Bearing in mind the differences in levels and the orientation of the respective dwellings, this change in siting of the proposed built development would result in an oppressive outlook for the occupants of No 6. I conclude that the development would have an unacceptable adverse impact on the living conditions of neighbours contrary to North Wiltshire Local Plan Policy C3.

Other matters

Open space provision

9. The North Wiltshire Local Plan Policy CF3 relates to the provision of public open space in new developments. The appellant has agreed to make a financial contribution calculated in accordance with the Council's guidance and a Unilateral Undertaking under the provisions of s.106 of the 1990 Act has been submitted. Nonetheless, the appellant contends that the agreement should be given little weight as the Council has not provided any clear indication of a specific need for improved public open space in the area.
10. However, Policy CF3 of the Local Plan provides a statutory basis for requiring new housing development to make provision for open space on-site and for the Council to accept in the appropriate circumstances financial payments from developers for the provision of open space. The background to that policy makes reference to the defined approach contained within the Open Space Study 2004. The Council indicates that the contribution towards public open space would be directed towards the Anchor Road Community Park.
11. I am satisfied that the financial contribution sought by the Council would be in compliance with the guidance set out in Circular 5/05 and the Community Infrastructure Levy Regulations 2010. I consider that without such a contribution the scheme would undermine the Council's strategy in respect of

the provision of open space, contrary to Development Plan policy. However, the submitted planning obligation provides the appropriate framework for the necessary financial contribution to that open space requirement. Whilst I have taken this Unilateral Undertaking into account as a material consideration in this case, it is strongly outweighed by the harm which I have identified under the main issues.

Car parking provision

12. The scheme provides two parking spaces side by side in front of Plot 1 and a garage with parking space in front for Plot 2. The Council did not refuse the application on the basis of insufficient parking provision. Nevertheless, the Council's Highways Team commented on the application after it had been determined. In December 2010, new minimum car parking standards were introduced that require a minimum of two parking spaces for a three bedroom house and garages are no longer regarded as allocated parking provision, except where there are overriding design considerations.
13. Although the scheme does not meet the revised standard when the garage space is discounted, the Highways Engineer indicates that he could accept a parking space within the garage if the minimum internal dimension could measure 3m x 6m to allow the potential for storage whilst also providing parking. Alternatively, he requires the provision of two individually accessible car parking spaces per unit.
14. In the light of my findings under the first and second main issues, it is not necessary for me to reach a firm conclusion on this topic. However, on the evidence before me, it would seem that notwithstanding the details shown on the submitted plan, this objection could be satisfactorily overcome by the imposition of a planning condition relating to the submission and approval of a revised scheme for car parking.

The Draft National Planning Policy Framework

15. I have had regard to the Draft National Planning Policy Framework document, recently issued for consultation, in reaching my decision. However, this document is still in draft form and could be changed as a result of the consultation process. I afford little weight to it in the context of the planning issues raised by this appeal.

Wendy McKay

INSPECTOR