



Appeal Decision

Site visit made on 18 January 2024

by **G Powys Jones MSc FRTPI**

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

Decision date: 9th February 2024

Appeal Ref: APP/Y3940/D/23/3329480

13 Warminster Road, Westbury, Wiltshire, BA13 3PA

- 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 Hugh Davies against the decision of Wiltshire Council.
 - The application Ref PL/2022/09054, dated 23 November 2022, was refused by notice dated 11 July 2023.
 - The development proposed is described as reinstatement of previous coach house to a double garage/gym at ground floor level and formation of a proposed 1 bedroom annexe at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal building is situated within the Westbury Conservation Area (WCA). In determining the application, the Council, for the purposes of the Framework¹, treated the building as a non-designated heritage asset.
3. Notwithstanding the description of the development used in the application form, the appellant has since confirmed that the submission was also directed to seeking retrospective consent for the installation of photo-voltaic (PV) panels in the roof of the building.
4. The Council has clarified that it raises no objection to the proposed uses of the outbuilding, provided that they were used ancillary to the use of the dwelling known as 13 Warminster Road, and not used as a separate, independent unit of accommodation. I have no reason to disagree with the Council's approach to this aspect of the proposal.

Main issues

5. The main issues are concerned with:
 - (a) heritage considerations being (i) the effect of the proposals on the character and appearance of the host property and (ii) whether the development would serve to preserve or enhance the character or appearance of the WCA;
 - (b) the effect on the living conditions of neighbouring residents with reference to noise, disturbance and privacy.

¹ The National Planning Policy Framework

Reasons

Heritage considerations

6. Neither of the parties has produced a Statement of Significance for the appeal property, but together they have garnered sufficient information to provide a useful commentary as to the building's provenance and history. Although its precise construction date is not known, mapping evidence shows that it existed in mid-Victorian times. It was originally built as a coach house, but little is known as to the property it served, which remains a matter for conjecture.
7. In more recent times the red-bricked building was modified and used for light industrial purposes. The modifications included the removal of the main doors with the voids on the front elevation being bricked up in materials matching the remainder of the building. However, two circular windows were introduced at first floor level and smaller rectangular shaped windows inserted below. A central chimney, apparent in an undated but historical photograph has been removed. It is not possible to discern the roofing material from that photograph, but the roof at present is formed of pantiles, which is also apparent on other Victorian buildings throughout the Town.
8. The appellant does not dispute the Council's treatment of the building as a non-designated heritage asset but takes the view that the building:

'...has significantly changed from its original appearance to the south elevation. As such, it is simply an older recently altered building, with very little of its original character left'.
9. Based on the evidence presented, several matters stand out. The basic form of the building, including 3 of its elevations and its roof profile remain largely unchanged from the day that it was built. The removal of the main doors in the front elevation may have altered the perception of the building's original function, but the modifications that took place were carried out in a reasonably sympathetic manner.
10. The building, to me, is still capable of being perceived as an intrinsic component of the Victorian heritage of the Town, particularly having regard to its juxtaposition with the hall next door. Its context has been subject to change with the construction of the nearby bungalows a generation or so ago, but its spatial linkage with the past is still apparent and this is reflected in the reason provided for the most recent alteration in the WCA's boundary. To my mind, the building strongly reflects the intrinsic heritage characteristics of this part of the WCA.
11. The main proposal which the Council find objectionable is the proposed installation of a steel staircase at the side of the building and a balcony at the front. The balcony widens at one point to provide an external amenity area next to the proposed French doors.
12. To my mind, the structures, given their scale and extent would engulf and overwhelm the building and would appear incongruous, damaging the building's character and appearance. The installation of the PV panels has also harmed the building but at least this could be partly justified by the balancing environmental benefit derived from its future use.

13. I share the appellant's view that the building's location at the top of an access lane means that it is not too apparent in the public realm, but that is insufficient reason to effectively write-off a building with such distinct Victorian credentials.
14. The appellant's reference to other buildings in the WCA where steel staircases and features have been used is noted, but none of the other instances, judging from the photographs provided, have such a deleterious effect on the host buildings as proposed in this case. The building is within the WCA, albeit on its fringes, and since the steel structures would be affixed to it, the structures undoubtedly impact harmfully on the designated area.
15. I conclude that the proposal, in particular the proposed installation of the external steelwork, would harm the character and appearance of the host property which itself contributes positively to forming the character of the WCA. Whilst the harm to the WCA is less than substantial no public benefits are apparent to me.
16. Accordingly, I find a material conflict arises with the thrust of those provisions of Core Policy 57 & 58 of the Wiltshire Core Strategy (CS) directed to achieving high quality design in all development and ensuring the conservation of the historic environment with particular reference to non-designated heritage assets and Conservation Areas.

Living conditions

17. The appellant has effectively guarded against the prospect of the staircase proving problematical in terms of affecting neighbouring privacy by the proposed erection of a screen fence on the boundary wall separating No 13 from the neighbouring garden to the north-east.
18. It also strikes me, given the local lie of the land, that the only residents directly affected by the use of the balcony would be those residing at No 13. Since the proposal would not be an independent residential unit but would serve an annexe used on an ancillary basis to No 13, I do not share the Council's view that the use of the balcony could prove unneighbourly.
19. I therefore conclude that the use of the staircase and balcony would not materially and harmfully affect neighbouring living conditions. Accordingly, I find no conflict with those provisions of CS policy 57 directed to achieving appropriate levels of amenity in new development.

Other matters

20. All other matters referred to in the representations have been taken into account, including the appellant's point that the proposal has drawn no objection following public consultation. However, this is not decisive in my considerations.
21. I have seen the references to other development plan policies, but those to which I have referred are considered the most relevant. The references to the *National Planning Policy Framework* have also been considered.
22. No other matter is of such strength or significance as to outweigh the considerations that led me to my overall conclusions, set out below.

Overall conclusions

23. I find for the appellant in respect of the second main issue identified at the outset, that of the effect of the proposals on neighbouring living conditions. However, for the reasons set out above, I find against him on the first of the main issues in that the development would prove harmful in the context of heritage considerations. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR