



Appeal Decision

Site visit made on 3 August 2009

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

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Decision date:
18 August 2009

Appeal Ref: APP/Y3940/A/09/2103345

Ashfield, Tisbury Road, Fovant, Wiltshire SP3 5JY

- 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 John Ring against the decision of Salisbury District Council, now Wiltshire Council.
- The application Ref: S/2008/1917/FULL, dated 16 October 2008, was refused by notice dated 6 January 2009.
- The development proposed is a chalet bungalow dwellinghouse.

Procedural Matters

1. Although the Local Planning Authority is now Wiltshire Council, the development plan for this area still includes the Salisbury District Local Plan adopted in 2003 (LP). I am dealing with this case in accordance with the saved policies of this LP.

Decision

2. **I dismiss the appeal.**

Main Issues

3. I consider that the main issues in this case are:
 - a. the effect of the proposal on the character and appearance of the surrounding area;
 - b. the effect of the proposal on the living conditions of occupiers of 'Ashfield', 'Southlands' and 'Ralina', Tisbury Road, in terms of external amenity space, outlook and privacy;
 - c. the effect of the proposal on highway safety in Tisbury Road; and
 - d. the provision of public recreational open space in the area.

Reasons

4. This area of Tisbury Road contains a wide variety of dwelling types and sizes, on varying plot sizes. 'Ashfield' is a bungalow alongside a number of other bungalows and chalet-style buildings to the west with 2-storey terraced housing to the east. The proposed subdivision of the plot currently containing 'Ashfield' would not result in plot sizes materially different from those around it.
5. The proposed chalet would be located behind properties that front the road on ground which rises so it would be in an elevated position, but its height, design and relative position to frontage properties would not be dissimilar to that of 'Little Hays', which is nearby and which I consider contributes positively to the character of the area. Although the proposal would be consistent with the scale, heights and massing of the adjacent buildings and plot sizes, as sought by saved LP Policy D2(i), the wide dormer on the north elevation with only one window at one end would appear as an awkward and out-of-balance feature

that would be clearly visible from the road, not matching the architectural characteristics of the surrounding buildings in conflict with part (ii) of the policy.

6. I conclude on the first main issue that the proposed chalet bungalow, although not out of character with the area in principle, would adversely affect the appearance of the area and would conflict with LP Policy D2 in this regard.
7. 'Ashfield' has 2 windows facing the rear which would face onto the parking and turning area for the proposed building. This area would be at a higher level and only some 5m away. I consider that this would result in very poor outlook from these windows. Although the remaining plot size would be reasonable in total, 'Ashfield' would be left with limited usable space to the rear of the dwelling, there is little of value along the sides and the front garden is largely made over to parking and would provide little private amenity space. I consider that this would result in inadequate external space which would conflict with the use of this dwelling to the detriment of its occupiers, contrary to saved LP Policy G2.
8. The only 1st floor window proposed to the front of the dwelling would be to a bathroom and could be required to be obscure glazed. However, the proposed chalet bungalow would be at a higher level and I assess that the ground floor windows would overlook the 1st floor window in the gable end, the conservatory and the rear garden of 'Southlands'. Even if boundary screening would limit this to some degree, the perception of overlooking would remain and I consider that this would result in the development have an overbearing effect on occupiers of this dwelling to the detriment of their being able to enjoy their property.
9. Due to the relative oblique orientation of the proposed chalet bungalow with 'Ralina' which only has ground floor windows as far as I was able to observe, I consider that there would be very limited overlooking or loss of outlook for this property. Regardless of this conclusion on 'Ralina', I conclude on the second main issue that the proposal would be detrimental to the living conditions of occupiers of 'Ashfield' by reason of undue loss of outlook and of inadequate external amenity space, and to those of occupiers of 'Southlands' by reason of loss of privacy and outlook, contrary to the objectives of LP Policy G2.
10. The proposed access would be along an existing track that provides vehicle access to stables to the rear of 'Ashfield' and onto the land beyond. It has poor visibility onto Tisbury Road, due to banks on each side, and the Highway Authority describes the access as sub-standard and I see no reason to disagree. Although the proposal would only generate a small number of additional vehicle movements at this access, I consider that without improvement the additional use would reduce highway safety and the access would not be satisfactory as sought by LP Policy G2.
11. The land to the west of the access is within the Appellant's control, though not that to the east. The Appellant has submitted that he intends to widen the track and improve the entrance onto the road. While it may be possible to improve the visibility and the safety of the access, no details have been submitted and I give this intention little weight. I do not consider that requiring an access design to be submitted and approved by way of a condition would be effective as there is no guarantee that any material improvement could be achieved.
12. I conclude on the third main issue that the proposal would not result in a satisfactory access in terms of highway safety in Tisbury Road, contrary to LP Policy G2.

13. Saved LP Policy R2 requires that new residential development makes provision for recreational open space, comprising facilities for communal outdoor sport and children's play. This is a small site which could not make such provision directly but the written submissions from the Council, and the guidance in LP Appendix IV, indicate that a financial contribution would be put towards the provision of such facilities. This has not been challenged but no planning obligation to make any contribution has been submitted. From the limited information before me I consider that the need for additional facilities would arise from the new house and the contribution sought would be consistent with Circular 05/2005 - *Planning Obligations*.
14. I conclude on the fourth main issue that, in the circumstances described above, in failing to make a contribution to the provision of public recreational open space in the area the proposal would undermine the Council's strategy in respect of community services and would be contrary to LP Policy R2.
15. Although the proposal would amount to small scale development within Fovant, which is generally supported by saved LP Policy H16, I conclude that, due to the adverse effects on the living conditions of occupiers of neighbouring dwellings, the proposal would amount to inappropriate backland development which would conflict with LP Policy H16.
16. For the reasons given above I conclude that the proposal would adversely affect the appearance of the area, be detrimental to the living conditions of occupiers of neighbouring dwellings, not provide a satisfactory access and not provide for public recreational open space made necessary by an additional dwelling, and would not be in accordance with the development plan. There are no material considerations that outweigh the harm I have identified or the conflict with the development plan. I finally conclude that the appeal should not succeed.

David Stephenson

INSPECTOR

