

**Wiltshire Council – Area West
Planning Committee
18 November 2009**

Agenda item no. 7

**PLANNING APPEALS UPDATE REPORT
9 October 2009 to 30 October 2009**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/09/01818/FUL	Land South East Of Keepers Cottage Spiers Piece Steeple Ashton	Steeple Ashton	Conversion of existing buildings to form 4 self catering holiday lets	DEL	REF	WR
W/09/01430/FUL	9 Lower Marsh Road Warminster	Warminster	Extension to dwelling providing one further bedroom	DEL	REF	WR
W/09/01632/FUL	Cley Hill Farm Cley Hill Lane Corsley	Corsley	Extensions to front, side and rear	DEL	REF	WR
W/09/01934/FUL	14 Albany Close Trowbridge	Trowbridge	Single storey front and rear extensions and internal alterations, together with garden store	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appe al type	Appeal Decisn
08/03512/OUT	Land Rear Of 59 Addison Road Melksham	Melksham	Demolition of garage and erection of dwelling house including formation of two parking spaces	DEL	REF	WR	DISMISSED
W/09/01630/FUL	66 Manor Gardens Warminster	Warminster	Single storey extension to front of property with two storey extension to side and increased hard standing area for vehicle parking including extended access to highway	DEL	REF	WR	DISMISSED

08/03452/FUL	7 Laverton Road Westbury	Westbury	Revised scheme for loft conversion (retrospective)	DEL	REF	WR	DISMISSED
W/09/00139/FUL	Land North East Of Whaddon Grove House Berryfield Lane Melksham	Melksham Without	Change of use of land and erection of two holiday lets and associated parking and access	DEL	REF	WR	DISMISSED
08/03207/PUD	4 Green Lane Westbury	Westbury	Formation of access	DEL	REPUD2	WR	DISMISSED
W/09/00207/LBC	18 Spa Road Melksham	Melksham	Raise the height of fireplace opening in kitchen	DEL	REF	WR	DISMISSED
W/09/01714/FUL	11 Paxcroft WayTrowbridge	Trowbridge	Two storey side extension and single storey lean-to to front	DEL	REF	WR	DISMISSED
W/09/00318/LBC	The Great Barn Maplecroft Leigh Road West Bradford On Avon	Bradford on Avon	Alterations to East Byre, adapting window of Bed 2 to form door and internal alterations to form ensuite bathroom, forming gateway to courtyard through external stone wall, adding coping to stone wall.	DEL	REF	WR	ALLOW
W/09/00583/FUL	Land Rear Of 16High Street Codford	Codford	Extension to enlarge dwelling to create a new semi-detached dwelling, new garage block to replace existing and associated works (revised scheme of 07/03111/FUL)	COM	DETR	WR	ALLOW

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

Appeal Costs Awards against the Council

07/03864/OUTES Land North East Of Green Lane Farm, Green Lane, Trowbridge, Wiltshire

Residential development, children's play area, roads and associated infrastructure, landscaping and creation of extension to country park

An award of costs was made against the Council following a Public Inquiry held in March 2009.

A figure of £98,127.66 has now been paid to the Appellant in respect of their costs.

❖ Points of interest arising from decisions

08/03512/OUT - Land Rear Of 59 Addison Road Melksham

The Inspector concluded that although this was a backland location that was not in itself sufficient reason to dismiss this appeal. However, he did conclude that the increased use of the narrow access would unacceptably harm the amenity of residents as a result of noise and disturbance from traffic movements, particularly at night.

W/09/01630/FUL - 66 Manor Gardens Warminster

The Inspector took the view that the side extension would have been acceptable in itself but that the front porch would introduce a much larger structure on the front elevation of such an unsympathetic form that it would compromise the appearance of the dwelling and detract from the appearance of the dwellings on each side.

08/03452/FUL - 7 Laverton Road Westbury

This was an interesting decision since the proposed roof extension was on a rear elevation and not visible from the road. This scheme proposed a large dormer extension which in the opinion of the Inspector did not sit comfortably on the roof and did not relate well to the scale of the existing building even though it could not be seen from any public vantage points. In dismissing the appeal he placed great emphasis on government guidance that reinforces the importance of good design.

W/09/00139/FUL - Land North East Of Whaddon Grove House Berryfield Lane Melksham

This appeal related to the provision of two holiday lets in the form of timber chalet style buildings. The Inspector was of the opinion that they would have the appearance of wooden bungalows and the associated parking and turning areas would emphasise the residential nature of the proposals. Despite proposed screening it was his opinion that the proposals would introduce an intrusive and alien domestic feature into the open agricultural countryside. Furthermore, even though the proposal would benefit the local economy, there would be a conflict between vehicles and pedestrians using the public footpath network in the area and the location was unsustainable. The Inspector was not satisfied that there would not be an adverse impact on protected species, nor was he satisfied that the site sewerage and drainage facilities would be acceptable.

08/03207/PUD - 4 Green Lane Westbury

This was an appeal against the failure of the council to issue a certificate of lawful development for a proposed new vehicular access. This followed an earlier refusal by the council for a new access in this location and a subsequent appeal that was dismissed. The Inspector concluded, as had your officers, that the proposal was not permitted development. He also shared the view of the earlier Inspector that due to the lack of visibility the proposals would be hazardous to users of the highway.

W/09/00207/LBC - 18 Spa Road Melksham

This may seem like a relatively small alteration to a listed building but the decision reinforces the need to preserve the fabric and integrity of listed buildings. The Inspector considered that the proposals to demolish part of the chimney breast and rebuild the fireplace opening at a higher level to accommodate a new stove would distort the proportions of the original chimneybreast. This would neither preserve the architectural proportions of the room or the historic relationship between the opening and the range it would once have accommodated.

W/09/01714/FUL - 11 Paxcroft Way Trowbridge

The Inspector concluded that the proposals would be overly prominent and harmful to the balance and symmetry of the semi-detached pair of dwellings and discordant within the street scene.

W/09/00318/LBC - The Great Barn Maplecroft Leigh Road West Bradford On Avon

The Inspector allowed this appeal because there was evidence that the wall of the byre through which it was proposed to form a new doorway was a relatively short lived modern intervention. The proposal, as such, would not harm the special architectural and historic interest of the building.

W/09/00583/FUL - Land Rear Of 16 High Street Codford

The Inspector considered that there were two main issues. The first being whether a Flood Risk Assessment (FRA) was required, and the second whether the quality of the design of the amended scheme was an improvement on an extant permission. Even though there had been changes in the Flood Zone since the original and still extant permission was granted, placing the site at greater risk to flooding, the proposals were similar in footprint to the extant permission but they were of a marked improvement in design. He considered therefore that the revised scheme would not put the future occupants of the dwellings at any greater risk than if the extant permission was to be built.

Despite an application for costs by the appellant, the Inspector did not award costs against the Council. He concluded, irrespective of the extant permission, that the council had reasonable grounds for deferring a decision until such time as a FRA had been submitted. The Council had relied on the response from the Environment Agency that an FRA was required rather than on the extant permission. It was in the hands of the appellant to address the request for a FRA but they chose to appeal against non-determination instead.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/09/00267/FUL	Land Adjoining Mudmead Stables Mudmead Lane Steeple Ashton	Steeple Ashton	Change of use of land for the siting of an agricultural workers mobile home for three years	HRG	CC	10.11.2009
07/00297/BLD_L	6 Stoggy Lane Great Hinton	Great Hinton	Unauthorised erection of a barn and change of use of agricultural land to garden use	INQ	CC	25.11.2009 (cancelled from 29.09.2009)
08/00231/USE_L	Littleton Stables Littleton Semington	Semington	Unauthorised use of tractor shed as dwelling and creation of domestic garden together with installation of one stable, three dog kennels, one storage container unit and one caravan	HRG	CR1	08.12.2009
W/09/00407/FUL	Littleton Stables Littleton Semington	Semington	Retrospective erection of dwelling, detached day room and touring caravan for residential use	HRG	CR1	08.12.09
08/00334/BLD_L	Land adj Crusader Park Furnax Lane Warminster	Warminster	Unauthorised land contouring works	INQ	CC	26.01.2010 + 27.01.2010 (date changed from 05.01.2010)