



# The Planning Inspectorate

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Your Ref: 17/04649/FUL  
Our Ref: APP/Y3940/W/17/3185107

Planning Appeals  
Wiltshire Council  
Monkton Park Office  
Chippenham  
Wiltshire  
SN5 1ER

01 March 2018

Dear Sir/Madam,

Town and Country Planning Act 1990  
Appeal by Mr & Mrs Paul Williams  
Site Address: Land south of 489A Semington Road, Melksham, Wiltshire, SN12  
6DR

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

***Nadia Hussain***

Nadia Hussain

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*



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# Appeal Decision

Site visit made on 20 February 2018

**by H Porter BA(Hons) PGDip IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 March 2018**

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**Appeal Ref: APP/Y3940/W/17/3185107**

**Land south of 489A Semington Road, Melksham SN12 6DR**

- 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 & Mrs Williams against the decision of Wiltshire Council.
  - The application Ref 17/04649/FUL, dated 11 May 2017, was refused by notice dated 9 August 2017.
  - The development proposed is erection of 4 no. terraced dwellings.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of outdoor amenity space and light; and the effect on the character and appearance of the area.

## Reasons

3. The appeal site is located on Semington Road, on the edge of Berryfield, defined as a Small Village for the purposes of Core Policy 2 of the Wiltshire Core Strategy (the CS). The Council considers the development on the appeal site would constitute infill within the existing built area of Berryfield, and is therefore in accordance with Core Policy 2 and the settlement strategy. I have no reason to form a contrary view on this matter.
4. The appeal scheme proposes to introduce a short terrace of four two-and-a-half storey townhouses, three two-bedroom and one three-bedroom with additional study and storage provided in the upper storey. Parking would be provided off-street, which, with the exception of an access path, would take up the majority of the frontage area. Each property would benefit from a small rear garden.
5. In order to accommodate four dwellings on the size of site proposed, the footprint of each dwelling occupies a significant proportion of the overall plot, with very little outdoor space left over. Considered in isolation, gardens of the size proposed would not always be unsatisfactory, as evidenced by the examples of relatively recent permissions granted in the locality. However it is not the size of an exterior provision per se that should be considered, but also how that space might be used and enjoyed.

6. My attention has been drawn to permissions for infill developments where the Council accepted gardens that were smaller than the ground floor footprints. I do not know the planning considerations in those cases, but, I do not consider the examples given indicate any inconsistency in the Council's approach. It seems clear to me that, rather than rigidly apply a rule-of-thumb approach to garden sizes, assessment in this and those cases has taken into account a variety of factors other than size, including the quality of the space and how it may function. I note that the appeal decision cited by the Council (APP/Y3940/W/16/3145155) concerned sharing outdoor space, which is not the situation before me. Nevertheless, I do agree that, given the size of the proposed dwellings, they could be suitable for family occupation. That children may or may not be increasingly reliant on technology, or be able to access activities further afield, does not justify a sub-standard level of exterior provision.
7. The overall site constraints have resulted in tight spacing and relatively tall buildings. Looking back towards the proposed terrace the dwellings would loom over the small exterior spaces. Owing to the scale of the proposed dwellings and the short length of the gardens, shadow would be cast over the exterior spaces for much of the day. I note the argument that the gardens would get some daylight, which may achieve more than the minimum amount recommended as good practice. I also note the case that shade can provide a welcome reprieve during hot weather. However, even if a north-facing garden could have less sun, it does not justify the provision of extremely small gardens that would be in full shade for much of the day and throughout the year.
8. The proposed gardens would also function as storage areas for bins and recycling boxes, while the two end gardens would be partly bounded by an access route to the central two gardens. I consider that the rear space would function more like a yard than a garden, with a frontage dominated by off-street parking, and that the overall provision would be a meagre and inadequate provision for both use and enjoyment. I therefore consider that the quality of the exterior space would not just be small but also oppressive and uninviting, which would fail to provide an acceptable standard of outdoor provision for future occupants.
9. The Appellants contend that the ground floor windows will get lots of sunlight in the evening through to sunset, but I struggle to see how, if the large rear windows will be in shadow from at least 2pm. Furthermore, the first floor would overhang the ground floor front windows by two metres. Although the kitchen and dining rooms are not primary habitable rooms, the overhang would deprive these spaces of light. Combined with the lack of light from the main living space, collectively I consider there would be insufficient natural light provided within the main living spaces of the proposed dwellings. Nor do I consider that such issues could be satisfactorily addressed by amending the internal layout or the provision of larger ground-floor windows, even if this could be controlled by a condition.
10. On the first main issue, I conclude therefore that the proposed development would materially detract from the living conditions of future occupiers in respect of outdoor provision and light. It would fail therefore to comply in this respect with Core Policy 57 of the Wiltshire Core Strategy, January 2015 (the CS) which, while not setting a minimum standard for outdoor amenity space, does seek, amongst other things, to ensure appropriate levels of amenity are

achievable within the development itself. In this regard the development would also not accord with the National Planning Policy Framework (the Framework), which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings and to improve the places in which people live their lives.

#### *Character and appearance*

11. The area in the vicinity of the appeal building is characterised by buildings of a domestic scale, set back slightly from Semington Road and interspersed with pockets of undeveloped fields. There is no common design approach between the mix of bungalows, semi-detached cottages and detached dwellings, nor obvious consistency in terms of their age, plot rhythm or layout. Rather, the range of building ages and styles suggests that the area has evolved incrementally through gradual and piecemeal ribbon development along the route out of Berryfield.
12. I observed during my site visit that the new dwellings that have been approved close to the appeal site are nearing completion, also forming part of a gradually evolving backcloth of residential development along Semington Road. While still just in outline, notwithstanding the recent submission of reserved matters, the field immediately behind the appeal site has permission for up to 150 new dwellings. As and when this nearby development comes to fruition, it could further change the character and appearance of the appeal site's context.
13. The proposal would be set forward in its site and would form part of the Semington Road frontage, consistent with the dwellings on the same side of the road. In my opinion, the proposed terrace would be read as a cohesive set forming part of the gradual evolution of this part of Berryfield. Given the existing context, I consider the design of the appeal proposal to be acceptable. I see no reason why the appeal scheme would not fit comfortably within this evolving context, which the use of sympathetic materials would help blend with the street scene as a whole.
14. I note the Council's point that the building-to-plot ratio of the proposed houses would be uncharacteristically small. However, the plot size of dwellings in the vicinity is varied and I do not consider that the appeal site would appear inappropriately small in its context. The proposed dwellings would be slightly taller than surrounding development, but not harmfully so. While, as above, I find the amount of development on the site would fail to achieve an acceptable standard of accommodation for future occupiers, I do not agree that the building-to-plot ratios would necessarily appear harmfully out of place.
15. I therefore find that there would be no conflict with Core Policy 57 insofar as this requires appropriate development that relates effectively to the immediate setting and to the wider character of the area. A lack of harm in this regard, however, does not alter my findings with regards to the first main issue.

#### *Planning balance*

16. The proposal would provide four units of open market housing, which, although a fairly modest contribution, carries moderate weight given the wider planning context that seeks to significantly boost the supply of housing with no upper limit. There would also be a modest benefit to the local economy during the construction phase and, in the longer-term, new residents would help support local services through an increase in household spending. I attribute these

factors moderate weight in favour of the appeal. Moreover, while I have dealt with the appeal on its own merits, some of these benefits could be achieved with the progression of the outline scheme permitting two dwellings on the appeal site, which the Council considers could achieve an acceptable provision outdoor amenity space.

17. The site is located some 1.5km from the centre of Melksham, a Market Town that offers a range of services and facilities. It is also within easy walking or cycling distance of bus stops and employment areas. The proposal would therefore not cause an unsustainable reliance on the private car to satisfy day-to-day needs. There are aspects of the scheme that do not present any conflict with Core Policy 57 or other policies, including with respect to the character and appearance of the area, safety, neighbours' living conditions, and sustainable energy measures. There would also be no demonstrable harm in relation to parking or highway safety. However, a lack of harm in such respects does not equate to a benefit; rather these are all neutral factors that, while not counting against the proposal, do not weigh in the balance in its favour.
18. On the other hand, the proposed development would result in unacceptable harm to the living conditions of future occupiers; this weighs heavily against the appeal. Even though the proposal would accord with aspects of Core Policy 57 and the core policies and principles within the Framework, the harm in relation to living conditions indicates that the development would not achieve a high standard of design and would therefore be in conflict with Core Policy 57 and the development plan read as a whole.

### **Other matters**

19. I note the reference to the Government's Housing White Paper, January 2017 in which higher densities of housing are encouraged in urban locations. While reference is made to the potential review of space standards, no such review has taken place, nor is there any indication that space standards would be lowered. Moreover, as the Council can currently demonstrate a 5-year supply of housing land, there is no evidence that the appeal site is located where the *demand is high and land is scarce*. Nor does it make use of brownfield land. Mindful that the White Paper is not adopted planning policy, and that the statement supports higher densities only *where appropriate*, I do not consider it provides a useful justification for allowing the harm that would arise from the appeal scheme, and have afforded it little weight. I agree with the Appellants that Building for Life 12 carries no weight in terms of planning policy. While it can provide useful guidelines for Local Planning Authorities, it has not informed my assessment of the planning merits of the appeal scheme.

### **Conclusion**

20. For the reasons given above, I do not consider there to be material considerations sufficient to outweigh the conflict with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.