

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	04/02/2021
Application Number	20/06105/FUL
Site Address	107 Bouverie Avenue South, Salisbury, SP2 8EA
Proposal	Erection of a 3-bed bungalow to the rear of 107 Bouverie Avenue South, associated access and driveway, and hard and soft landscaping
Applicant	Mr and Mrs Lovatt-Williams
Town/Parish Council	Salisbury City Council
Electoral Division	Harnham – Cllr Brian Dalton
Grid Ref	413920 128508
Type of application	Full Planning
Case Officer	Louise Porter

The application has been called in for consideration by the committee by Councillor Brian Dalton for consideration of the following issues:

- **Scale of development**
- **Visual impact upon the surrounding area**
- **Its relationship to adjoining properties**
- **Design - bulk, height, general appearance**
- **Environmental or highway impact**
- **Car parking.**

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues for consideration are:

- Principle of development
- Character and appearance of the area
- Impact on neighbour amenity
- Highway Safety
- Trees
- Archaeology
- Waste collection
- River Avon Special Area of Conservation - Phosphate Neutral Development

3. Site Description

The application site is located on the east side of Bouverie Avenue South (Bouverie Avenue South), and comprises part of the rear garden of the host property, 107 Bouverie Avenue South, together with a strip of land adjacent to the southern boundary, which has been severed, and is bounded by close-boarded fencing, to delineate the area of the proposed access drive. The main part of the site is given over to lawn, planted beds, shrubs, hedging and trees. It is at a lower ground level than that of the parent property and its proposed retained rear garden. Within the application site, the land level drops quite steeply towards the rear boundary with the neighbouring properties in Francis Way. The proposal is to erect a detached single storey dwelling, which would be accessed via Bouverie Avenue South, via a new driveway located adjacent to the southern site boundary.

4. Planning History

S/1989/1655 (Approved with conditions) Two-storey extensions and alterations

S/1994/1550 (Approved with conditions) Renewal of permission for two storey extension and alterations

S/2002/2148 (Approved with conditions) Proposed replacement fence

19/00282/FUL (Approved with conditions) First floor extension and internal alterations

19/00619/OUT (Withdrawn) Erection of x1 dwelling to the rear of 107 Bouverie Avenue South, with associated driveway and parking (Outline application relating to access and layout)

19/05592/OUT (Refused) Erection of x1 dwelling to the rear of 107 Bouverie Avenue South, with associated driveway and parking (Outline application relating to access, appearance, layout and scale). Dismissed at Appeal (see appendix A)

5. The Proposal

Erection of a 3-bed bungalow to the rear of 107 Bouverie Avenue South, associated access and driveway, and hard and soft landscaping

6. Planning Policy

National Planning Policy Framework 2019

Wiltshire Core Strategy: 1 (Settlement Strategy), 2 (Delivery Strategy), 20 (Salisbury Community Area), 41 (Sustainable Construction), 50 (Biodiversity and Geodiversity), 51 (Landscape), 57 (Design), 58 (Heritage), 60 (Sustainable Transport), 61 (Transport and new development), 62 (Development Impacts on the Transport Network)

Salisbury District Local Plan: C6 (Special Landscape Area)

Wiltshire Local Transport Plan – Car Parking Strategy and Cycling Strategy

Creating Places SPG

Waste Storage and Collection SPG

Habitat Regulations Assessment and Mitigation Strategy for Salisbury Plain Special Protection Area

Conservation of Habitats and Species Regulations

7. Summary of consultation responses

City Council: Strongly object - due to overdevelopment, the requirement to use acoustic fencing in this residential setting and issues concerning noise, drainage, light pollution.

Wiltshire Arboriculturalist: No objections subject to condition (consultation response from previous application but still relevant)

Wiltshire Archaeology: Support subject to conditions

Wiltshire Highways: No objections, subject to conditions

Wiltshire Public Protection: Cannot support a refusal

8. Publicity

30 letters of objection were received from 27 households, and are summarised below:

- Previous application in back garden at 13 Francis Way refused so not logical or consistent to approve this one
- Negative consequences for the built and natural environment
- Causing distress for immediate neighbours
- Inappropriate location where all back gardens meet.
- Too dominant – elevated position and large footprint.
- Impact to wildlife
- Increased traffic and pollution
- Size of dwelling too large for its plot
- Design of dwelling devoid of any architectural merit
- Concern over disposal of sewage, and potential contamination. If a pump is needed to pump foul drainage up from the proposed dwelling to the sewer in Bouverie Avenue South there would be additional noise which has not been considered as part of this application.
- Inadequate parking provision
- Concern vehicles may reverse out of the driveway onto Bouverie Avenue South
- Changing the character of a residential area of plots containing one and house and garden
- Setting a precedent for other properties to also develop their rear gardens
- Junction between Bouverie Avenue and Bouverie Avenue South is very busy with both cars and pedestrians
- Drainage issue (historically drainage has been an issue in the area)
- Many new houses being built in the area so a single dwelling in this location is not essential.
- Increase in traffic where volume of traffic is already an issue
- The applicant has acknowledged the adverse impact of previous proposals on surrounding properties by making the current proposed dwelling smaller and single storey.
- The requirement to build more housing locally needs to be balanced against the need for green areas – this proposal does not justify the loss of this enclosed garden space.
- Lack of detail in surveys, plans and aerial photographs in relation to the proximity of the proposal to the affected dwellings on Francis Way.
- The proposed 'system' of shielding through careful design and selection of trees and bushes is both innovative and commendable, but requires both time and specialist knowledge, not just of horticulture but the architectural knowledge of its purpose and will take years of careful management to become effective. The very fact that such

extensive planning and design has to be employed indicates that the proposed development is unsuitable for its environment and is considered unsustainable.

- Lack of natural light to proposed dwelling due to proposed landscaping – resulting in increased heating and lighting needs.
- No guarantee that the planting measures will be preserved or maintained – could result in privacy issues in the long term.
- Lack of design detail with regards to building materials, finish, sewage and drainage.
- No evidence that the proposed dwelling will be sustainable.
- Loss of green space
- Impact of the proposed driveway on 109 Bouverie Avenue South
- Overdevelopment
- The area of garden at 107 Bouverie Avenue South provides an effective buffer and intervening space between the existing houses backing on to each other from Bouverie Avenue South (Bouverie Avenue South), Bouverie Avenue and Francis Way and as a natural haven with trees and shrubbery it provides privacy to all concerned.
- There is only a limited gap between 107 and 109 Bouverie Avenue South facing the road so this would mean that even the creation of a second driveway alone, so close to 109 Bouverie Avenue South and entailing the unjustified and unnecessary removal of some trees, would amount to overdevelopment, loss of privacy and loss of amenity both for that immediate adjacent property and for those properties opposite and further away in the road.
- The Block Diagrams submitted regarding location, landscaping and noise studies, etc. are incorrect. They do not show the correct nearby boundaries of 105 Bouverie Avenue South (Bouverie Avenue South) to 107 and more importantly nor do they show the substantial ground floor extension of 109 Bouverie Avenue South which is detrimentally affected by the proposal.
- T5 is a mature Noble Laurel providing valuable screening to 109 Bouverie Avenue South in fact benefiting both 107 and 109 Bouverie Avenue South. There is no photograph of the tree and it needs to be viewed by those making a decision on this proposal.
- Inappropriate methods used in noise assessment - A sound meter is one thing, the perceptions and reactions of human beings in this location are much more important.
- Lack of detail in the type of acoustic fencing proposed.
- The two acoustic fences being so close together could give a `tunnel `effect thus making matters worse.
- Permitted development rights should be restricted to prevent any works/changes which would be detrimental to nearby properties.
- Contrary to back land development policy
- Removal of trees
- Impact of car headlights / light pollution
- The development of 59a Bouverie Avenue in the 1960s doesn't create a precedent for other backland development as that application predates current planning laws.
- Proposed access arrangement will be potentially dangerous due to proximity of the post box and the Bouverie Close junction.
- The area was previously part of a Housing Restraint Area.
- The reason for refusal for the planning 2008 application at 103 Bouverie Avenue South is also relevant to the current case. [The Case Officer notes that there is no record of an application at 103 Bouverie Avenue South, but instead believes the third-party is referring to S/2008/2103 – demolition of 63 Bouverie Avenue and construction of 5 new dwellings]
- The proposal would detrimentally affect the outlook from properties on Francis Way and Bouverie Avenue

- Traffic existing from the proposed driveway will have had time to gather speed – undesirable due to the pavement crossing.
- The proposal does not relate positively to its landscape setting and the existing pattern of development, nor does it retain or enhance important views into and out of the site.
- Contrary to CP57
- Development is too close to (and uphill from) several houses on Francis Way.
- Proposal is described as a bungalow but “there is clearly a room in the roof with window”
- No need for market housing in this area
- Inappropriate noise assessment
- Noise assessment is based on the large bay tree adjacent to 109 being retained, yet proposed landscaping plan shows this to be removed.
- Acoustic fencing is designed to reduce continuous noise rather than intermittent intrusive noise.
- 109 Bouverie Avenue South is not drawn accurately on the block plan – missing extension.
- Loss of tranquil, open, green space made up of gardens
- With regards to 109 Bouverie Avenue South, the proposal would cause material harm to their amenity, living conditions and enjoyment of their property.
- Steepness of driveway could result in drivers needing to rev their engines
- Headlights from vehicles driving up the driveway towards Bouverie Avenue South will negatively affect the rear windows of 109 Bouverie Avenue South.
- PD rights need to be removed to restrict first-floor accommodation in the roofspace.
- 50% of the landscaping is evergreen meaning 109 Bouverie Avenue South will be further exposed to the detrimental effects of the development during the winter.
- Proposed driveway may affect tree roots
- “It is significant that the proposer does not intend to continue living at 107 Bouverie Avenue South.
- Loss of an important tree would change the concept of “avenue”
- Subsequent application for garaging is expected
- “The previous owners of the property Mr. and Mrs Maloney were assured by the applicant when negotiations were taking place for the sale of 107 that the garden would not be developed for housing”
- Work has already started without planning permission – a boundary fence for the driveway has been constructed.
- No details of flood risk
- The statement that the proposal does not affect rights of way is inaccurate – the plans show a new driveway crossing the pavement at Bouverie Avenue South.
- Q22 of the application form states that the site cannot be seen from a public place – this is inaccurate.
- Height of proposed landscaping will overshadow neighbouring properties land.
- Flood risk from use of impermeable tarmac for the driveway
- No attempt to show how building regulations can be complied with in terms of sewage and emergency services access.
- The proposal would negatively affect 59A Bouverie Avenue in terms of noise, disturbance, loss of privacy and outlook.
- The length of the proposed driveway would cause high levels of noise, disturbance and pollution to the rest of Bouverie Avenue South.

9. Planning Considerations

9.1 Principle of development:

Salisbury's settlement boundary was updated in February 2020 as part of the Wiltshire Housing Site Allocations Plan. Contrary to at the time of the previous application on the site, the application site is now within the settlement boundary of Salisbury. CP1 allocates Salisbury as a Principal Settlement, whilst CP2 states that "within the limits of development... there is a presumption in favour of sustainable development at the Principal Settlements..." As such, the principle of a new dwelling on the application site is considered acceptable.

Nb. One objection letter states that the proposal is contrary to the "back land development policy". It is believed the objector is referring to policy H16 (Housing Policy Boundaries) of the Salisbury District Local Plan. When the Wiltshire Core Strategy was adopted policy H16 of the SDLP was not saved and is therefore no longer a material planning consideration.

9.2 Character and appearance of the area:

In the appeal decision for 19/05592/OUT, the Planning Inspector noted there are a "variety of building design, heights and sizes, as well as a mix of development layouts, plot sizes, plot shapes and building lines within the immediate locality" of the application site, and concluded that the proposed 'plot to built development' ratio was comparable with other properties within the area. The proposed plot remains unchanged from the previous application, whilst the "plot to built development" ratio has altered slightly as a result of the reduced footprint of proposal, but is still comparable with other properties in the area.

The Planning Inspector had no objections to the tandem layout of the site, noting that the adjacent property 59a Bouverie Avenue South was indeed also an existing tandem development.

In terms of the impact of the proposal on the streetscene, the Planning Inspector concluded that, as a result of "the single-storey nature of the proposal and its position behind, and at a lower level than, the host property, it would not be visually obtrusive in views from the Bouverie Avenue South streetscene. Its position behind the buildings and rear gardens of neighbouring dwellings on all other sides would also mean that the building would not have a visually intrusive impact on the street scenes of the northern part of Bouverie Avenue South and of Francis Way". Again, the current proposal is considered to not be visually intrusive in the streetscene.

The proposed elevations are annotated with the proposed materials: handmade stock brickwork, plain clay tiles, painted timber joinery and conservation rooflights. These are materials commonly found in the locality and are considered appropriate. The finer details of the brick and tiles can be agreed via condition.

9.3 Impact on neighbour amenity:

In the appeal decision for 19/05592/OUT, the Planning Inspector concluded the following impacts on neighbouring dwellings:

- No.109 Bouverie Avenue South - The close proximity of the proposed access drive would lead to unacceptable levels of noise and disturbance (the latter from vehicle lights).
- No.107 Bouverie Avenue South – As per no.109, and additionally the proposed curve at the front of the access drive would lead to unacceptable disturbance from vehicle lights directly into the front elevation windows.

- No.9 Francis Way - The proposed combination of the elevated height of the new dwelling relative to no.9, its wide span gable end facing that property and its proximity to the eastern boundary, would have an oppressive and overbearing impact on the outlook of no.9. It would also give rise to potential overlooking to no.9 from the side elevation bedroom windows. Location of the parking/turning area would give rise to additional noise and disturbance impacts. Lack of landscaping details (this was a reserved matter) resulted in the inability to establish if mitigation could overcome these issues.

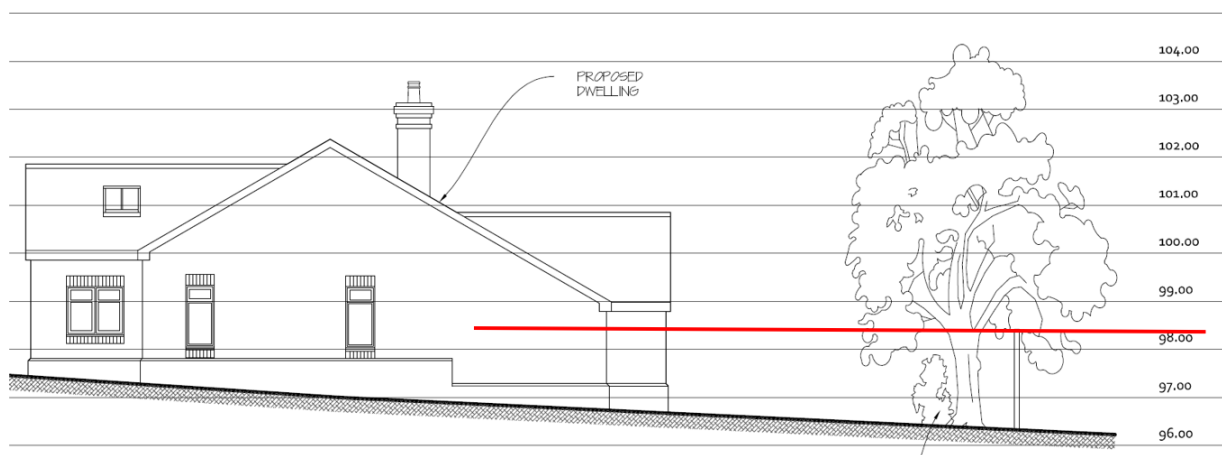
The impacts of the current proposal are discussed for each of these properties:

No.9 Francis Way:

The design of the proposed bungalow has been altered, effectively rotating its position in the plot by 90 degrees, and having lowered ground-floor level for the eastern half of the building. These two changes result in the building being positioned slightly further from the eastern boundary, a much smaller (and lower eaves/ridge height) gable protrusion, and the majority of the eastern side of the roof sloping away from the eastern boundary. The cumulative impact of these design changes is considered to be a reduced visual impact for the occupiers of 9 Francis Way.

Unlike the previous application which was an Outline with landscaping matters reserved, the current application is for Full Permission and landscaping details have been submitted. The existing hedge and trees along the eastern boundary will be retained and enhanced with additional hedgerow planting, together with a close-boarded, 2m high fence, resulting in adequate screening from overlooking between the proposed property and 9 Francis Way.

Whilst there has been no sectional drawing submitted showing the relationship between the proposed dwelling and 9 Francis Way, a sectional drawing showing the relationship between the proposed bungalow and the eastern boundary fence has been shown. A clip of this sectional drawing is included below, with the addition of a red line at a height of 1.7m from the finished ground-floor level of the proposed dwelling towards the eastern boundary fence (1.7m above ground-floor level is the standard height above which it is not considered overlooking will be possible). This shows that there will be no direct sightlines into the garden and rear ground-floor windows of 9 Francis Way. The omission of 9 Francis Way from the sectional drawing means it cannot be said for definite, but it is estimated that very little of the upper floor windows of No.9 will be visible from the proposed dwelling. In any case, the separation distance of over 20m is considered ample to not cause overlooking to such a degree that would warrant the refusal of the application.



Nos. 107 and 109 Bouverie Avenue South:

In terms of the noise and disturbance from the proposed access drive, the Planning Inspector concluded that it had not been demonstrated that the proposed mitigation measures (fences/vegetation) were sufficient to mitigate against the harmful impacts. With the current application, the applicant has submitted an Environmental Noise Impact Assessment. The assessment concluded that with 2m acoustic fencing, the impact on neighbouring properties would be negligible. Third-party objections were received objecting to the methodology of the assessment, stating that the predicted vehicular movements associated with the proposed dwelling would still cause noise disturbance to neighbouring properties. Third-party responses also raised the issue of the proposed acoustic fencing only assisting with noise attenuation on their ground-floor windows, and would do nothing to help with noise attenuation for their first-floor bedrooms.

Wiltshire Council's Public Protection department were consulted on the proposal and commented as follows:

The sound pressure level of the vehicle passing has been considered over a shorter time period below and compared against the levels recommended in BS8233. While BS8233 may not be perfect for this comparison the resulting levels for 2 vehicle movements in an hour are 14dB below the lowest level recommended for bedrooms, this is a significant amount. Even if there were considerably more vehicle movements per hour the level would still not result in an exceedance of the BS8233 levels. The level in external amenity space will also be well below the level recommended in BS8233.

The acoustic fence will provide further attenuation and protection for outside amenity space.

While I did not agree with the use of the Design Manual for Roads and Bridges (DMRB) guidance in the original report the rest of the report and the figures below indicate vehicle movements will not have a significant adverse impact on residential amenity. This does not mean they will not be noticeable to residents at the time. Given the evidence provided we would not be able to support a recommendation for refusal on noise grounds at appeal.

Therefore whilst vehicular movements associated with the proposed dwelling would be noticeable from neighbouring properties, the level of noise disturbance would be significantly lower than that set by British Standards. Conditions ensuring the driveway is constructed in a consolidated material (such as tarmac) and that the acoustic fence is erected prior to first occupation will assist with keeping the level of disturbance to a minimum.

One third party has raised the issue that the noise assessment is based on the laurel tree adjacent to 109 being retained, yet the landscaping plan shows this to be removed. The noise assessment plans show this tree with a dashed outline (as per the landscaping plan) showing that it is to be removed (nb. the trees to be retained are shown with a solid outline). In addition, the results of the noise assessment do not show any of the trees to provide any significant impact on noise mitigation. On this point, Public Protection have provided further clarification, stating "*In general vegetation provides negligible sound attenuation. It is very unlikely the laurel tree will have been included in the noise prediction models for this reason; the contours on the [noise assessment plans] don't appear to be impacted by the trees. Even if they were included their removal will not have an impact on the overall conclusions*".

In terms of the concerns over disturbance from car headlights, any impact at the front of neighbouring properties is considered to be similar to the current situation where headlights

shine over neighbouring properties as they swing into or out of driveways. The introduction of the driveway at the rear of neighbouring properties would have the potential to introduce light disturbance to the rear of neighbouring properties, however with the 2m high fencing combined with planned vegetation, dipped car headlights are not expected to reach neighbouring properties rear windows, despite the differences in land levels.

A third party has raised the issue that the proposed landscaping will cause overshadowing to neighbouring properties. There is no control over what vegetation could currently be planted within the site, and therefore the applicants could undertake this aspect of the proposal regardless of the outcome of this planning application.

Public Protection have also requested two conditions relating to the construction phase – one requiring a construction management plan and the other restricting burning of waste on site. Planning permissions for a single dwelling do not usually include a condition for a construction management plan, due to the relatively small scale of the works and there being other non-planning legislation that effectively controls this. Likewise, burning of waste on site would be controlled by other non-planning legislation. Therefore both of these issues would not pass the six tests of planning conditions set out in para 55 of the NPPF.

9.4 Highway Safety

9.4.1 Site Access

The scheme has changed from that previously considered and a new access is now included, meaning that each property will benefit from its own access. Wiltshire Highways requested that the first 2m of landscaping between the two driveways be restricted in height to allow inter-visibility if vehicles should exit the two driveways at the same time. An amended plan annotated with the height of landscaping restricted to 1m for the first 2m of driveway was then submitted by the applicant, overcoming this issue. Pedestrian inter-visibility splays were also added to allow vision between emerging drivers and passing pedestrians.

Wiltshire Highways also commented the following:

The new driveway measures approximately 3m in width along its length, it is my understanding that a fire appliance requires 3.7m in width if the property is located more than 45m from the highway. I suggest that further advice is sought from the Fire Service as other options may be available (sprinklers etc).

This comment was forwarded to the agent, however it was stressed that this issue is covered by Building Control and therefore is not a material planning consideration.

9.4.2 Car Parking

The Wiltshire Local Transport Plan (2011-2026) [Car Parking Strategy](#) sets out the parking standards for different land uses. Use class C3 (dwellings) requires the following:

Bedrooms	Minimum Spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor Parking	0.2 spaces per dwelling (unallocated)

The parking spaces should meet the minimum sizes of 2.4m x 4.8m.

2 parking spaces are to be provided on site for the proposed dwelling, together with suitable turning space, thus meeting the requirements set out in the Wiltshire Local Transport Plan

(2011-2026) Car Parking Strategy for a 3-bed dwelling. Whilst part of the current driveway parking area for 107 Bouverie Avenue South will be lost to the driveway for the proposed dwelling, sufficient parking provision will be retained for the existing property.

9.4.3 Cycle Parking

The Wiltshire Local Transport Plan (2011-2026) [Cycling Strategy](#) states that the cycle parking standards apply to both new build and change of use and that the tabulated minimum standard should be observed for the relevant use.

Land Use	Minimum Cycle Parking Standards
C3 Dwelling houses and flats	1 covered space per bedroom for up to 3 bedroom dwellings.
	3 covered spaces per unit for 4 bedroom dwellings
	4 covered spaces per unit for 5 bedroom dwellings (etc)
	+1 visitor space per 20 bedrooms

The proposed site plan indicates cycle storage to be provided within the garden area to the north of the site. The specific details of the storage can be conditioned, together with a requirement for the approved storage to be in situ prior to the first occupation of the dwelling.

9.5 Trees

The application site is located off a tree lined avenue; there are a number of trees on the application site and adjacent to the application site. An arboricultural survey was submitted with the application.

In 2019 3x trees to the front of the site were given Tree Preservation Orders (TPOs). The Council's Arboricultural Officer visited the whole of the application site during the course of the previous application, but did not feel he could justify a preservation order on any of the other trees affected by the proposed development. The Arboricultural Officer's request for a condition requiring a Tree Protection Plan and Arb Method Statement are still considered appropriate for the current proposal.

9.6 Archaeology

The application site is located within an area of archaeological significance, as such the Council's archaeologist was consulted as part of the application process, he raised no objections subject to condition, and full comments are included below:

Harnham is an archaeologically significant area, with a medieval core, and with prehistoric remains within and immediately outside its suburban spread. Recent archaeological research revisiting Palaeolithic remains from the area, as well as the results of ongoing evaluation work immediately west of the settlement have focussed attention on the area and enhanced understanding of its archaeological potential. This particular site includes a large open space within what is, otherwise, a developed area and, as such, affords an opportunity to gather further information about the historic environment in this area and about the relationship between earlier sites, such as Little Woodbury to the south and the Saxon/medieval settlement at the river crossing.

Therefore, I would advise that any groundworks associated the construction of the house and associated driveway, together with any landscaping episodes be made the subject of archaeological monitoring. This monitoring to be secured via a condition to be attached to any planning permission that may be issued.

9.7 Waste collection

Table 6 within the Waste Storage and Collection SPG sets out the requirements for new developments in terms of waste collection provision. The proposed plans include bin storage to be located within the front garden of the proposed dwelling and a collection point adjacent to the roadside within the curtilage of the proposed property. There is a clear access route between the storage and collection points. As such, the new dwelling requirements detailed within the Waste Storage and Collection SPG have been met.

9.8 River Avon Special Area of Conservation - Phosphate Neutral Development

Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)

- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinet's resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, it is concluded that it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

9.9 Miscellaneous Issues

9.9.1 Foul Drainage:

A neighbour has questioned how foul drainage will be disposed of, due to the site being positioned at a lower elevation than the adjacent public sewer in Bouverie Avenue South, and questions whether a pump would be required. By default new development should connect to the public sewers when they are in the locality of the development. As such, the proposal meets this requirement. Building regs will ensure the type of pump is adequate for its purpose. If any noise impacts were raised as a result of the pump, this could be dealt under separate noise nuisance legislation.

9.9.2 Drainage/Flooding:

The site is not situated in Flood Zones 2 or 3 and the site area is less than 1 hectare in size. Therefore, in line with the Environment Agency advice, the site is not considered to be at risk of surface water flooding. Instead Surface water drainage issues on small scale development such as this are covered via building regulations.

9.9.3 Emergency Services Access:

A neighbour has raised the issue that the application does not detail how the proposal would be compliant with building regulations in respect to access for the emergency services. This is not a material planning consideration given that it is covered by other non-planning legislation. However out of courtesy, the case officer did raise the issue with the agent, explaining that if any amendments to the proposal were required in order to satisfy building regulations then planning further planning permission may be required.

9.9.4 Inaccuracies in the planning application documents:

A neighbour has highlighted that Q22 of the application form has been completed incorrectly, in that the site can be seen from a public place. Q22 refers to a planning officers site visit and whether the whole site can be seen from a public place, or whether the officer will need access onto private land in order to see the whole site. As only a limited part of the site can be seen from a public place, Q22 has been completed correctly.

One neighbour has stated that the proposal is described as a bungalow on the application form, yet “there is clearly a room in the roof with window”. Two rooflights are proposed on the bungalow, however these serve the kitchen where it is understood that there would be a vaulted ceiling. Whilst the plans show insufficient head room to be able to create rooms within the roof space, it is still considered appropriate to remove permitted development rights for any additional windows/dormers etc above ground-floor ceiling height.

A neighbour has highlighted that Q8 of the application form has been completed inaccurately in terms of the question “Do the proposals require any diversions/extinguishments and/or creation of rights of way?”. The applicant has selected “no” which is the correct answer. There are no rights of way on the site and no additional rights of way are proposed (nb. the pavement and the proposed driveway do not fall within the definition of rights of way).

Neighbours have also raised the issue that 109 Bouverie Avenue South has not been drawn accurately on the plans. This is most likely due to the base map purchased by the applicant not having been updated since the rear extension at 109 Bouverie Avenue South being built. As per previous applications however, the planning officer is aware of this and the impact of the proposal has been considered against the built environment.

Neighbours have highlighted that some of the proposed works have already begun without planning permission – i.e. the erection of the boundary fence for the driveway. Under Part 2, Class A of the General Permitted Development Order 2015 (as amended), the erection of a fence up to 2m high can be erected without planning permission (subject to certain conditions). Therefore, subject to the fence being constructed in accordance with said conditions, the fence would not be unlawful.

9.9.5 Future occupants of application site:

One neighbour states that “It is significant that the proposer does not intend to continue living at 107 Bouverie Avenue South”. Whether or not the applicant intends to live within the proposed development, or the existing house is not a material planning consideration.

9.9.6 Future development:

One neighbour has raised concerns that if the current application is approved, then it is likely that a further application will be submitted for garaging. Regardless of whether or not this may be the applicant’s intention, this speculation is not a material planning consideration. Neither is the claim that “the previous owners of the property Mr. and Mrs Maloney were assured by the applicant when negotiations were taking place for the sale of 107 that the garden would not be developed for housing”

9.9.7 Sustainable Construction:

The WCS' key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41 (Sustainable Construction), which specifies sustainable construction standards required for new development. For new build residential development the local planning authority has previously sought energy performance at "or equivalent to" Level 4 of the Code for Sustainable Homes via planning condition. However, the LPA is currently no longer applying CP41 and related conditions to applications given it has effectively been superseded by the current government direction of travel favouring Building Regulations for these matters.

9.9.8 S106 Obligations and CIL:

In line with government guidance issued by the DCLG (November 2014) Planning Contributions (Section 106 Planning Obligations), 1 proposed dwelling does not generate the need for S106 contributions. The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this application. However, CIL is separate from the planning decision process, and is administered by a separate department.

10. Conclusion (The Planning Balance)

The proposed dwelling will be located within the limits of development in a residential area. The single-storey nature of the dwelling, combined with its stepped ground-floor levels, result in a subservient building which would cause no overshadowing to neighbouring properties. Subject to conditions ensuring boundary fencing and vegetation, the proposed dwelling would not cause overlooking to neighbouring properties. The design of landscaping would result in minimal noise and light disturbance to neighbouring properties with regard to vehicular movements. Adequate access, turning and parking can be provided on site. There would be no loss of important trees within the site. Therefore it is concluded that the proposal is compliant to all relevant planning policies and planning legislation.

11. RECOMMENDATION:

That planning permission be GRANTED subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

P657/01 (Site Location Plan) received 22/07/2020

P657/03 Rev E (Proposed Block Plan) dated 06/01/2021 received 08/01/2021

P657/04 Rev A (Proposed Floor Plans) dated 17/04/2021 received 22/07/2020

P657/05 Rev B (Proposed Elevations) dated 06/01/2021 received 08/01/2021

P657/06 Rev A (Proposed Site Sections Sheet 1 of 2) dated 17/04/2021 received 22/07/2020

P657/07 (Proposed Site Sections Sheet 2 of 2) received 22/07/2020

P657/08 (Proposed Roof Plan) dated 17/04/2021 received 22/07/2020

18/12/208/LAN_01b Rev B (Landscape Proposals) dated 06/10/2020 received 07/10/2020
Tree Survey & Arboricultural Impact Assessment V2.0 dated July 2020 received 22/07/2020
Planning Statement dated July 2020 received 22/07/2020
Environmental Noise Impact Assessment (ref IMP5671) dated July 2020 received
22/07/2020

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence within the area indicated by application 20/06105/FUL until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

4. No development shall take place on site, including site clearance, storage of materials or other preparatory work until a Tree Protection Plan and Arboricultural Method Statement has been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the local Planning Authority has given its prior written consent to any variation. The Arboricultural Method Statement should include specific details of how any work, within the RPA of a retained tree, can be carried out without causing a significant negative impact on the tree or its root system (including compaction of the ground).

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

5. No development shall commence on site above ground floor slab level until the exact details and samples of the materials including any finishes to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

6. The dwelling hereby approved shall not be occupied until details of the secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority, and the secure covered cycle parking has been provided on site in accordance with the approved details. The secure covered cycle parking shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

7. The dwelling hereby approved shall not be occupied until details of the acoustic fencing have been submitted to and approved in writing by the Local Planning Authority, and the

fencing has been provided on site in accordance with the approved details. The acoustic fencing shall be retained at all times thereafter.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of amenity and the character and appearance of the area.

8. The dwelling hereby approved shall not be occupied until a 2m high, close-boarded fence has been erected along the entire length of the eastern boundary (as shown on plan P657/03 Rev E). The fence shall be retained in perpetuity

REASON: In order to protect the privacy of neighbouring properties.

9. The dwelling hereby permitted shall not be occupied until the entire driveway, parking area and turning area (as shown on plan P657/03 Rev E) have been consolidated and surfaced (not loose stone or gravel). These areas shall be maintained as such thereafter.

REASON: In the interests of highway safety.

10. The dwelling hereby approved shall not be occupied until the visibility splays shown on the approved plan (P657/03 Rev E) have been provided with no obstruction to visibility at or above a height of 1m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

11. The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation (SAC).

12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: To safeguard the character and appearance of the area in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors, rooflights or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

INFORMATIVE:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

INFORMATIVE:

The Archaeology work should be conducted by a suitably experienced, professionally recognised archaeological contractor following the submission of a Written Scheme of Investigation (WSI) that has been reviewed and approved by the archaeological advisors to Wiltshire Council. The costs of this work to be borne by the applicant.

INFORMATIVE: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Appendix A – Appeal Decision for 19/05592/OUT:



The Planning Inspectorate

Appeal Decision

Site visit made on 9 January 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/Y3940/W/19/3238622

Land to the rear of 107 Bouverie Avenue South, Salisbury SP2 8EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Williams against the decision of Wiltshire Council.
 - The application Ref 19/05592/OUT, dated 10 June 2019, was refused by notice dated 13 September 2019.
 - The development proposed is erection of one dwelling to the rear of 107 Bouverie Avenue South, with associated driveway and parking.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Williams against Wiltshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The planning application was made in outline with landscaping as the only matter reserved.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of nos.107 and 109 Bouverie Avenue South and 9 Francis Way in respect of noise and disturbance, privacy and outlook impacts; and
 - The living conditions of the future occupiers of the development in respect of privacy.

Reasons

Character and appearance

5. The appeal site is located on the east side of Bouverie Avenue South (BAS), and comprises part of the rear garden of the host property, 107 BAS, together with a strip of land adjacent to the southern boundary, which has been severed, and is bounded by close-boarded fencing, to delineate the area of the

proposed access drive. The main part of the site is given over to lawn, planted beds, shrubs, hedging and trees. It is at a lower ground level than that of the parent property and its proposed retained rear garden. Within the appeal site, the land level drops quite steeply towards the rear boundary with the neighbouring properties in Francis Way. The proposal is to erect a detached single storey dwelling, which would be accessed via the existing vehicular access from BAS, via a new driveway located adjacent to the southern site boundary.

6. The site is located within an established residential area. During my site inspection, I observed that there are variety of building designs, heights and sizes, as well as a mix of development layouts, plot sizes, plot shapes and building lines within the immediate locality of the appeal site.
7. The Council has confirmed that the former Housing Restraint Area policy, within which the appeal site was located, no longer applies. Whilst many properties sit within large plots, such generous plots are not a uniform characteristic of the locality. Even allowing for discrepancies within the figures of the appellant and third parties, the appellant has demonstrated that there are variety of 'plot to built development ratios' within the immediate area, and that the appeal proposal would result in ratios for the new development and the host property which are comparable with those within the vicinity of the site.
8. Tandem layout residential developments are evident within the locality of the appeal site, and have been referred to by both main parties. The Council has drawn my attention to the fact that these developments have not been recently approved under current national and local planning policies and that the particular site circumstances differ from those of the appeal site. Nonetheless, I find that this arrangement of development forms part of the generally mixed layout of development within the site locality, including 59a BAS immediately to the north of the appeal site. The Council has confirmed there are no development plan policies restricting tandem residential development.
9. Due to the single storey nature of the new dwelling and its position behind, and at a lower ground level than, the host property, it would not be visually obtrusive in views from the BAS street scene. Its position behind the buildings and rear gardens of neighbouring dwellings on all other sides would also mean that the building would not have a visually intrusive impact on the street scenes of the northern part of BAS and of Francis Way.
10. Driveways to the side of dwellings are an accepted feature of built-up residential areas, and exist within the appeal site vicinity. Close boarded fencing is also a typical form of boundary treatment within urban areas. Furthermore, the proposal would utilise the existing access point from BAS and would retain the protected tree in the southwest corner of the site adjacent to the site frontage, thereby minimising the impact on the site frontage and BAS street scene. Whilst some tree removal will be necessary to accommodate the access drive and dwelling, such tree removal could take place in the absence of any development proposal. The proposed building footprint is such that sufficient space would remain around it to provide soft landscaping and substitute tree planting.
11. For the above reasons, I therefore conclude that the proposal would not harm the character and appearance of the area. As such, it would accord with Core Policy 57 of the Wiltshire Core Strategy 2015 (WCS) and Objective 16 of the

Creating Places Design Guide Supplementary Planning Guidance 2006, in so far as this Policy and guidance require new development to be of a high standard of design, creating a strong sense of place through drawing on the local context, taking account of their local setting, and being complimentary to the locality. For similar reasons, the development accords with guidance in Chapter 12 of the National Planning Policy Framework (the Framework) which requires high quality design.

Living conditions of neighbours

12. The new dwelling would be accessed via a new driveway which would run close to the northern side boundary of 109 BAS, adjacent to that dwelling and its rear garden. During my site visit I observed that the application drawings do not include the single storey kitchen/dining room extension to the rear of no.109. This incorporates glass bi-fold doors along most of its rear elevation, leading directly onto a large, raised patio. Beyond this is the lawned rear garden, at the end of which, and close to the rear boundary, is a paved area, summer house and shed, and various domestic paraphernalia evidencing the use of this particular part of the garden.
13. The new access drive would run alongside the whole of the length of the dwelling at no.109 and its rear patio and garden. During my site inspection I found that it was apparent from the layout of the patio and rear garden, that the area adjacent to the appeal site is well-used as an external amenity area. In addition, I observed that the north side wall of no.109 includes a number of principal windows comprising ground floor study and kitchen windows and first and second floor bedroom windows.
14. The proposed proximity of the new access drive to the southern side boundary is such that the anticipated vehicle movements associated with a four bedroom family sized dwelling, including visitor and delivery vehicles, would lead to unacceptable levels of noise and disturbance (the latter from vehicle lights) within close proximity to no.109, including the aforementioned principal windows, patio and rear garden of that property, therefore causing significant harm to the living conditions of the occupiers of this dwelling.
15. The appellant proposes to mitigate the impact on no.109 through the provision of fencing and vegetation adjacent to the boundary. However, in this instance, I am not satisfied that it has been satisfactorily demonstrated that such potentially harmful impacts can be mitigated against. The use of a non-loose surface material would go some way to mitigate against noise impacts. However, this would not mitigate against noise and disturbance impacts associated with vehicle engines and headlights. The access drive would run for a considerable length within close proximity to the boundary with no.109. It would need to incorporate the existing significant drop in land levels from the front to the rear of the site. Insufficient cross-sectional drawings have been provided to demonstrate how the driveway would incorporate the ground level changes, which potentially would result in the revving of vehicles engines where the driveway rises, and the potential for increased disturbance from vehicle lights as a result of the driveway incline in relation to the neighbouring property.
16. The potential for noise and disturbance to no.109 is exacerbated by the proposed positioning of the turning and parking area and main dwelling entrance adjacent to the rear garden of no.109, potentially resulting in

additional noise disturbance from the banging of vehicle doors, driver and passenger conversations and in-vehicle music/entertainment systems.

17. Furthermore, in addition to the proposed removal of one tree to accommodate the driveway, it is unclear how much of the remaining boundary landscaping, which currently provides effective boundary screening to the rear garden of no.109, would be removed, since landscaping is a matter reserved for future determination.
18. Accordingly, in the absence of precise details of the driveway construction and proposed boundary treatment, I find that it has not been satisfactorily demonstrated that material harm would not be caused to the living conditions of the occupiers of 109 BAS in respect of noise and light disturbance. For similar reasons, I find that the aforementioned harmful impacts would also apply to the host property at no.107, given the proximity of the access drive to the front and side walls of that property, both of which contain principal ground and first floor windows. In this respect it is notable that the proposed curve at the front of the access drive, to accommodate the protection of the frontage tree, would result in vehicles accessing the proposed dwelling almost facing the front wall of the host property as they enter the site. This raises the potential for noise and light disturbance in relation to the front windows of no.107.
19. The appellant has drawn my attention to a number of approved developments elsewhere involving back-land residential developments with access driveways adjacent to neighbouring properties. However, none of these cases are identical to the appeal scheme in respect of the exact site circumstances and land levels. In any case, I must consider the appeal proposal on its individual planning merits, and within the context of the appeal proposal in relation to the immediate surrounding properties. The existence of other driveways serving tandem development in other locations does not justify the harm that I have found for the reasons set out above.
20. The appeal site adjoins the rear gardens of nos. 9 and 11 Francis Way, which are sited at a lower ground level. No.11 is set further forward within its plot and has a large and long back garden, of which only part abuts the appeal site. No.9, however, is set further back into its plot and has an L-shaped rear garden which wraps around the appeal site. During my site visit, I observed that the part of the rear garden immediately adjacent to the appeal site appears well-used as an external amenity area, including a large paved patio area immediately to the rear of the house with table and chairs, various raised beds, a greenhouse, and further garden seating and domestic paraphernalia evidencing the well-used nature of this part of the site. The rear elevation of no.9 includes living room, dining room, kitchen and garden room windows having a direct outlook onto this part of the garden. Although not shown on the planning application drawings, the garage of no.9 has been extended to provide a utility room/store leading directly onto this part of the garden.
21. The ground levels of the appeal site drop eastwards towards the rear of the site, and this continues into the rear garden of no.9, so that dwelling and its rear patio are at a significantly lower ground level than the appeal site. The application drawings do not include a full cross-section drawing through the appeal site and no.9. However, the information provided on the submitted drawings appears to indicate that the land level will be raised at the eastern end of the new dwelling, and that this would result in a ground floor level which

- would be similar to that of the roof height of the garage of no.9, having regard to the submitted topographic survey.
22. Accordingly, I find that the proposed combination of the elevated height of the new dwelling relative to no.9, its wide span gable end facing that property, and its proximity to the eastern side boundary, would have an oppressive and overbearing impact on the outlook of the aforementioned rear elevation and garden of no.9. It would also give rise to potential overlooking to no.9 from the side elevation bedroom windows.
23. Although set further away from the boundary with no.9 than the eastern side of the new dwelling, its front elevation would also face that property's garden due to the L-shaped nature of the garden. This would increase the harmful impact on the outlook from no.9. In addition, the impact on that property would be exacerbated by the proposed positioning of the parking and turning area to the front of the new dwelling, which would give rise to additional noise and disturbance impacts resulting from the vehicle movements associated with the new dwelling, similar to the aforementioned impacts on the rear garden of 109 BAS.
24. In the absence of detailed cross-section drawings, which include the site of no.9, and detailed boundary treatment and landscaping proposals, I cannot be assured that the aforementioned harmful impacts on the living condition of the occupiers of no.9 could be satisfactorily mitigated. Whilst there is some mature landscaping adjacent to the boundary, this does not currently provide complete screening of the appeal site from no.9 and whilst the appellant states that this will be retained and that additional landscaping can be secured by means of a condition, landscaping is not for determination under this current application.
25. The appellant asserts that the appeal proposal would have a less harmful impact on the living conditions of neighbouring property occupiers with regard to the issue of overbearing impact than that of an outbuilding which could potentially be built on the appeal site under permitted development rights in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (the GPDO).
26. However, there is limited evidence to suggest that the impacts described by the appellant would come to pass. No formal application for a certificate of lawfulness with respect to an outbuilding at the appeal site has been determined by the Council prior to the appeal planning application, and the determination of what could potentially be built under permitted development rights is not a matter for me to decide within the context of an appeal made under Section 78 of the Act. Therefore, this consideration has minimal weight in my decision.
27. For the above reasons, I therefore conclude that the proposed development fails to satisfactorily demonstrate that there would be no material harm to the living conditions of the occupiers of nos. 107 and 109 Bouverie Avenue South in respect of noise and disturbance, and to the occupiers of 9 Francis Way having regard to noise and disturbance, privacy and outlook impacts. As such, the proposal would fail to accord with WCS Policy 57, which amongst other things, seeks to ensure that new development has regard to the compatibility of adjoining buildings and uses and impact on the amenities of existing occupants. This is generally consistent with the Framework, which seeks to

ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users (paragraph 127).

Living conditions of future occupiers

28. The Council is concerned that, due to the proposed siting of the new dwelling in relation to surrounding properties, the occupiers of the appeal proposal would experience inadequate levels of privacy. Notwithstanding that the site is surrounded by two storey properties and that the land level of the appeal site is lower than that of neighbouring properties in BAS, I find that the separation distances between the new bungalow and the neighbouring properties in BAS to be such that the new dwelling would not experience harmful overlooking from the neighbouring dwellings.
29. For the above reason, I therefore conclude that the proposed development would provide appropriate living conditions for future occupants, with particular reference to privacy. In this respect, therefore, the appeal scheme accords with WCS Policy 57, in so far as it aims to ensure that new development has regard to the compatibility of adjoining buildings and uses and ensures that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy. This is generally consistent with the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users (paragraph 127).

Other Matters

30. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites in respect of the South Wiltshire Housing Market Area (HMA). It considers that it has a 4.45 year supply and this figure is not disputed by the appellant.
31. Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
32. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. Also, there would be a small social benefit in providing an additional housing unit and economic benefits as a result of the construction and occupation of a new house.
33. However, a good standard of residential amenity is also a key aspect of sustainable development. The harm I have identified to the living conditions of the occupiers of neighbouring properties would be significant. As a result, the social role of sustainable development would not be achieved. Whilst the

Framework encourages the effective use of land in meeting the need for homes, including giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, this is not unqualified. The provision of one additional unit would make little meaningful difference, and would not address or outweigh the aforementioned harm that I have identified to the living conditions of the occupiers of neighbouring properties.

34. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

35. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR