



Appeal Decision

Site visit made on 1 March 2010

by **Phillip J G Ware BSc DipTP MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
8 March 2010

Appeal Ref: APP/Y3940/A/09/2116709

The Old Post Office, Lower Road, Charlton All Saints, Salisbury SP5 4HQ

- 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 Dr J Howard against the decision of Wiltshire Council.
- The application Ref **S/2009/1135/FULL**, dated 31 July 2009, was refused by notice dated 28 September 2009
- The development proposed is the construction of two dwellings and alteration to access.

Decision

1. I dismiss the appeal.

Main issues

2. There are two main issues in this case. Firstly the effect of the proposal on the character and appearance of the area, and secondly the effect on the living conditions of the residents of Tudan House in relation to noise and disturbance.
3. The Council also refused planning permission due to the absence of appropriate provision towards public recreational open space. However I understand that this matter has been resolved by the submission of a Planning Obligation, although I have not been provided with any detail of how this Obligation meets the advice in Circular 5/2005 "*Planning Obligations*". I have therefore not accorded it any weight in determining the issues before me.

Reasons – the character and appearance of the area

4. The appeal site is located centrally within Charlton All Saints, which is a linear settlement set away from the main road in generally open countryside. The site is part of the rear area of the Old Post Office, and is currently unused. Two dwellings (The Old Stores and Post Office House) have frontages onto a vehicle access which leads to the site. There are public footpaths along the rear (west) and south of the site.
5. To the north is Tudan House, a relatively modern dwelling set back from the road frontage, whilst to the south are properties at Vicarage View. To the west is open countryside.
6. Planning permission has been granted by the Council for a single new dwelling on the appeal site on three occasions (2002, 2007 and 2008). In each case the development was for a two storey house, on a site smaller than the current appeal site – which has been enlarged towards the rear of the frontage properties. The dwelling in each case faced down the access towards the road

and, over time, the siting of the house has moved generally northwards towards the boundary with Tudan House. The 2007 and 2008 permissions have not lapsed.

7. The current proposal is for a two storey dwelling in generally the same position as that approved in 2008. In addition there would be a single storey dwelling to the south, at the rear of the frontage properties.
8. The principle of development on the site has been clearly established by the previous planning permissions. However the current proposal differs in that it proposes two dwellings where only one has been allowed before, and in that one of the new buildings would be sited entirely to the rear of the frontage properties.
9. From my visit, it is clear that the character of the settlement is essentially linear, with the overwhelming majority of the properties having a direct street frontage – although some are set back some distance from the highway. In that context the approved single dwelling, facing down the existing access, would be in keeping with the area. However the additional dwelling now proposed directly to the rear of the frontage properties would be out of character with the area, which is not characterised by such tandem development.
10. In addition, I observed that the settlement generally comprises properties set in spacious plots. Although the proposed development would provide adequate amenity space for future residents, the front area would be largely occupied by parking and turning areas, and the rear gardens would be of limited size. Overall, the location and size of the plots would appear cramped in comparison with the majority of the surrounding development.
11. Policy H16 of the Salisbury District Local Plan (LP) (2003) provides that, within housing policy boundaries, small scale development and infilling will be permitted subject to a number of criteria. These include the requirement that proposals should not constitute tandem or inappropriate backland development. The explanatory text to the policy makes it clear that tandem development may be acceptable where there is adequate access/parking and space between buildings. These matters are not in dispute in this case, but the explanatory text also refers to the importance of assimilating new development into existing settlements – and I consider the proposal fails to meet this aim. For that reason I consider the proposal conflicts with the policy.
12. I have no objection to the design of the proposal, and I appreciate that the single storey building has been designed to resemble a barn. However this does not overcome the issues I have set out above and I consider the proposal would harm the character and appearance of the area.

Reasons – the living conditions of the occupiers of Tudan House

13. The proposal would introduce an element of additional activity into the rear area relatively close to Tudan House. This would be from normal domestic use and, more importantly, from the vehicles of residents and visitors.
14. However, this has to be set against the background of the extant permissions for a single dwelling in the rear area. These included an access drive and

parking area close to the boundary (marked by a deciduous hedge) with Tudan House.

15. There would be some increased vehicle movement and noise in the rear area which would be noticeable from Tudan House. However, the low level of increased activity arising from the proposal would not, in my view, be such as to impact significantly on the amenity of the occupiers of that property.
16. For these reasons, I consider the proposal would not harm the living conditions of the residents of Tudan House in relation to noise and disturbance. It would not conflict with LP policy G2, which refers to the avoidance of disturbance to existing occupiers.

Other matters and conclusion

17. I appreciate that the proposal would make efficient use of land within the housing policy boundary as defined in the LP. However this should not be at the expense of compromising the quality of the local environment in the manner which would occur as a result of the appeal scheme.
18. I have taken account of the appeal decision (APP/T3915/A/08/2076931) at Appletree Road, Redlynch, to which I was referred by the appellant particularly in the context of LP policy H16. However, each application and appeal must be treated on its merits and, in that case, the Inspector came to a different conclusion related to the application of the policy and the effect of the proposal on the character and appearance of that area.
19. Overall, although I have found that the proposal would not harm the living conditions of the occupiers of Tudan House, this does not outweigh the harm which would be caused to the area. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector