



Appeal Decision

Site visit made on 21 January 2010

by **Colin Blundel BSc MSc DipTP MRTPI**

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

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Decision date:
5 March 2010

Appeal Ref: APP/Y3940/A/09/2114452
123 Queen Alexandra Road, Salisbury SP2 9LB

- 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 Mark Bugden against the decision of Wiltshire Council.
- The application Ref S/2009/958/FULL, dated 19 June 2009, was refused by notice dated 28 August 2009.
- The development proposed is the construction of a new dwelling.

Decision

1. I allow the appeal, and grant planning permission for the construction of a new dwelling at 123 Queen Alexandra Road, Salisbury SP2 9LB in accordance with the terms of the application, Ref S/2009/958/FULL, dated 19 June 2009, and the plans submitted with it, with the exception that Plan A2307-302 is to be replaced by the revised plan, Plan A2307-302A. Planning permission is subject to the conditions in the attached schedule.

Procedural matter

2. Revised plans were submitted to the appeal, which included some minor changes to the layout of the parking aspects of the proposal. These plans were not formally considered by the Council but were addressed in their statement to this appeal. I am satisfied that no interests would be prejudiced by my acceptance of these revised plans and I have considered the appeal on this basis.

Main issues

3. The main issues are the effects of the proposed development on:
 - the living conditions of the residents of neighbouring properties, with reference to daylight, sunlight, overlooking and visual impact;
 - the character and appearance of the surrounding area;
 - highway safety, with reference to the proposed provision of parking.

Reasons

4. The proposed development would be a 2-storey detached house in a corner location. It would be constructed to the rear of 123 Queen Alexandra Road on the site of an existing garage and storage unit, and would front onto Heath Road. Heath Road is mainly bungalows apart from the pair of semi-detached houses immediately adjacent to the appeal site and the corner property at 123 Queen Alexandra Road.

Living conditions

5. The closest properties to the appeal site apart from No 123 are 121 Queen Alexandra Road and 106 Heath Road and I shall deal with the potential impacts on the different aspects of living conditions at these properties in turn.
6. In relation to daylight and sunlight, the proposed dwelling would stand to the east of No 106, to the west of No 123 and to the north west of No 121. In my view, the only potential for loss of daylight or sunlight would be to the side kitchen window of No 106. This kitchen also has another window to the rear. The only impact on sunlight would be in the early morning, but I consider that the shadow would be little different to that caused currently by No 123 and is therefore acceptable. On balance, I consider these impacts would be acceptable.
7. Whilst overlooking from the proposed dwelling was not considered to be a significant issue by the inspector for the previous appeal from January 2009 ref APP/T3915/A/08/2084517, the amended design has incorporated an upstairs landing window facing to the rear. The angles between the properties are such that any overlooking from a window in this location would be mainly to the rear garden of No 121, with very little scope for looking into the windows of No 121 or No 106. I consider that this impact could be overcome by the installation of obscure glazing to this window, as suggested by the appellant, and which can be secured by a condition. Such a condition could also require the window to be fixed shut to avoid overlooking when in an open position.
8. In terms of visual impacts, the main issue is the impact of the increase in ridge height over and above the previous proposal and whether this would have an overbearing impact on the adjacent properties. Whilst the proposed dwelling is quite close to the rear boundary, I consider that its visual impact on the garden of No 121 would be little different to that caused by Nos 123 and 106 and the existing garage/store. Whilst the dwelling would be visible from the rear window of No 123 and the side kitchen window of No 106, it would not be directly in front of the windows and would, in my view, have little more impact on outlook than the existing building.
9. I conclude on the first main issue that the proposed development would not cause unacceptable harm to the living conditions of the residents of neighbouring properties with respect to daylight, sunlight, overlooking or visual impact. It would, therefore, be consistent with the requirements of policies H16 and D2 of the Salisbury Local Plan (2003) (the Local Plan), which seek, amongst other things, to ensure that infill development is appropriate to the area in which it is situated.

Character and appearance

10. In submitting this proposal, the appellant has clearly taken on board the concerns expressed by the Inspector in relation to the previous appeal, referred to above. I consider that the proposed dwelling has been carefully designed to complement the existing street scene by incorporating a hipped roof and ridge and eaves heights to blend with the existing rhythm of the street. It would also follow the existing building line along Heath Road.
11. I do not share the Council's view that this would be an undesirable and discordant feature within the street scene, or that it would lead to the loss of

an important open area. The site cannot, in my view, be considered to be open as it is currently occupied by a building.

12. On the second main issue I conclude that the development would not cause unacceptable harm to the character and appearance of the surrounding area and that it would be consistent with policies H16 and D2 of the Local Plan. These seek, amongst other things, to ensure that infill developments respect the character and appearance of the surrounding area and would not result in the loss of open areas.

Highway safety and parking

13. The original plans submitted with the application showed that the proposed parking area to the front of the dwelling would be of insufficient width to meet the Council's minimum standard of 4.8m for two parking spaces. The amended plans submitted with the appeal show that a slightly wider parking area could be achieved by incorporating a narrow strip of land from the adjacent forecourt of No 123 Queen Alexandra Road. This would have no material effect on the neighbouring forecourt and would not require adjustment to the site boundary as shown edged in red on the application plan. This would ensure that cars could be parked off the road and would not therefore have any significant impact on highway safety.
14. I, therefore, conclude on the third main issue that the development would not result in significant harm to highway safety and that the parking provision would be consistent with policy G2(i) of the Local Plan, which seeks, amongst other things, to secure a satisfactory means of access to the site.

Other matters

15. The appellant has submitted a Unilateral Undertaking in relation to off-site open space provision, which would, in my view, satisfy policy R2 of the Local Plan. The Council has indicated that it is satisfied with this and I accept that this would provide for the open space needs of future occupiers of the proposed dwelling. I consider that such a completed obligation would overcome the second refusal reason stated by the Council.
16. I have also considered the Council's argument that the granting of planning permission would set a precedent for other similar developments, although no similar sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and I do not consider that such a generalised fear of precedent would justify withholding planning permission in this case.

Conditions

17. I have applied 11 conditions to this permission. They are based on those suggested by the Council with minor alterations for clarity or to be more consistent with model conditions in Circular 11/95.
18. Condition 2 is required for the avoidance of doubt and in the interests of proper planning.
19. Condition 3 is required to ensure that the proposed development would blend into the existing street scene and be appropriate to retaining its character and appearance.

20. Conditions 4 and 5 remove permitted development rights to give the Council more control over any future changes to the dwelling or surrounding site.
21. Condition 6 is required to ensure that the proposed parking spaces are implemented prior to occupation. This would minimise risks to highway safety.
22. Condition 7 is required to ensure the proper disposal of surface water and to guard against flooding; Condition 8 is needed to help promote the efficient use of water in the environment.
23. Condition 9 seeks to protect the living conditions of neighbouring properties by ensuring that the rear landing window is, and remains, obscure glazed to prevent overlooking.
24. Condition 10 is a standard condition to ensure that landscaping works are undertaken and maintained.
25. Conditions 11 and 12 were requested by the environmental health officer to reduce nuisance during the construction process.

Conclusion

26. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion that the appeal should be allowed.

Colin Blundel

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A2307-01, A2307-300C, A2307-301C, and A2307-302A.
- 3) Before development is commenced, a schedule of materials and finishes, and, where so required by the local planning authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order with or without modification), there shall be no additional windows at first floor, or on the rear sloping roofslope or gable ends of the dwelling.
- 5) Notwithstanding the provisions of Classes A-E of Schedule 2 (Part 1) of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order with or without modification), there shall be no extensions to the dwelling, nor the erection of any structures within the curtilage unless planning permission is first obtained from the local planning authority.

- 6) Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced parking space and vehicular access shall be constructed, details of which shall have been submitted to and approved by the local planning authority prior to development commencing on site.
- 7) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of the surface water scheme proposed shall be submitted to and approved in writing by the local planning authority before development commences.
- 8) No development approved by this permission shall commence until a scheme of water efficiency has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed scheme.
- 9) The proposed landing window in the first floor rear elevation shall be glazed with obscure glass and be non-opening. It shall be maintained in this condition thereafter.
- 10) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 11) No delivery of plant, equipment and materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays.
- 12) During the demolition and construction of the building, no bonfires or burning of surplus building materials or other waste shall take place on the site.

