



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

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Decision date:
18 March 2010

Appeal Ref: APP/Y3940/A/09/2117771

8 James Street and 36 Sidney Street, Salisbury, Wilts

- 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 Womersley-Smith against the decision of Wiltshire Council.
- The application Ref S/2009/1196/FULL, dated 6 August 2009, was refused by notice dated 9 November 2009.
- The development proposed is a one bedroom bungalow.

Decision

1. I dismiss the appeal.

Main issue

2. There is one main issue in this case. That is whether the proposal would provide acceptable living conditions for future occupiers with regard to the size of the proposed accommodation.

Reasons

3. The appeal site is part of an end of terrace dwelling, located at the corner of Sidney Street and James Street. The proposal is for a new building facing James Street, to the rear of the main property at no.36 Sidney Street. The site is currently occupied by an unattractive garage.
4. There have been previous schemes affecting the site, most notably a similar scheme which was dismissed on appeal in June 2009¹. In dismissing that appeal the Inspector noted that the accommodation would be very restricted in size for a dwelling which could be occupied by two people. In particular she was not satisfied that adequate provision could be made for refuse and recycling facilities without loss of living space.
5. The current proposal provides bin storage facilities in an internal area, accessed directly off the hall. The increased size of the bin store would be at the expense of the remaining living space.
6. The appellant has stated that the total area of the proposed accommodation would be slightly over 23 sq. m. and that it has been designed with a single occupier in mind. However the occupation of the property could not be controlled by a planning condition, and I have to bear in mind that it could be occupied by two people at some point.

¹ APP/Y3940/A/09/2099490

7. In either case, national policy is to promote high quality inclusive design in the layout of new development in terms of its function, and to achieve a wide choice of high quality homes. I do not consider that the very limited accommodation proposed would meet these objectives, as it has been reduced in size since the previous appeal due to the increased storage provision. The size of the proposed unit would be such that it would provide cramped rooms and a generally poor standard of accommodation, with two windows facing directly onto James Street.
8. In coming to that conclusion, I note that the Council has referred to English Partnerships' Quality Standards in relation to space standards. However this document was not mentioned in the Committee report or the reasons for refusal, and the document makes it clear that it is intended to apply to developments on English Partnerships' own land. There is no indication that the Council has adopted these standards as planning guidance, and I give them very little weight in this appeal.
9. However, for the above reasons, I do not consider the proposal would provide acceptable living conditions for future occupiers with regard to the size of the accommodation. Policy G2 of the Salisbury District Local Plan (LP) 2003 sets out general criteria for development and deals with the protection of the living conditions of existing occupiers. To the extent that this may, by implication, also be taken to refer to the effect on future occupiers, I find that the proposal would be in conflict with the policy.

Other matters and conclusion

10. The Council also refused planning permission due to the absence of appropriate provision towards public recreational open space, based on LP policy R2. An informative on the decision notice stated that this could be overcome by a Section 106 Obligation, or by a condition if appropriate. I have not been provided with any explanation of how such an Obligation would meet the advice in Circular 5/2005 "*Planning Obligations*", and I do not consider that a condition would be an appropriate method of dealing with the matter. Although I understand there is an overall deficiency in open space provision in the area generally, in the absence of any explanation of the Council's requirement in this particular case, I do not consider that this is a matter which should cause the appeal to fail.
11. I have considered the appellant's arguments that the proposal would replace an unattractive garage and that it would meet a local need – although no detail of need has been provided. However these matters do not overcome the harm caused by the inadequacy of the proposed accommodation which I described above.
12. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector