# WRITTEN REPRESENTATIONS: APPEAL STATEMENT

Refusal of planning application by Wiltshire Council.

REF: PL/2023/05635

Property Address: 178 & 179 High Street, Royal Wootton Bassett, Wiltshire, SN47BZ.

Description of Development: Proposed new driveway entrance with associated landscape alterations.

Decision Date: 11th September 2023

Date of Appeal Statement: 27th October 2023

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## 1. BACKGROUND

1.1. This appeal relates to the refusal of planning permission for a '*Proposed new driveway entrance with associated landscape alterations.*' at no's 178 and 179 High Street, Royal Wootton Bassett, Wiltshire, SN47BZ.

1.2. The planning application was validated on 17th July 2023 and was subsequently refused on 11th September 2023 by Wiltshire Council, with the decision notice stating three reasons for refusal, as noted below:

*By virtue of the proposed size and scale of the proposal, the development would fail to respond to the character and appearance of the locality and the Conservation Area and presents an overlarge development tantamount to the size of a highway. The proposal would subsequently fail to preserve or enhance the appearance of the Royal Wootton Bassett Conservation Area. Accordingly, the proposal would conflict with the provisions of Core Policy 57(i, ii, iii and iv) and 58 of the Wiltshire Core Strategy (January 2015); Policy 7 of the Royal Wootton Bassett Neighbourhood Plan (April 2018); Policy NE14 of the North Wiltshire Local Plan (June 2006); and Paragraphs 130 (a, b, c, d and e) and 202 of the National Planning Policy Framework (September 2023).*

*By way of the removal of a non-designated heritage asset through the removal of the chapel wall without any clear or convincing justification. The proposal would fail to demonstrate any evident public benefits. Therefore, the proposal would be contrary to Core Policies 57(i and iv) and 58 of the Wiltshire Core Strategy (January 2015); and Paragraphs 130 (c), 194, 197, 199, 202, 206 and 207 of the National Planning Policy Framework (September 2023).*

*The proposals are not supported by adequate information to demonstrate that vehicles would have an un-obstructed view when exiting the site as well as failing to show that vehicles would be able to turn on the site to exit in a forward gear. Therefore, the proposal would be detrimental to highway safety and contrary to Core Policy 62 of the Wiltshire Core Strategy (January 2015); Policy.*

1.3. The following statement will, therefore, seek to demonstrate why the council's decision to refuse is considered unsound and why the appellant considers that the scheme conforms to the aims of national and local planning policy.

## 2. APPEAL SITE LOCATION

2.1. The appeal site comprises the front gardens of a detached property and neighbouring semi-detached property.

2.2. The appeal site is located at the western end of Royal Wootton Bassett High Street within a residential setting. The appeal site is not a listed building, but part of the site does reside within a conservation area.

## 3. PROPOSAL

3.1. The proposed scheme sought development for a '*Proposed new driveway entrance with associated landscape alterations'.* The new shared driveway spanned across both property's front gardens.

3.2. The new driveway would provide two off street car parking spaces, finished to a high standard with block paving and gravel, alongside landscape improvement works including a rockery and landscaped bank.

3.3. To undertake these works, removal of a wall fronting the main road and regrading of the front gardens down to behind the highways kerb is required.

## 4. RELEVANT PLANNING POLICY

4.1. The reason for refusal refers to *Core* Policy 57(i, ii, iii and iv), 58 and 62 of the Wiltshire Core Strategy (January 2015); Policy 7 of the Royal Wootton Bassett Neighbourhood Plan (April 2018); Policy NE14 of the North Wiltshire Local Plan (June 2006); Paragraphs 130 (a, b, c, d and e), *194, 197, 199, 202, 206, 207* of the National Planning Policy Framework (September 2023).

4.2. The following paragraphs set out these relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

### National Planning Policy Framework (September 2023)

<u>Paragraph 130:</u>

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 194:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 197:

In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 207:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

**Wiltshire Core Strategy (January 2015)**

Core policy 57:

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.
ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.
iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.
iv. being sympathetic to and conserving historic buildings and historic landscapes.

Core Policy 58:

Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

i. nationally significant archaeological remains.
ii. World Heritage Sites within and adjacent to Wiltshire
iii. buildings and structures of special architectural or historic interest
iv. the special character or appearance of conservation areas
v. historic parks and gardens
vi. important landscapes, including registered battlefields and townscapes.

Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping).

Heritage assets at risk will be monitored and development proposals that improve their condition will be encouraged. The advice of statutory and local consultees will be sought in consideration of such applications.

Core Policy 62:

Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Proposals for new development should not be accessed directly from the national primary route network outside built-up areas, unless an over-riding need can be demonstrated.

**North Wiltshire Local Plan (June 2006)**

NE14:

Permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

Planning conditions will be imposed, and Tree Preservation Orders made, for safeguarding single and small groups of trees in the interests of public amenity.

6.36 It is the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. The latter should be substantially native tree species of local provenance.

6.37 It will be expected that assessments to determine the nature conservation and landscape value features both within and adjacent to sites will be undertaken. Details of any assessment should be submitted with a planning application.

6.38 For example, a tree survey should be carried out of the site and directly adjacent land by a competent expert to establish the quality and condition of trees potentially affected by development as appropriate.

6.39 Development shall be designed to ensure the longevity of retained vegetation and features through appropriate management and mitigation measures. British Standard 5837: 1991 - Guide for Trees in Relation to Construction, offers relevant guidance for trees.

**Royal Wootton Bassett Neighbourhood Plan (April 2018)**

Policy 7:

Development must respect local character and conserve or enhance heritage assets in a manner appropriate to their significance.

**5. GROUNDS OF APPEAL**

5.1. The appellant's case will address the concerns raised within the reason for refusal, notably:

- Whether the proposed new driveway would have a harmful impact upon the conservation area.
- Whether the wall fronting the main road should be protected as a non-designated heritage asset.
- Whether the new driveway has an unobstructed view and can enter and exit in a forward gear.

<u>Impact upon the conservation area:</u>

i. The appellant would like to make it clear that the application was validated without the request for an ecological appraisal, heritage statement, nor archaeological assessment. This has been the case for several planning applications recently approved at the property.

ii. Whilst records were consulted, no relevant historic environment record for the site could be found within National, or Local publicly available information. Royal Wootton Bassett does not benefit from a conservation appraisal, and Wiltshire Council has not included the site in any of its designations. There are no statutorily listed buildings on or near the site, and no record of the property having a local listing/non-designated heritage status.

iii. Whilst it is acknowledged that the site resides within the conservation area of Royal Wootton Bassett, it is at the very end of this designation, and has a significantly different townscape to that of the main high street, where there is a concentration of listed buildings. The site is not visible from the main high street.

iv. There are no listed buildings or structures on the site, nor in the immediate area. The nearest is 125m away, which is not visible from the site, and arguably represents the beginning of the more historic element of the conservation area.

v. There is a clear break in the character of the conservation area at houses 173-176 high street. From this point down the hill, there are modern concrete retaining walls, footpaths, and brick walls, with no features, other than the chapel wall, that could be considered historic.

vi. As the submitted material demonstrates, the immediate area is one of relatively new brick housing (1930s), block paved residential drives, and a recently redeveloped infants school dissected by the A3102, a typical A road construction.

vii. The proposed development responds to this local environment, replicating the infant school vehicular access in form, and utilises the same materials as seen at neighbouring properties, namely block paving and gravel. The southern side of the road has a grass verge for the majority. The existing wall is not in keeping with this, and a softer landscaped bank will better integrate the site with its immediate surroundings.

viii. The inclusion of this new driveway adds architectural interest to an otherwise uninteresting open patch of land and would be visually attractive with its high-quality landscape finish. Removal of the wall also breaks down a barrier creating a welcoming space.

ix. It should be noted, that the property at 178 high street benefits from an existing planning consent (ref: PL/2022/03432) showing a new outbuilding and landscape works to the patch of land in question. This was deemed by the officer to add interest to this space.

x. Proposals, whilst resulting in the removal of turf, are sympathetic to the key ecological features of the site, and result in no loss of trees or hedges. The rockery will act as an ecological haven for wildflowers, with the grass bank planted in a similar fashion, in keeping with the North Wiltshire Local Plan.

xi. As noted in the NPPF, any perceived harm should be weighed against the optimum viable use for the site, which would logically be for a new house, or car parking for existing properties. The latter has the public benefit of removing two cars from the on-street parking arrangement and providing a welcoming safe route to and from the properties.

xii. It should be noted that Royal Wootton Bassett Town Council did not object to these proposals and are arguably representatives of those most impacted by the redevelopment. The Town Council would have considered Policy 7 of the Royal Wootton Bassett Neighbourhood Plan in coming to this decision. No objections were received from members of the public.

xiii. Should the landscaping materials proposed by the appellant be deemed not in keeping with the conservation area, a condition could be included to agree these if the inspector considers it appropriate.

xiv. Therefore, the appellant feels that the scale and design of the new driveway is commensurate with its immediate environment (school and neighbours), and creates a place that is safe, inclusive and accessible, providing a high standard of amenity for existing and future users. The loss of the wall, whilst deemed harmful by Wiltshire Council, should be considered against the benefits stated above, and the points made in the following section.

<u>Demolition of non-designated heritage asset</u>

i. As noted above, the application was validated without the request for a heritage assessment, nor archaeological assessment.

ii. Consultation of Wiltshire Council publicly available information does not identify the site to have any local listing, and there is no mention of the site within a conservation area appraisal. The first mention of the wall as a non-designated heritage asset was during this planning application.

iii. The wall abuts the A3102 and varies in height when measured from the road, starting at 0.5m and rising to 1.3m. It is roughly 0.3m in height from the tallest point of land.

iv. The wall is a simple brick wall with cast concrete stone and has several brick piers with cast concrete pier caps. A set of stone steps are situated at the mid-point of the wall.

v. This wall formed the curtilage of a former Baptist Chapel, constructed in 1896, becoming redundant by 1940 and subsequently demolished by 1950. The permitted demolition of

this building suggests that it was of little architectural or historical merit at that time. The wall is presumed to have been excluded from the demolition as it was a retaining structure, and not because of its architectural merit given appearance and materials used in its construction.

vi. It should be noted that the rear retaining wall did not form a part of the chapel. What is presently on site is a new consented retaining wall. The only relevant remnant is the wall fronting the main road. There is therefore no visual connection between the steps and rear wall, and these do not assist with the public's understanding of the scale and form and extent of the chapel, other than to indicate a former entrance onto the site.

vii. The wall and steps themselves make a limited contribution to the conservation area. Architecturally it is of low significance, as demonstrated through its omission from any heritage records or listings. Whilst it can be said to hold a small degree of historic significance given its connection to the chapel, it is not discernible that there was a chapel on this site and cannot therefore be said that any public benefit can be gleaned from its retention as a source of knowledge or view to the past. It therefore should be considered to have a neutral benefit to the conservation area.

viii. It should also be pointed out that the approved planning consent (ref: PL/2022/03432) proposed drawings show an element of this wall being removed for access to the bike store at the rear of the space and therefore question the significance given to the small section that would remain.

ix. Furthermore, the wall has been subject to significant earth movement over the years, and vehicular impact on several occasions due to its proximity to the road. The wall has rotated toward the road, with elements no longer bonded. This presents a danger to the public and would at some stage collapse.

x. Finally, as per the 2019 appeal decision (ref: APP/F4410/C/19/3221622), as the wall is below 1m in height when measured from the highest part of the adjoining land, it meets the test for demolition through permitted development. On this basis it should be excluded from the evaluation of impact upon the conservation area, and focus should therefore be solely on the design of the new driveway.

<u>New driveway safe access and egress</u>

i. The new driveway would open onto the A3102. Whilst this is an A road, it is subject to a 30-mph speed restriction in this location. Speeds are typically below this due to the requirement to manoeuvre around cars parked parallel to the road, and the infant school opposite the site, and it is likely that this stretch will be reduced to 20mph in the near future because of this. As the site is within a built-up area, it should be permissible to join the national primary route network directly.

ii. Adequate visibility splays were indicated on the submitted drawing and have been supplemented within this appeal to include a turning circle plan demonstrating vehicles successfully entering and exiting the site in a forward gear. It should be noted that whilst the Highways department requested this latter element, the applicant was not afforded the opportunity to submit further material as part of the application. Given the extent of the drive, it is clear that such a manoeuvre is eminently possible.

iii. The Highways department have requested visibility splays be demonstrated, set 2.4m back from kerb edge in the middle of the driveway, extending 43m left and right. This is what has been shown on the drawings. The applicant is not aware of an officer having attended the site to check this is achievable and believe the review to have been conducted via google earth.

iv. The applicant has adequately demonstrated that the new access will have appropriate mitigating measures to offset any adverse impacts on the transport network, and will improve safe access to the properties, in particular number 178 High Street, only accessible via an unmaintained pedestrian alley, which does not benefit from a dropped kerb.

v. It is worth noting that the new school entrance is of a similar size, and does not achieve these required visibility splays, yet was acceptable to the Highways department. In a similar fashion, public carparking through the high street, commencing 100m up from the site, involves vehicles exiting spaces in revers gear, often with limited visibility, but again acceptable to the highways department. It is not clear why the proposed new access differs from either of these permissible situations, other than it meets guidance.

vi. This new driveway would reduce the number of vehicles parking on the main road and provide the opportunity for residents to have electric vehicles through the provision of accessible charge points.

vii. Given the site can accommodate two vehicles, able to enter and exit in a forward gear, a condition could be used to ensure adequate visibility splays remain in perpetuity, should the inspector consider it acceptable to do so.

**6. CONCLUSION**

i. The new proposed driveway would be in keeping with the townscape in this area, and would ultimately enhance the conservation area, providing architectural interest to an underutilised patch of land.

ii. The site is at the end of the conservation area, which has a very different townscape to the rest of the high street. The wall in question could be removed legally through permitted development rights given it is under 1m when measured from the highest ground point, and therefore should not have been considered in determining the impact of proposals upon the conservation area. In any case, the wall is considered to be of low historical and architectural interest. Its loss is therefore not considered to have a material impact upon the general public.

iii. From a highways safety perspective, the applicant has clearly demonstrated that proposals will not have a detrimental impact, and vehicles can enter and exit in a forward gear with the benefit of adequate visibility.

iv. In summary, it is evident that the council's reasons for refusal on this occasion are unsound and as a result the proposal would adhere to the aims of the *Core* Policy 57 (i, ii, iii and iv), 58 and 62 of the Wiltshire Core Strategy (January 2015); Policy 7 of the Royal Wootton Bassett Neighbourhood Plan (April 2018); Policy NE14 of the North Wiltshire Local Plan (June 2006); Paragraphs 130 (a, b, c, d and e), *194, 197, 199, 202, 206, 207* of the National Planning Policy Framework (September 2023).

v. Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.


Less than 1m in height when measured from highest point of adjoining land.
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178

179

N

2m 4m 6m 8m 10m

1m 3m 5m 7m 9m

178 & 179 ROYAL WOOTTON BASSETT HIGH STREET

PROPOSED NEW ACCESS & DRIVEWAY

VEHICLE TRACKING DRAWING

SCALE: 1:200 @ A3

DATE: 10.07.2023