CASE OFFICER'S REPORT

Application Reference: PL/2023/09400
Site address: Land to the rear of 64 & 66, Queen Alexandra Road, Salisbury, SP2 9LA
Proposal: Subdivision of plot, erection of 1 new dwelling, together with hard and soft landscaping. (resubmission of PL/2023/02913)

POLICIES

National Planning Policy Framework (NPPF) (December 2023)
Planning Practice Guidance (PPG)
National Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990

Wiltshire Core Strategy (WCS) adopted 2015

CP1 Settlement strategy
CP2 Delivery strategy
CP20 Spatial Strategy for the Salisbury Community Area
CP50 Biodiversity and geodiversity
CP57 Ensuring high quality design and place shaping
CP60 Sustainable transport
CP61 Transport and development
CP64 Demand management
CP67 Flood risk
CP69 Protection of the River Avon SAC

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
Wiltshire Local Transport Plan – Car Parking Strategy and Cycling Strategy

Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Relevant Planning History

PL/2023/02913 Subdivision of plot, erection of 2 new dwellings, together with hard and soft Landscaping. Refused
19/01961/FUL Change of use of shop, ground and first floor flats to single residential property, and erection of a rear extension (66 Queen Alexandra Road) - Approved
S/1987/1076 Conversion of house into two flats.AC 26/08/1987 (No. 66)
S/1987/1193 Conservatory and garage. AC 26/08/1987 (No. 64)

ISSUES

- Principle
- Character and Visual Impact
- Impact on amenity of neighbouring properties
- Highways/parking
- River Avon SAC

REPRESENTATIONS

Salisbury City Council – None received

Third party representations – None received

Highways - Adequate off street parking is proposed for the new dwelling and the existing parking is remaining for the existing property. Turning is to be provided within the site to allow vehicles associated with the new dwelling to turn within the site. The existing vehicle access is not proposed to be altered as part of this application.

I wish to raise no highway objection providing the following conditions are imposed:

The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

The vehicle access and parking spaces shall remain ungated.

REASON: In the interests of highway safety.

No part of the development hereby permitted shall be occupied until the turning area & parking spaces [6] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

PLANNING CONSIDERATIONS AND ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:

The application site comprises the combined rear gardens of Nos. 64 and 66 Queen Alexandra Road together with a strip of land between the two properties. The site is located in an established residential area on the northern side of the city generally characterised by post war suburban housing. No. 66 comprises a detached two storey building formerly comprising a mixed use of shop with flats and now a single dwelling (19/01961/FUL), in use as an HMO (C3 use class). No 64 is a single storey detached bungalow. The rear gardens of the properties numbered 62B to 84 and including the subject properties are generous in depth in this location and back onto the rear gardens of housing in smaller plots in Wellington Way. No. 66 has an open forecourt/hardstanding to the front whilst No. 64 has a small front garden and private drive to the side.

The site lies within the settlement boundary of Salisbury. Core Policy 1 and Core Policy 20 define

Salisbury as a Principle Settlement. Core Policy 2 states within the limits of development there is a presumption in favour of sustainable development in principal settlements. The principle of development can therefore be considered acceptable having regard to Core Policies 1, 2 and 20 of the Wiltshire Core Strategy, subject to the consideration of the impacts of the proposed development on its surroundings, addressed in the following sections.

Character and Visual Impact:

The NPPF paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions and para 128 states that planning policies and decisions should support development that makes efficient use of land, taking into account, amongst other things, the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places. Para 131 goes on to state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development which creates better places in which to live and work.

NPPF para 135 states that 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.

NPPF para 139 states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

National Design Guide para 40 states "Well-designed places are: based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively".

National Design Guide para 43 states Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape

character and how places or developments sit within the landscape, to influence the siting of new development... patterns of built form... the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development..."

Core Policy 57 of the Wiltshire Core Strategy (WCS) states a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality in the following ways:

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
v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area
vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)
viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site.

Under the Councils adopted design guidance (Creating Places), Objective 16 states that proposals should clearly exhibit…

• The importance of space between dwellings and groups of buildings
• The relationship of the site to the wider landscape
• The relationship of dwellings to the street
• The variety and scale evident within groups of dwellings
• How the new dwelling(s) will relate to the context and to each other to create a particular place
• The scale and mass of dwellings providing the context
• The detail which typifies local buildings including treatment of window openings in terms of scale, pattern and ornamentation, eaves and gables, extensions and their materials
• Whether there are alternatives to standard designs, which could enhance even the nontraditional environment?

Poor designs, which take little or no account of their local setting will be refused.

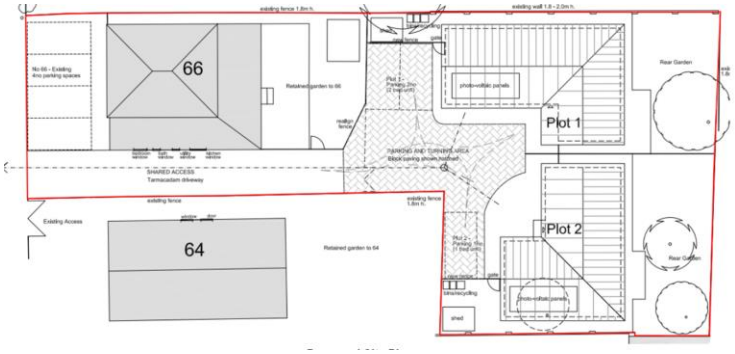
This application is a resubmission of refused application PL/2023/02913 which was for the Subdivision of plot, erection of 2 new dwellings, together with hard and soft landscaping". The Officer report for PL/2023/02913 is included at Appendix A. There was a single reason for refusal, as follows:

The proposed development comprises the erection of two detached single storey houses within the established residential gardens to the rear of two existing residential properties, served by a new shared access alongside the side wall of No. 66 Queen Alexandra Road, with no road frontage and little relationship with the public domain. The proposal would result in an increase in the density of development which is considered to be cramped, overlooked and a wholly uncharacteristic and discordant feature in the context of the prevailing character of the area. The layout of the proposed development would be materially harmful to the amenities and living conditions currently enjoyed by the occupants of existing residential properties with particular regard to the effects of introducing vehicle movements in close proximity to the side and rear boundaries of rear gardens giving rise to unacceptable impacts from associated activity, noise and disturbance. The proposed development is, therefore, considered to represent an inappropriate form of development of the site in which the combined impacts of the proposed development would fail to have due regard to the compatibility of the development with the existing built form, to the detriment of residential and visual amenity of existing occupiers and the character and quality of the surroundings, contrary to Policy CP57 of the Wiltshire Core Strategy and the aims of the National Planning Policy Framework, in particular paragraphs 119, 124, 126, 130 and 134, which collectively require a high level of design for new development.

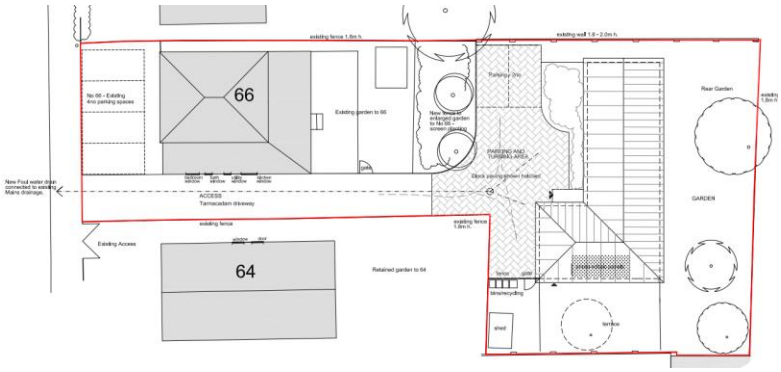
The current authorised use of the site is as the rear gardens of two existing residential properties, although it has been partitioned off by timber fencing and is not currently used as such. The proposed development would comprise a new detached single storey property situated to the rear of Nos. 64 and 66, with a vehicular access formed between the two existing properties on land which forms part of the grounds to the side of and immediately adjacent to the side wall of No. 66 with parking and turning areas formed to the rear of the retained curtilage for these adjacent dwellings.

The reduction in the number of new dwellings to a single dwelling is a positive change in respect of the cramped layout of the site, however this does not overcome the reason for refusal in terms of the neighbour amenity issues and the impact on the character of the area, particularly given that access to the proposed dwelling remains in the original position. The remainder of this report is therefore very similar and at times identical to the officer report for the refused application in that in essence little has changed. No new convincing arguments have been put forward by the applicants which have changed the views of Officers for this revised application in respect of the main concerns.

Comparison of the refused site plan for two new dwellings and revised site plan for one new dwelling is shown below:



Refused layout



Proposed layout

The site plans demonstrate that the proposed new dwelling remains backland development which would have no road frontage and would have no reference to the prevailing characteristics of the locality in terms of its layout and spacious quality of the area, which is derived largely from the longer, narrower gardens and would not respect the established and distinctive pattern of development where the vast majority of dwellings maintain a strong frontage facing the road and public domain.

The aerial image below shows the context of the site prior to the site being separated and fenced off from the retained gardens for the host properties undertaken as part of the renovations and change of use of No. 66 from shop and flat to single dwelling, since when it has been left untended, but which shows the established garden character between the buildings fronting Queen Alexandra Road and Wellington Way.



Aerial image predating the subdivision of the site from host dwellings

Whilst development on this side of Queen Alexandra Road has some variety in height and design, it is generally aligned/sited similarly as frontage development, sited towards the front of the plots with substantial rear gardens which border the rear gardens of properties in Wellington Road. The local policy context for considering the proposal does not include any specific reference to indicate that the principle of such 'backland' development will not be accepted, neither does it infer that it is to be accepted; this is a site-specific assessment to be made on the characteristics of each site and its surroundings, giving appropriate weight to the effective use of land and the character of the area and principles of good design, including the effect on existing and future occupiers, which is covered in a subsequent section of the report.

In terms of impact on the streetscene, the new dwelling has been moved/redesigned to be located so that the front of the new dwelling is more in line with the new access driveway. It is understood this has been done to counter officers concerns regarding the dwellings in the earlier scheme having no relationship with the streetscene. Whilst the new dwelling will be visible from views down the driveway, this will be glimpsed views and is not in any way similar or comparable to the majority of other dwellings in the locality which front the highway and have a strong presence and character. It is not considered that this relatively minor amendment to the layout addresses this concern. In addition, the single storey height of the proposed dwelling is at a scale which other than the aforementioned glimpsed view down the driveway is unlikely to be readily visible from the public highway, therefore the visual presence in the streetscene would be limited.

Furthermore, the site layout raises concerns in terms of the introduction of a new dwelling within the rear gardens, which would result in a form of development which is wholly out of keeping with the prevailing character with the area and producing a denser urban form of development that is considered to be alien and harmful to that character despite the relatively restricted views of the site from the public realm.

The proposed dwelling is modest in scale having regard to the single storey height and floor space however the resultant development, although less cramped than the refused scheme, would remain confined within the context of the plot and relationship to the surrounding character of development given the proximity of the development to the side boundaries and with regard to the limited rear garden retained for No. 66 relative to the size of the property. Therefore, whilst the proposed development physically sits within the site, it is not considered to fit in with the overall form and layout of its surroundings. The introduction of the proposed development setback from frontage properties would be evident from neighbouring gardens and to a lesser degree visible in glimpses between existing development which together with the intensity and nature of the proposed use, would cause demonstrable harm to the largely undeveloped character enjoyed to the rear of surrounding residential development. Although each site is to be considered on its merits, the type of development proposed would set an undesirable precedent for the introduction of new access driveways alongside existing dwellings and elimination of the quality of the built environment and separation and openness between the development fronting Queen Alexandra Road and Wellington Way in a manner which shows little to no regard to the design guidance criteria.

Reference has been made by the applicants to other development they consider set a precedent for this type of backland development within the vicinity. The sites at 3 Welington Mews (formerly 92A Queen Alexander Road) and 1A Orchard Road have been discussed previously, the Councils consideration of these two examples can be seen at Appendix A below.

Additional examples have been put forward by the applicant these include 92 Queen Alexander Road and Land to the Rear of 42 Kitchener Road in Amesbury.

The property at 92 Queen Alexander Road is an historic dwelling with no planning history for its original build, the only planning history relates to an extension to this dwelling S/1989/2131. The

existence of this dwelling and its poor design in terms of access and relation to the character of the rea and streetscene is not considered to set a precedent to allow further poorly designed development particularly given todays national and local policies and guidance which give strong, clear direction that development must evolve and create good design.

A final example in Amesbury, is very much different to the site at Queen Alexandra Road. This site again is similar to 1A Orchard Road where it was the existing dwelling that was out of character for the area with a much larger curtilage than surrounding properties. The properties shown in the example relate more to The Drove at the rear and are not seen in the context of the character of Kitchener Road in the same way, The driveway to the properties at the rear of the site is wider and has les impact on adjacent dwellings 42 and 44 Kitchener Road.

It is not considered that any of the examples put forward by the applicant set a precedent for allowing the development now proposed to the rear of 64 and 66 Queen Alexander Road and essentially none of these are directly comparable.

It is concluded that whilst an increase in density can result in the effective use of land, and is not of itself a reason to refuse development, and the impact on the streetscene has been limited by the height of the proposed dwelling, the proposal does not satisfactorily or positively respond to the existing locality in terms of the character and pattern of development in this locality by reason of the introduction of a separate dwelling with little relationship with the public domain at odds with the predominant character and form of residential development in the surrounding area and which would represent discordant built form in the context of the surrounding garden environment. It is therefore contrary to the aims of Core Policy 57 and NPPF in achieving good design

Impact on amenity of neighbouring properties

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself:

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

The NPPF includes that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings',* as set out in the previous section.

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

The application site is located within an established residential area and is surrounded by other residential properties. The proposed new dwelling is a single storey design with a shallow pitched roof, the scale of the dwelling in this respect is unlikely to overshadow or overbear adjacent dwellings. The single storey design and minimal height does not allow for first floor windows or the creation of rooms in the roof at a future time, therefore the proposed dwelling is unlikely to overlook or significant impact on the amenity of surrounding residential dwellings through loss of privacy.

There are however concerns relating to the layout of the site which would have a negative impact on the amenities of the adjoining properties whose outlook would be significantly affected as a result of the siting of the proposed dwelling in close proximity to boundaries where the gardens are currently undeveloped. It is acknowledged that this revised application has reduced the number of proposed dwellings from two to one resulting in slightly more space around the proposed dwelling, providing a minimal additional separation distance to the boundaries compared to the previous scheme. The siting of a new dwelling in the location proposed is still considered to be out of character for this locality, the shortening of the rear gardens and the squeezing in of the new dwelling in the rear garden is considered to negatively impact their outlook as essentially, there will now be people living in the garden space. The potential for overlooking of the application site from properties which front Queen Alexandra Road and whose rear elevations face the application site, and which are predominantly two storey raises significant concerns in relation to the amenity of future occupiers of the new dwelling, in particular from first floor windows.

In addition, as was the case with the previously refused application, the development is still backland development and the siting of the proposed dwelling in the rear garden of 66 and 64 Quen Alexandra Road will result in an increase in levels of activity and movement associated with the new dwelling within the garden. This includes vehicle movements leading from the road down the narrow access drive in close proximity to the side elevations of both 66 and 64 Queen Alexandra Road. Both of these properties have windows at ground floor on the elevations alongside the new driveway, any vehicles or people passing will be very close to these windows, in particular No 66 which has no protection from the driveway, conflict is therefore inevitable. The vehicle movements round to the rear of 66 Queen Alexandra Road for parking and turning is considered to be unacceptable and neighbourly resulting in unacceptable impacts on the amenity of the occupants of 64 and 66 Queen Alexandra Road in particular.

Officers consider, as the previous scheme, that the impacts created by the proposed development in terms of noise and disturbance due to the access road, parking and turning area as well as associated noise from an additional dwelling in close proximity will have adverse impacts on the amenity of neighbouring dwellings and the enjoyment of their properties. The cumulative effects of the noise and disturbance from the new dwelling is considered to be demonstrable and unacceptable and it is concluded that the application as submitted would fail to relate satisfactorily to the immediate neighbouring properties, contrary to Core Policy 57 and aims of the NPPF in regards to residential amenity.

Highways Safety/parking

Current parking policy, and the terms and conditions for Wiltshire's resident parking permit schemes, are presented in 'LTP3', which is the third evolution of the Wiltshire Local Transport Plan. LTP3 sets out the Council's objectives, implementation plans and targets for transport in Wiltshire for the period from March 2011 to March 2026.

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

The proposed new dwelling is a three bed dwelling and therefore is required to provide two off road parking spaces to comply with the above guidance. The submitted proposed plans show two off road parking spaces and turning area can be provided and parking is also retained for the existing

dwelling No 66, shown as four parking spaces on the proposed site plans. The Highway Authority has raised no objections accordingly.

River Avon Special Area of Conservation (SAC) catchment area

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 previously 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 implemented an interim phosphorous mitigation strategy to offset all planned residential development, both sewered and non-sewered, permitted during this period. Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council 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. However, the interim mitigation scheme is currently under review to agree the mechanism for mitigating all new development in the catchment. As this application cannot currently fall within the scope of the interim mitigation strategy and generic appropriate assessment, it cannot be concluded that it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC in the absence of a bespoke mitigation scheme. At the current time, this would necessitate an additional reason for refusal.

PLANNING BALANCE/CONCLUSION

The principle of the development of a new residential dwelling on this site can be considered acceptable having regard to the settlement strategy of the WCS in that it is within the settlement boundary of a principal settlement with a range of services and facilities and the efficient use of land is encouraged. However, the proposal is considered to have a detrimental effect on the residential amenities of neighbouring properties through the creation of a new dwelling and associated vehicular access and parking positioned in close proximity to boundaries and which is wholly out of character with and harmful to the established pattern of development where the vast majority of dwellings maintain a strong frontage facing the road and public domain and at odds with the character of undeveloped gardens to the rear. As such, the proposal fails to achieve an acceptable design, contrary to both national and local policy and design guidance. Whilst the provision of an additional dwelling would have associated benefits in terms of housing supply and the economy from construction and occupation, the Council is currently able to demonstrate a 4 year housing land supply having regard to the revised NPPF and Regulation 19 status of the Local Plan Review, and as such the tilted balance in favour of development does not apply. It is considered that the scope of such benefits would not outweigh the identified harm resulting from the development as proposed in the context of the strong emphasis on good design in the NPPF. Refusal is therefore recommended.

RECOMMENDATION: REFUSE FOR THE FOLLOWING REASON

1. The proposed development comprises the erection of a detached single storey dwelling within the established residential gardens to the rear of two existing residential properties, served by a new driveway alongside the side wall of No. 66 Queen Alexandra Road, with no road frontage and little relationship with the public domain. The proposal would result in an increase in the density of development, which is considered to be confined, overlooked and a wholly uncharacteristic and discordant feature in the context of the prevailing character of the area. The layout of the proposed development would be materially harmful to the amenities and living conditions currently enjoyed by the occupants of existing residential properties with particular regard to the effects of introducing vehicle movements

in close proximity to the side and rear boundaries of rear gardens giving rise to unacceptable impacts from associated activity, noise and disturbance. The proposed development is, therefore, considered to represent an inappropriate form of development of the site in which the combined impacts of the proposed development would fail to have due regard to the compatibility of the development with the existing built form, to the detriment of residential and visual amenity of existing occupiers and the character and quality of the surroundings, contrary to Policy CP57 of the Wiltshire Core Strategy and the aims of the National Planning Policy Framework, in particular paragraphs 123, 128, 131, 135 and 139, which collectively require a high level of design for new development.

2. The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 180, 185, 186, 187 and 188 of the National Planning Policy Framework

Informative:

With regards to reason 2, it is confirmed that the strategic mitigation scheme is under review and it is anticipated that a report will be taken to the Council's Cabinet in February 2024. Therefore, the Council would be willing to remove this reason for refusal if either a strategic scheme is adopted or a bespoke scheme is accepted by Natural England over the course of an appeal.

APPENDIX A

CASE OFFICER'S REPORT

Application Reference:	PL/2023/02913
Application Type:	Full planning permission
Site Inspection:	1 June 2023
Consultation ends:	18 May 2023
Case officer:	Julie Mitchell

Site Address:	Land to the rear of 64 & 66, Queen Alexandra Road, Salisbury, SP2 9LA
Proposal:	Subdivision of plot, erection of 2 new dwellings, together with hard and soft landscaping
Recommendation:	Refuse

Policies

National Context:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015

CP1 Settlement strategy
CP2 Delivery strategy
CP20 Spatial Strategy for the Salisbury Community Area
CP50 Biodiversity and geodiversity
CP57 Ensuring high quality design and place shaping
CP60 Sustainable transport
CP61 Transport and development
CP64 Demand management
CP67 Flood risk
CP69 Protection of the River Avon SAC

Relevant Planning History
19/01961/FUL Change of use of shop, ground and first floor flats to single residential property, and erection of a rear extension (66 Queen Alexandra Road) - Approved
S/1987/1076 Conversion of house into two flats.AC 26/08/1987 (No. 66)
S/1987/1193 Conservatory and garage. AC 26/08/1987 (No. 64)

Consultation Responses

Salisbury City Council - objects to this application due to overdevelopment, and difficulty of access and egress onto Queen Alexandra Road via the new access route.

WC Highways

Adequate off street parking is proposed for the existing and proposed dwellings. Turning is to be provided within the site to allow vehicles associated with the new dwellings to turn within the site. The existing vehicle access is not proposed to be altered as part of this application.

I wish to raise no highway objection providing the following conditions are imposed:

The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level, and maintained as such thereafter. REASON: In the interests of highway safety.

The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. REASON: In the interests of highway safety.

Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway. REASON: To ensure that the highway is not inundated with private water.

The vehicle access and parking spaces shall remain ungated. REASON: In the interests of highway safety.

No part of the development hereby permitted shall be occupied until the turning area & parking spaces [7] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials. REASON: In the interests of highway safety.

Informatives

The applicant is advised to fully note the requirements for Electric Vehicle Charge Points as required in Approved Document S of the Building Regulations. The requirements in the document represent the minimum standard and the applicant is advised that additional provision may be provided at the applicant's cost.

Representations

No third party representations have been received.

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:

The site comprises the combined rear gardens of Nos. 64 and 66 Queen Alexandra Road together with a strip of land between the two properties. The site is located in an established residential area on the northern side of the city generally characterised by post war suburban housing. No. 66 comprises a detached two storey building formerly comprising a mixed use of shop with flats and now a single dwelling (19/01961/FUL), in use as an HMO (C3 use class). No 64 is a single storey detached bungalow. The rear gardens of the properties numbered 62B to 84 and including the subject properties are generous in depth in this location and back onto the rear gardens of housing in smaller plots in Wellington Way. No. 66 has an open forecourt/hardstanding to the front whilst No. 64 has a small front garden and private drive to the side.

The site lies within the settlement boundary of Salisbury. Core Policy 1 and Core Policy 20 define Salisbury as a Principle Settlement. Core Policy 2 states within the limits of development there is a presumption in favour of sustainable development in principal settlements. The principle of development can therefore be considered acceptable having regard to Core Policies 1, 2 and 20 of the Wiltshire Core Strategy, subject to the consideration of the impacts of the proposed development on its surroundings, addressed in the following sections.

Character and Visual Impact:

The NPPF paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions and para 124 states that planning policies and decisions should support development that makes efficient use of land, taking into account, amongst other things, the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places. Para 126 goes on to state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development which creates better places in which to live and work.

NPPF para 130 states that 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.

NPPF para 134 states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

National Design Guide para 40 states “Well-designed places are: based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively”. National Design Guide para 43 states Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development... patterns of built form... the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development...”

Core Policy 57 of the Wiltshire Core Strategy (WCS) states a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality in the following ways:

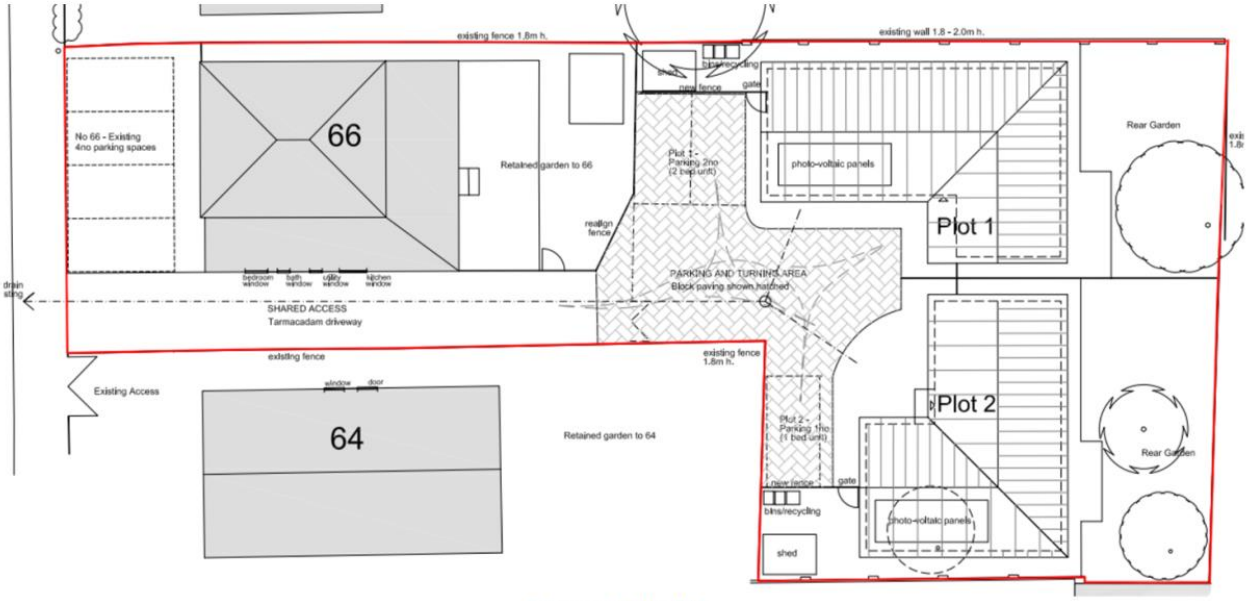
i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained 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
v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area
vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)
viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site

Under the Councils adopted design guidance (Creating Places), Objective 16 states that proposals should
clearly exhibit…

• The importance of space between dwellings and groups of buildings
• The relationship of the site to the wider landscape
• The relationship of dwellings to the street
• The variety and scale evident within groups of dwellings
• How the new dwelling(s) will relate to the context and to each other to create a particular place
• The scale and mass of dwellings providing the context
• The detail which typifies local buildings including treatment of window openings in terms of scale, pattern and ornamentation, eaves and gables, extensions and their materials
• Whether there are alternatives to standard designs, which could enhance even the non-traditional environment?

Poor designs, which take little or no account of their local setting will be refused.

The current authorised use of the site is as the rear gardens of two existing residential properties, although it has been partitioned off by timber fencing and is not currently used as such. The proposed development would comprise two detached single storey properties situated to the rear of each of Nos. 64 and 66, with a vehicular access formed between the two existing properties on land which forms part of the grounds to the side of and immediately adjacent to the side wall of No. 66 with parking and turning areas formed to the rear of the retained curtilage for each of the existing dwellings. The proposed site plan is shown below.



Proposed Site Plan

As such, the proposed dwellings would have no road frontage and would have no reference to the prevailing characteristics of the locality in terms of its layout and spacious quality of the area which is derived largely from the longer, narrower gardens and would not respect the established and distinctive pattern of development where the vast majority of dwellings maintain a strong frontage facing the road and public domain.

The aerial image below shows the context of the site prior to the site being separated and fenced off from the retained gardens for the host properties undertaken as part of the renovations and change of use of No. 66 from shop and flat to single dwelling, since when it has been left untended, but which shows the established garden character between the buildings fronting Queen Alexandra Road and Wellington Way.



Google aerial image

Whilst development on this side of Queen Alexandra Road has some variety in height and design, it is generally aligned/sited similarly as frontage development, sited towards the front of the plots with substantial rear gardens which border the rear gardens of properties in Wellington Road. The local policy context for considering the proposal does not include any specific reference to indicate that the principle of such 'backland' development will not be accepted, neither does it infer that it is to be accepted; this is a site-specific assessment to be made on the characteristics of each site and its surroundings, giving appropriate weight to the effective use of land and the character of the area and principles of good design, including the effect on existing and future occupiers, which is covered in the subsequent section of the report.

In this case, as the height of the proposed dwellings is limited to single storey, the scale of development would be unlikely to be readily visible from the public highway other than direct views from the highway along the proposed access given the position of the existing buildings on the road frontage and enclosure by existing residential gardens, consequently the visual impact on the streetscene would therefore be limited. However the site layout raises concerns in terms of the introduction of new dwellings within the rear gardens, which would result in a form of development which is wholly out of keeping with the prevailing character with the area and producing a denser urban form of development that is considered to be alien and harmful to that character despite the relatively restricted views of the site from the public realm. The proposed dwellings are modest in scale having regard to their single storey height and floor space however the resultant development is cramped within the context of the size of the plot and relationship to the surrounding character of development given the proximity of the development to the side boundaries and with regard to the limited rear garden retained for No. 66 relative to the size of the property. Whilst the proposed development physically sits within the site, it is not considered to fit in with the overall form and layout of its surroundings. The introduction of the proposed development setback from frontage properties would be evident from neighbouring gardens and to a lesser degree visible in glimpses between existing development which together with the intensity and nature of the proposed use, would cause demonstrable harm to the largely undeveloped character enjoyed to the rear of surrounding residential development. Although each site is to be considered on its merits, the type of development proposed would set an undesirable precedent for the introduction of new access driveways alongside existing dwellings and elimination of the quality of the built environment and separation and openness between the development fronting Queen Alexandra Road and Wellington Way in a manner which shows little to no regard to the design guidance criteria.

Reference has been made to the grant of planning permission for residential development in 2017 at 92A Queen Alexandra Road, a few hundred metres to the north of the site. The proposal comprised the demolition of a single dwelling set within a large plot and 4 dwellings, two 2-storey properties fronting the highway and two single storey properties to the rear served by an access to one side. The existing dwelling was sited deep into the site and existing properties to the north of the site were positioned at right angles fronting Roberts Road (backing onto the site). The current site comprises two plots within a run of frontage development with no comparable back land development adjacent or nearby. The location plan for the current site is shown below in comparison to the site for which permission was given.





In the earlier case, it seems that it was the existing dwelling which was out of character with the prevailing pattern and character of development and the context of the layout of surrounding development was markedly different to the current scheme. It is not considered that these sites, or the development proposed, is sufficiently comparable such that it would set a precedent for the determination of the current application.

Reference is also made to a refused outline scheme in the locality in 2020, at 1A Orchard Road, comprising the demolition of a single dwelling and erection of 3 detached dwellings. In that case, the officer report highlighted that the principle of backland development was not specifically restricted by development plan policy, however as can be seen from the location plan extract below, the existing dwelling already presented as a form of 'backland' development and the context for development was not comparable. In any event, it was refused predominantly on amenity grounds, including the nature of vehicular access which is a particular issue for such development involving the intensification of development on existing residential plots.



It is concluded that whilst an increase in density can result in the effective use of land and is not of itself a reason to refuse development and whilst the impact on the streetscene has been limited by the height of the proposed dwellings, the proposal does not satisfactorily or positively respond to the existing locality in terms of the character and pattern of development in this locality by reason of the introduction of separate dwellings with little relationship with the public domain at odds with the predominant character and form of residential development in the surrounding area and which would represent discordant built form in the context of the surrounding garden environment. It is therefore contrary to the aims of Core Policy 57 and NPPF in achieving good design.

Heritage Impacts:
The site is not within an Conservation Area and there are no nearby Listed Buildings.

Neighbour Amenity:

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself:

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

The NPPF includes that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings',* as set out in the previous section.

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

It is acknowledged that the proposal scheme has sought to minimise the impacts of the proposed development of two dwellings in respect of the height of the buildings being restricted to single storey and consequently there is no potential for overlooking from first floor windows whilst the shallow roof pitch would prevent future rooms in the roof and associated dormer or rooflight windows other than by raising the main roof height. However, the layout of the development is considered to have a negative impact on the amenities of the adjoining properties whose outlook would be significantly affected as a result of the siting of the dwellings in such close proximity to boundaries where the gardens are currently undeveloped. It is considered that the presence of two dwellings in the position proposed introduces an overbearing impact for existing residents where such development would be wholly out of character and an unexpected intrusion. It is further considered that the existing development creates a sense of overbearing for future occupiers who would effectively be living in the gardens of existing dwellings with potential to be overlooked by first floor windows. Whilst the site layout would retain some outdoor space at the rear (eastern end) of the plots, these gardens due to their limited depth would result in dwellings substantially significantly closer to the rear elevations of the dwellings in Wellington Road than is currently the case which themselves have relatively short rear gardens and whose outlook to the rear would be affected.

Whilst overlooking and loss of privacy to surrounding properties is largely mitigated by the absence of first floor accommodation and associated windows, the siting of the proposed dwellings would still add to the overall levels of activity associated with the residential use of the dwellings, including car movements, deep into the site, which would further add to the intrusive nature of the development on the amenities of existing neighbouring properties. The creation of parking and turning spaces positioned in close proximity to the neighbouring properties to each side would expose the occupants of these properties to noise and disturbance from non-associated vehicle movements in an area which is currently not used for such purposes. Whilst such impacts may be of a relatively temporary duration, they would be unpredictable and out of the control of the occupiers of the existing dwellings. Due to the position of the access road and parking spaces, the proposal would result in vehicular movements immediately adjacent to, and along much of the depth and rear of, the retained gardens serving these properties, such that it would be difficult for users of those gardens, and to the immediate adjacent gardens of Nos 62 and 68 to avoid noise and disturbance arising from the traffic movements that would be introduced. It is evident that the parking spaces which are designed purely for the convenience of the proposed dwellings would be to the detriment of the amenities of the existing dwellings.

In conclusion, there are a number of aspects in which the proposed dwellings and the access and parking layout would have real and perceived impacts on the amenities of the occupiers of existing dwellings, the cumulative effect of which is considered to be demonstrable and unacceptable and it is concluded that the application as submitted would fail to relate satisfactorily to the immediate neighbouring properties, contrary to Core Policy 57 and aims of the NPPF in regards to residential amenity.

Highways Safety:

The City Council have raised concerns with regard to the 'difficulty of access and egress onto Queen Alexandra Road via the new access route'. However, on the basis that the highways officer has confirmed that there are no highway objections to the formation of a new access and that the parking provision for the proposed dwelling achieves the required standard.

River Avon SAC:

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 cabinets 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 and continues to be applicable. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, it is concluded that it would not lead to adverse impacts alone and in combination with other plans and projects on the River Avon SAC if approved, subject to a standard condition that the dwelling(s) shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

Conclusion:
The principle of the development of two new dwellings on this site can be considered acceptable having regard to the settlement strategy of the WCS in that it is within the settlement boundary of a principal settlement with a range of services and facilities and the efficient use of land is encouraged. However, the proposal is considered to have a detrimental effect on the residential amenities of neighbouring properties through the creation of new dwellings and associated vehicular access and parking positioned in close proximity to boundaries and which is wholly out of character with and harmful to the established pattern of development where the vast majority of dwellings maintain a strong frontage facing the road and public domain and at odds with the character of undeveloped gardens to the rear. As such, the proposal fails to achieve an acceptable design, contrary to both national and local policy and design guidance. Whilst the

provision of two additional dwellings would have associated benefits in terms of housing supply and the economy from construction and occupation, it is considered that such benefits would not outweigh the identified harm resulting from the development as proposed in the context of the strong emphasis on good design in the NPPF. Refusal is therefore recommended.

Refusal Reason(s): (1)

1 The proposed development comprises the erection of two detached single storey houses within the established residential gardens to the rear of two existing residential properties, served by a new shared access alongside the side wall of No. 66 Queen Alexandra Road, with no road frontage and little relationship with the public domain. The proposal would result in an increase in the density of development which is considered to be cramped, overlooked and a wholly uncharacteristic and discordant feature in the context of the prevailing character of the area. The layout of the proposed development would be materially harmful to the amenities and living conditions currently enjoyed by the occupants of existing residential properties with particular regard to the effects of introducing vehicle movements in close proximity to the side and rear boundaries of rear gardens giving rise to unacceptable impacts from associated activity, noise and disturbance. The proposed development is, therefore, considered to represent an inappropriate form of development of the site in which the combined impacts of the proposed development would fail to have due regard to the compatibility of the development with the existing built form, to the detriment of residential and visual amenity of existing occupiers and the character and quality of the surroundings, contrary to Policy CP57 of the Wiltshire Core Strategy and the aims of the National Planning Policy Framework, in particular paragraphs 119, 124, 126, 130 and 134, which collectively require a high level of design for new development.