The Planning Inspectorate

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Wiltshire Council
Planning Appeals
County Hall
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Wiltshire
BA14 8JN

Your Ref:
Our Ref: APP/Y3940/D/24/3336441

20 March 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr and Mrs B Wheeler
Site Address: 12 King Alfred Way, Winsley, Bradford On Avon, Wiltshire, BA15 2NG

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Caroline Tranter
Caroline Tranter

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2024

Appeal Ref: APP/Y3940/D/24/3336441
12 King Alfred Way Winsley Bradford on Avon Wiltshire BA15 2NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs B Wheeler against the decision of Wiltshire Council.
- The application Ref: PL/2023/06444 dated 27 July 2023 was refused by notice dated 25 October 2023.
- The development sought to be approved is Alterations and single storey extensions. solar panel array, external insulation and external over cladding; amendments to the roof.

Decision

1. The appeal is allowed and planning permission is granted for Alterations and single storey extensions. solar panel array, external insulation and external over cladding; amendments to the roof at 12 King Alfred Way Winsley Bradford on Avon Wiltshire BA15 2NG in accordance with the terms of the application Ref: PL/2023/06444 dated 27 July 2023 and the drawings submitted with it subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan DWG No 473.P.010.P02; Proposed Ground Floor Plan DWG No 473.P.110.P02; Proposed First Floor Plan DWG No 473.P.111.P02; Proposed Roof Plan DWG No 473.P.112.P02; Proposed Sections DWG No 473.P.200.P02; Proposed Elevations DWG No 473.P.300.

   3) The development hereby approved shall not proceed above ground floor level until details of the proposed walling, cladding and roofing materials (to include on-site sample panels of the proposed walling/cladding materials) have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

   4) The development hereby approved shall not proceed above ground floor level unless and until construction details (i) of roof alterations and (ii) at a scale of 1:20 of all overcladding at junctions with the existing external wall surfaces or eaves, including in the vicinity of the party wall with the adjoining dwelling, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with such details.

Application for Costs

2. An application for costs was made by Mr and Mrs B Wheeler against Wiltshire Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal the character and appearance of the host dwelling and street scene.

Reasons

4. The appeal site (No.12) is a semi-detached two-storey house located on a corner plot within an established mid-twentieth-century suburban development of similar housing. A consistency in use of materials, layout and form is evident, including subsequent extensions or additions which I observed in the locality, with steep pantiled roofs and detailing of verges and chimneys that make reference to vernacular built form. However, despite these positive characteristics, the predominance of concrete masonry which lacks the vibrancy of natural material under weathering engenders a general blandness in the character of the street scene.
5. The proposal intends to facilitate the enhancement of No.12 with some additional accommodation but also by overcladding to improve thermal performance of No.12's wall construction, and to provide a southerly roof slope. Overcladding would inevitably conceal existing walling and introduce new materials not found in neighbouring properties. The Design and Access Statement provided by the appellant explains that the roof reorientation and resulting loss of symmetry is a considered response to the design problems the proposal creates by the introduction of new materials as well as providing an opportunity for the addition of photo-voltaic panels.
6. Policy CP57 of the Wiltshire Core Strategy 2015 (WCS) seeks that development of all types should pursue a high standard of design and at (iii) requires proposals (including extensions) to 'respond positively to existing townscape' in terms of a number of built form parameters, including 'elevational design'; however that does not prescribe a requirement to retain symmetry for its own sake. In this case the corner location, more spacious plot and separation from other dwellings to the south-east provides an opportunity for a distinctive architectural solution to the ambitions of the appellant that does not disrupt the existing pattern of development or overwhelm its neighbours.
7. The Council acknowledge the need to improve the performance of existing housing stock, this being an objective of WCS Policy CP41 that aligns with CP57 at (v). However, substantial improvement to thermal performance of older existing housing can only go so far without insulation overcladding, in which respect change to external appearance is unavoidable. In many cases the balance between visual harm and the benefits of what is proposed will be finely balanced, but if executed within a considered and well-executed design approach and other constraints absent as is the case here, the environmental and other benefits may, in planning terms, outweigh other concerns.
8. I therefore conclude, as my reasons direct, that the proposal would accord with the development plan taken as a whole and, having taken all matters raised into account, that the appeal should succeed.
9. The Council have proposed some conditions which I have considered and adjusted having regard to the 6 tests to be applied. In addition to the usual

plans and timing conditions, a condition to control the quality and appearance of the materials is appropriate given the basis of my decision. I note there have been representations as to certain matters which are addressed by other legislation such as the Party Wall Act, Building Regulations or by Civil Law. For that reason the suggested requirement as to roof drainage which seems intended to prevent a trespass by rainwater or other similar concerns, would not be relevant to planning. However, a condition requiring details of how the proposed external finishes would relate to (or join) the paired dwelling would be necessary to demonstrate what is proposed would have regard to visual and other architectural requirements.

Andrew Boughton

INSPECTOR

The Planning Inspectorate

Costs Decision

Site visit made on 16 February 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2024

Costs application in relation to Appeal Ref: APP/Y3940/D/24/3336441
12 King Alfred Way Winsley Bradford on Avon Wiltshire BA15 2NG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr and Mrs B Wheeler for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of the Council to grant planning permission for Alterations and single storey extensions. solar panel array, external insulation and external over cladding; amendments to the roof.

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The applicant for costs points to the behaviour of the Council in their 'disregard of the Council's own policies'. However it is apparent from the applicant's statement that this complaint does not extend beyond divergence as to weight, or lack of such, to be applied to differing considerations which development plan policies identify. It is frequently the case that policies, whether at national or local level, pull in differing directions and the determination of planning applications requires the exercise of professional judgement as to which considerations hold sway in the circumstances of each case.

4. Whilst it may be frustrating for applicants who have plainly exercised design skill to have this dismissed, these are, as stated, subjective matters which rest wholly with the decision taker.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Boughton

INSPECTOR