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/24/3337565

05 April 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr & Mrs Mike Maners
Site Address: 34 Tugela Road, CHIPPENHAM, SN15 1JF

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,

Jessica Werrett
Jessica Werrett

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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 19 March 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024.

Appeal Ref: APP/Y3940/D/24/3337565
34 Tugela Road, Chippenham, Wiltshire, SN15 1JF

- 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 & Mrs M Maners against the decision of Wiltshire Council.
- The application Ref PL/2023/06970, dated 16 August 2023, was refused by notice dated 25 January 2024.
- The development proposed is the erection of a single-storey rear extension to replace existing single-storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made retrospectively after the proposed works had commenced. I saw during my visit that the works were substantially complete.

Main Issues

3. The main issues are the effects of the development upon the character and appearance of the host dwelling and wider area, including the Chippenham Conservation Area, and upon the living conditions at 33 Tugela Road, with particular regard to visual impact and light.

Reasons

Character and Appearance

4. The appeal property is a mid-terraced, two-storey dwelling within a residential street of similar properties on the edge of the Chippenham Conservation Area (CA). The front, stone faced elevation of the dwelling with ornate stone window and door surrounds is a feature of these terraced properties and contributes positively to the character and appearance of the wider CA. The rear elevations of the dwellings to this side of Tugela Road are tightly contained by the rear garden settings of the properties and are out of sight from the public domain, backing onto what appeared to be a former industrial site beyond the boundary of the CA.

5. Plans which accompanied the application showed an original single-storey projection across half the width of the property and mirrored at No 35, with a more shallow '*Existing Canopy Over*' the original void adjacent to No 33. No 33 has a similar layout that is mirrored at No 32, which is a pattern that appeared

to be repeated as part of the original terrace. The development undertaken has replaced the original single-storey projection with an equivalent 4.6m deep, flat-roof addition across the full width of the property.

6. The extension is unashamedly contemporary in design, finished with composite black cladding. As a single-storey addition I find the development to be appropriate in terms of scale and bulk relative to the dwelling, with well-proportioned window and door openings. In my assessment, the appearance of the extension marks it as a distinct addition to the more traditional form of the original dwelling in a positive way and aligns with the Council's broad support for varied approaches and contemporary additions to properties in this location, as is clearly stated within the officer's report.

7. The rear elevation of the terrace is not overly sensitive to change, and the extension's position within its enclosed back-garden is not seen within its wider context. I am not persuaded that the choice of dark coloured materials detracts from its quality or contributes to an extension overall that is out of keeping or visually unappealing. For this reason, I am satisfied that the extension is neither harmful to the character or appearance of the appeal property or to the wider area. As such, I find no conflict with criterion (iii) of Policy CP57 of the Wiltshire Core Strategy 2015 (WCS) as far as it relates to quality of design and respect for the existing townscape. For the same reason I am satisfied that there is no conflict with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed and beautiful places in terms of the quality of the building. Based on these findings it follows that the area's significance as a designated heritage asset is unaffected. This reflects the Council's own findings on this particular matter.

Living Conditions

8. No 33 is unextended to the rear nearest to the appeal property. There is an approximately 1.8m high timber panel fence along the common side boundary between both properties. According to the plans which accompanied the application, the extension exceeds the depth of the canopy which previously occupied the space to the rear of No 34 adjacent to No 33. The appellants' assertions within their appeal submissions that the new building is exactly the same area as the original kitchen and original lean-to are not supported by any substantive evidence or by the plans which accompanied the original planning application.

9. The extension projects 4.6m beyond the immediately adjacent rear wall of No 33, which includes a window to existing living space, and far exceeds the height of the existing fence. It is obviously visible from No 33 above the typical and conventional residential garden enclosure, as was apparent to me during my site visit, and as is shown on the planning application drawings. In my assessment, due to a combination of its depth, height and proximity to the boundary, the extension has imposed itself at extremely close quarters upon the outlook from the neighbouring ground floor living space, and from the immediately adjacent rear garden space at No 33, as a visually dominant and intrusive addition. Based upon the information before me, this has noticeably altered the arrangement which existed prior to the extension being constructed and, in my assessment, has significantly and unacceptably contributed to an increased degree of enclosure to the rear of this neighbouring property.

10. I am not persuaded by any substantive evidence that levels of natural light to the neighbour's internal living space has been significantly affected. However, this does not diminish the level of visual harm that I have identified, which is contrary to WCS Policy CP57 part (vii) as far as it relates to the impact of development upon the amenities of existing occupants. By failing to create a high standard of amenity for existing users of No 33, in this context there is conflict with the Framework's objectives for achieving well-designed and beautiful places.

Conclusions

11. Notwithstanding my findings on the first main issue, for the reasons given, I find that the extension has harmed the living conditions at 33 Tugela Road. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR