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ATLAS
PLANNING GROUP

STATEMENT OF CASE

PL/2023/09400

Land to the rear of 64 & 66, Queen Alexandra Road, Salisbury, SP2 9LA

May 2024

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1. EXECUTIVE SUMMARY

1.1 Atlas Planning Group Ltd have been instructed by the Appellant to provide a Statement of Case to accompany an appeal submission, following Wiltshire Council's refusal of application PL/2023/09400 on the 22nd of January 2024 (Decision Notice and Officer Report included in **Appendix A**).

1.2 The application sought planning permission within the settlement of Salisbury for the subdivision of plot, and erection of 1 new dwelling, together with hard and soft landscaping.

1.3 As demonstrated in Figure 1, the appeal site relating to the rear of No. 66 Queen Alexandra Road is larger than any others in the local vicinity and extends across the rear of No. 64. In line with the Government's objectives to make effective use of land, the development sought to erect a low-profile single storey dwelling on this underutilised parcel of land within this highly sustainable area.



Figure 1: Location Plan

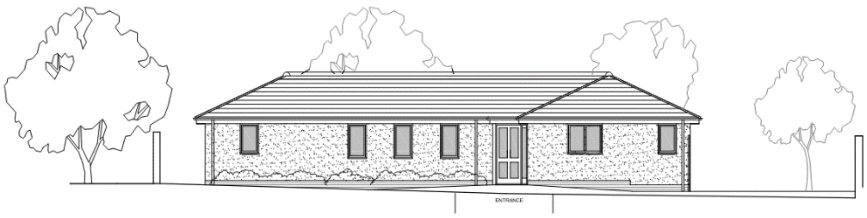
1.4 The LPA, however, found the development to be incompatible with the character of the surrounding built form, causing harm to neighbouring amenity, contrary to Core Policy 57.

1.5 This Statement of Case outlines that by virtue of the dwelling's low profile and distance between neighbouring properties (which accords with the distances and guidelines set out within Wiltshire

Council's Design Guide), there would be no harm to the residential and visual amenity of existing occupiers. The current size of the plot does not correspond to the surrounding built form at present. There are numerous other examples of backland plots in the local area and therefore, the proposed development would not be an incongruous and harmful addition.



1.6 The appeal proposal was also refused on ecology grounds due to the location of the site within the River Avon catchment area. However, had the development been found otherwise acceptable by the LPA, this issue would have been resolved with suitable mitigation provided through the Council's credit agreement and allocation. Therefore, this appeal is accompanied by the relevant budget calculations so that mitigation can be agreed upon should this appeal be found acceptable.



NORTH-WEST FRONT APPROACH ELEVATION 1:100

Figure 2: Proposed elevation

2. THE PROPOSAL

2.1 The description of the development can be summarised as follows:

"*Subdivision of plot, erection of 1 new dwelling, together with hard and soft landscaping. (resubmission of PL/2023/02913)"*

2.2 The application followed a previously refused application for two dwellings on the same plot (application PL/2023/02913) and sought to overcome the LPA's earlier concerns. However, the application was refused on the 22nd of January 2024.

2.3 The Decision Notice states two reasons for refusal:

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.

3. GROUNDS OF THE APPEAL

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

3.2 Therefore, the starting point for determination must be the policies of the adopted development plan, which consists of the Wiltshire Core Strategy (2015), the Saved Policies from the Salisbury District Local Plan (2011) and the recently adopted Wiltshire Design Guide (2024). Regard must also be given to other material considerations such as relevant Case Law and relevant Planning Appeal decisions which could justify a departure from the Development Plan.

3.3 The reasons for refusal can be summarised as follows:

- **Would the proposal harm the character and appearance of the area?**
- **Does the proposal have a significant harmful impact on the amenity of neighbouring properties?**
- **Will the proposal impact the River Avon SAC**

CHARACTER AND APPEARANCE OF THE AREA

3.4 The first reason for refusal outlines that the proposal would result in an increase in the density of development, which is considered by the LPA to be confined, overlooked and a wholly uncharacteristic and discordant feature in the context of the prevailing character of the area.

3.5 The Officer Report explains that the site plans demonstrate that the proposed new dwelling remains a 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.

3.6 However, this description of longer narrower gardens is not truly representative of the character and appearance of the area. As shown on the OS map extract below, whilst it is true there are some dwellings with long back gardens, there are also other examples where there are backland dwellings or development behind the frontage buildings. The character and appearance of the area are mixed, with a range of building heights and uses, as highlighted by the Officer.



Figure 3: Analysis of the character of the area

3.7 Given the varied character of the area and other examples of backland development, the development is considered to accord with Core Policy 57, which requires a high standard of design, and the National Design Guidelines which are highlighted within Wiltshire's Design Guide. This states that well designed new development is influenced by an appreciation and understanding of vernacular and local characteristics, considering the composition of street scenes, individual buildings and elements.

3.8 The LPA argue that 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 of 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.

3.9 However, a similar backland development was considered at appeal just over 100m from the appeal site. Whilst accessed off Wellington Way (the road behind Queen Alexandra Road), the appeal proposal at 92A Queen Alexandra Road (Wellington Mews) related to three frontage dwellings and two backland dwellings. The LPA had similarly refused the application on grounds that the development would impact the character and appearance of the area and yet, the Inspector clarified that properties in the immediate area do not appear to rigidly adhere to the same eaves and ridge height, with the staggered building line of nearby dwellings giving a further impression of variation (Appeal Decision APP/Y3940/W/16/3163112, Appendix B)

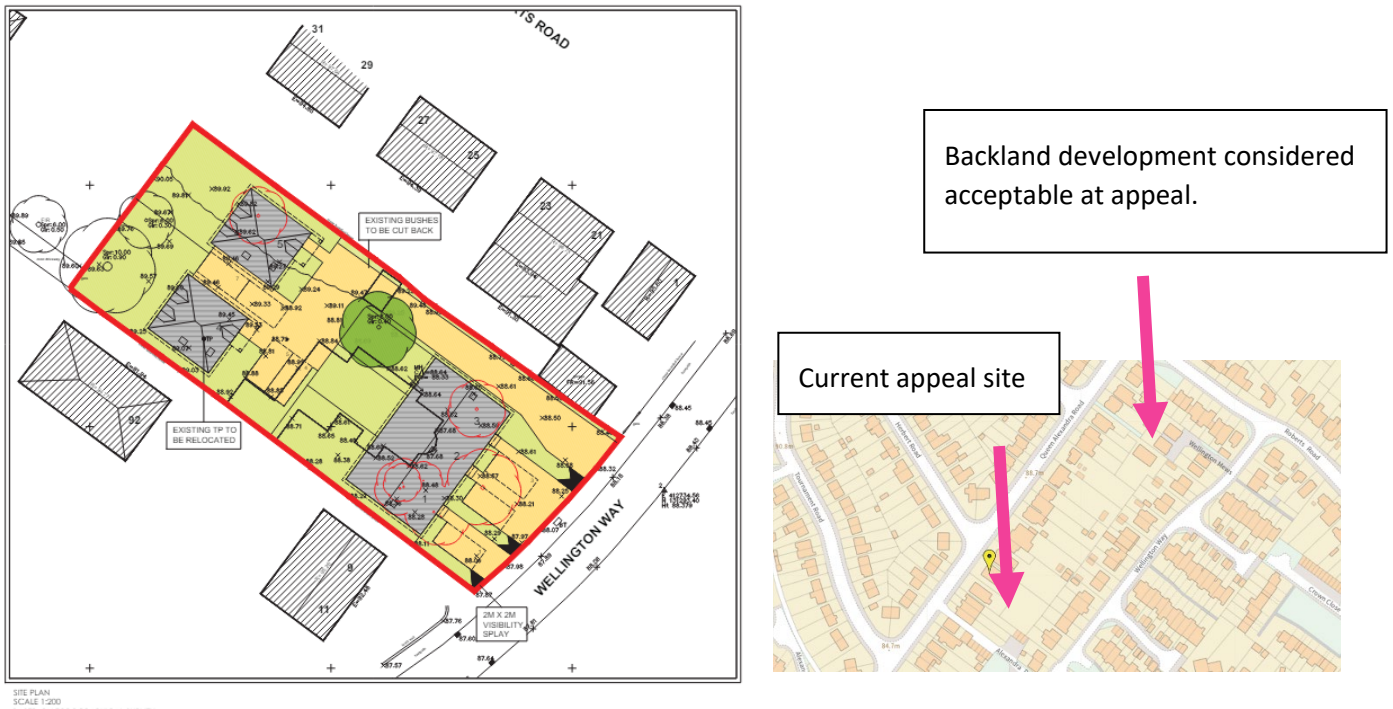


Figure 4: Proposed site plan for backland development

3.10 Although dismissed on other grounds, the Inspector concluded that the proposal would not harm the character and appearance of the area. It would not conflict with Core Policy 57 of the Wiltshire Core Strategy, which seeks high quality design and the enhancement of local distinctiveness. Moreover, a revised proposal of similar nature on the same site was subsequently approved under application 17/04897/FUL, where the two backland dwellings have been erected and form part of the existing character of the area.



Figure 5: Application 17/04897/FUL now built showing no harm to the character of the area

3.11 The Officer in their report argues that this precedent just metres from the appeal site is not relevant because the original house before the dwellings were erected did not accord with the character of the area. Equally, the current appeal site does not accord with the character of the area and the approved dwellings which sit in a backland position have been erected and now form part of the local vernacular.

3.12 Regardless, the character and siting of the existing house was not an important material consideration for the Inspector in determining the appeal. Rather, the Inspector highlighted that the immediate area do not appear to rigidly adhere to the same eaves and ridge height, with the staggered building line of nearby dwellings giving a further impression of variation.

3.13 The same arguments can be applied to this appeal site, where the character of the area does not have a consistent eaves and ridge height and there exists a staggered building line of nearby dwellings. Despite

being accessed off Wellington Road, the proposed new dwelling behind No. 64 and 66 Queen Alexandra Road would follow the same building line as the dwellings approved and built under 17/0489/FUL, along with 92 Queen Alexandra Road that sits behind No. 90 Queen Alexandra Road.



Figure 6: The appeal proposal according with the existing building line

3.14 In reaching their decision to refuse this application at the rear of No. 66 Queen Alexandra Road, the Officer in their report explains that 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.

3.15 However, the fact that the proposed dwelling will not be highly visible ensures that it would not have a discernible impact on the character and appearance of the area. Indeed, the lack of visibility of other backland developments in Wiltshire has been a key consideration in determining the acceptability of development, along with numerous appeal decisions for Inspectors.

3.16 For example, a backland dwelling in Whiteparish was approved because:

"Due to the significant reduction in scale of the proposed dwelling which would not be particularly visible from the street as it would be largely screened by dwellings fronting the road and ancillary

buildings, officers consider that a refusal on design grounds would be difficult to sustain. The scale, siting and design of the proposal are considered to be appropriate" (18/07025/FUL)

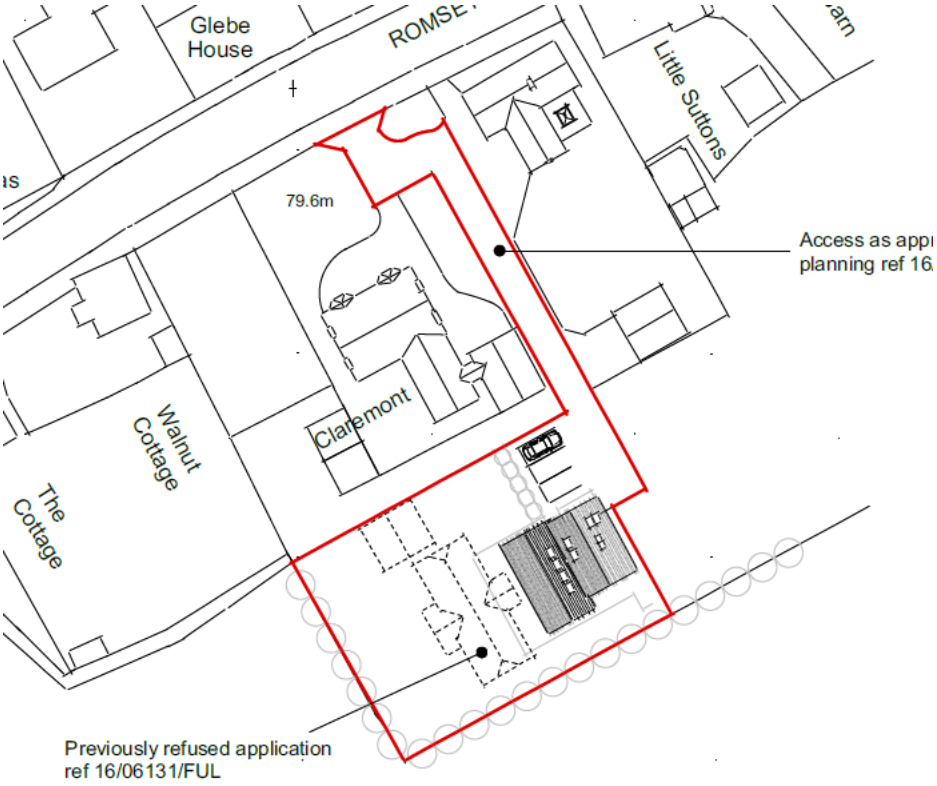


Figure 7: Proposed site plan 18/07025/FUL

3.17 Section 3.3 of the Wiltshire Design Guide provides the expectations for new developments, where paragraph 3.3.1 states that the design of new buildings should make use of the available opportunities for enhancing the identity of a place unless the context requires new development to **'subtly bend in'**, which may be the case for **small infill schemes.**

3.18 The Design Guide does not also preclude backland development and in this case, the use of subtly through its design and low profile ensures that the proposed dwelling would not be prominent or harmful to the character and appearance of the area.

3.19 Further to this, the resulting development would not create a denser form of development. Indeed, the proposed development accords with Wiltshire Design Guide regarding expectations for private amenity space.

3.20 Paragraph 9.2.2 of the Wiltshire Design Guide states that minimum garden areas for all houses should be equivalent to the footprint of the house. The appeal proposal has a garden of more than double the footprint of the proposed house. The garden area is approximately 264 sq.m, whilst the proposed house is only 127.5 sq.m.

3.21 Likewise, No. 66 and No. 64 have more than sufficient garden spaces, being south facing and extending further than 10m (which is a general minimum distance as per the Wiltshire Design Guide, although No. 66 is an HMO and therefore, only 5sq.m per apartment is required for communal space and No. 64 is single storey).

3.22 It appears that the LPA has refused this application because the development would set a precedent for other backland development in the area. As outlined in the Officer Report, 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 of 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.

3.23 However, the above arguments demonstrate that there is other backland development within the immediate vicinity of the appeal site and therefore, it would not be an incongruous addition which would set a harmful precedent. The proposal accords with the prevailing character and the resultant development would accord with the design expectations within the Wiltshire Design Guide. The appeal site is larger than any others within the local area and so can suitably accommodate a new dwelling. Given that each application must be determined on its own merits, the appeal proposal would not set a harmful precedent for the introduction of new dwellings within rear gardens.

3.24 For the above reasons, the proposal accords with Core Policy 57, the Wiltshire Design Guide and the NPPF.

RESIDENTIAL AMENITY

3.25 The second reason for refusal relates to the impact on neighbouring amenity. The LPA have concerns regarding the layout of the development and its impact on neighbouring outlook, amenity, and the potential overlooking from the existing occupiers.

3.26 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)."

3.27 The appeal proposal is positioned to the rear of No. 64 and No. 66 Queen Alexandra Road. The Officer in their Report explains that there are 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.

3.28 The Officer goes on to state that the siting of a new dwelling in the location proposed is 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.

3.29 However, as explained above, the resultant gardens for the appeal proposal and both Nos. 64 and No. 66 accord and exceed the design expectations within the Wiltshire Design Guide. Thus, ensuring that the development is not cramped or contrived, and no outlook is harmed.

3.30 As identified above, the proposed garden space for the appeal dwelling is more than double the footprint of the 1 storey house and comprises a wraparound south-east facing garden, which is more than 5m in length.

3.31 No. 66 Queen Alexandra Road is a 6-bed HMO and as per the guidelines in the table from the Wiltshire Design Guide below, 5sqm should be provided of private communal space, where no public open space is within 480m of the site. A minimum of 60sq.m of private amenity space should be provided and yet, 90 sq.m is shown. Given that the amenity space is 50% larger than what is required, the development is not 'squeezed' into the rear garden.

Type of Private Amenity Space	Apartments	1 storey houses	2 storey houses	3 storey houses
Minimum rear garden area	Not applicable	Equal footprint of dwelling	Equal footprint of dwelling	Equal footprint of dwelling
Minimum length of garden	Not applicable	9m if north facing, 5m otherwise	12m if north facing, 10m otherwise	15m if north facing, 10m otherwise
Minimum balcony/terrace area	5m² for 2 people + 1sqm per additional occupant	Not applicable	Not applicable	Not applicable
Private communal space, where no public open space within 480m	5m² per apartment	Not applicable	Not applicable	Not applicable

Figure 8: Wiltshire Design Guide for private amenity space

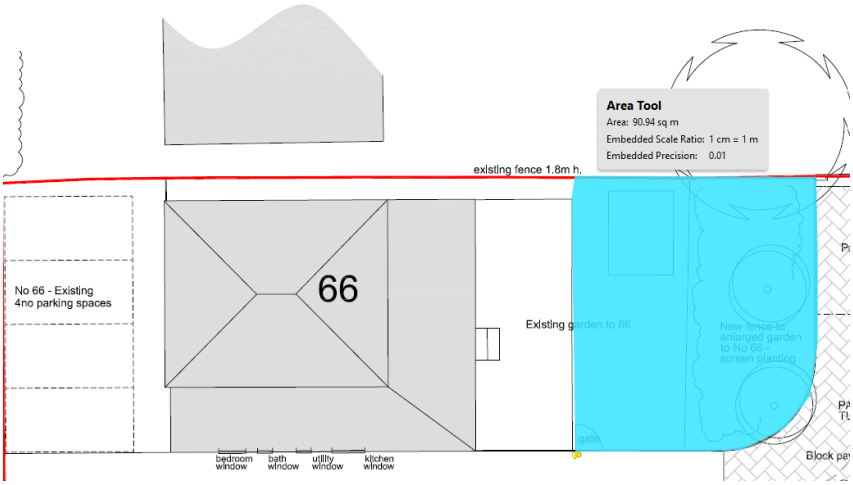


Figure 9: Private amenity space for No. 66

3.32 No. 64 Queen Alexandra Road is a single-storey dwelling so the minimum rear garden should be equal footprint to the dwelling with a 5m long garden. The resultant proposal exceeds these standards. Indeed, the garden area for this property is approximately 129sq.m, whilst the footprint of the dwelling is only

approximately 98sq.m. The length of the garden is also circa 12 metres, thus exceeding the minimum length.

3.33 The LPA argue that the development squeezes a new dwelling onto the plot and yet, the proposal exceeds the guidelines set within the Wiltshire Design Guide, which ensures that all dwellings are provided with sufficient private open space. The proposal would therefore not be cramped and contrived.

3.34 The outlook of No. 66 would not also be affected due to the separation distances involved, the low profile of the proposed dwelling, and the fact that additional planting is proposed on the rear boundary. Likewise, the outlook of No. 64 would not be affected due to being a single storey dwelling. The existing dwelling is currently bound by a 1.8 metre fence and does not currently enjoy any views or outlook of an undeveloped parcel of land. Therefore, the introduction of a new dwelling within this residential area would be neither harmful nor uncommon.

3.35 Officers also argue that there is potential for overlooking the application site from properties that 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.

3.36 Wiltshire Design Guide outlines the Council's expectations with regard to new developments overlooking and adjacent to existing private amenity space. Paragraph 9.2.5 states that in these circumstances, *"the traditional 'back-to-back' separation of minimum 20m should be respected."*

3.37 In this respect, No. 66 is positioned 21 metres from the appeal site and therefore, is at a distance where any undue overlooking would be difficult. Any other two storey dwelling is positioned further from the site and despite this distance exceeding the design guidance, overlooking would be hard to achieve due to the orientation and layout of the dwelling, where any views would be onto the driveway and there are no habitable rooms facing towards No. 66.

3.38 Whilst the rear of No. 64 is positioned approximately 16 metres from the proposed dwelling and therefore, just short of the 20 metre back-back distance, no undue overlooking would occur. This is because No. 64 is a single storey dwelling and so no overlooking is possible, so the separation distance is justified. The proposal is therefore considered to accord with Core Policy 57 in this regard.

3.39 In addition to outlook and overlooking issues, the LPA argue that the development is still backland development and the siting of the proposed dwelling in the rear garden of 66 and 64 Queen Alexandra Road will result in an increase in levels of activity and movement associated with the new dwelling within the garden.

3.40 The Officer explains that both of these properties have windows on the 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 around 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.

3.41 The proposed driveway arrangements comprise a tarmac driveway between Nos. 64 and Nos. 66, where the drive will be separated from No. 64 by an existing 1.8 metre high fence to avoid any visual or noise disturbance.

3.42 Whilst ground floor windows are positioned on the side elevation of No. 66, which will be in close proximity to the drive towards the appeal proposal, it is not considered that the development would cause any undue harm to the living conditions of these existing occupiers.

3.43 Notwithstanding that only one of the windows (closest to the road) serves a habitable room, the existing arrangement means that cars drive past these windows in any case. No. 66 is a 6-bed HMO, and the photograph below shows the existing parking arrangements where cars are parked in close proximity to the side windows. Existing, therefore, both No. 64 and No. 66 currently experience the comings and goings of potentially three individual households, who park in this area.



Figure 10: Existing parking arrangements (taken from Streetview in 2020)

3.44 Whilst the driveway extends further beyond the rear, the additional movements from one additional household would not cause an unacceptable impact, and the proposed upgrade of the surface from loose gravel to tarmac would only improve the current situation. After all, as outlined within the submitted Planning Statement, a similar issue was recently considered by the Planning Inspectorate on a similar site in Amesbury where two backland dwellings were proposed (Appeal Ref: 3298946, Appendix C).

3.45 The Inspector stated:

"The proposed development would result in vehicles passing along a new access drive between No 42 and Plot A, with vehicles being parked close to the shared boundaries with No 46 and Karinya. However, given the small scale of the development, boundary treatments and relatively limited number of traffic movements associated with it, the proposal would be unlikely to cause unacceptable noise and disturbance to neighbouring occupants."

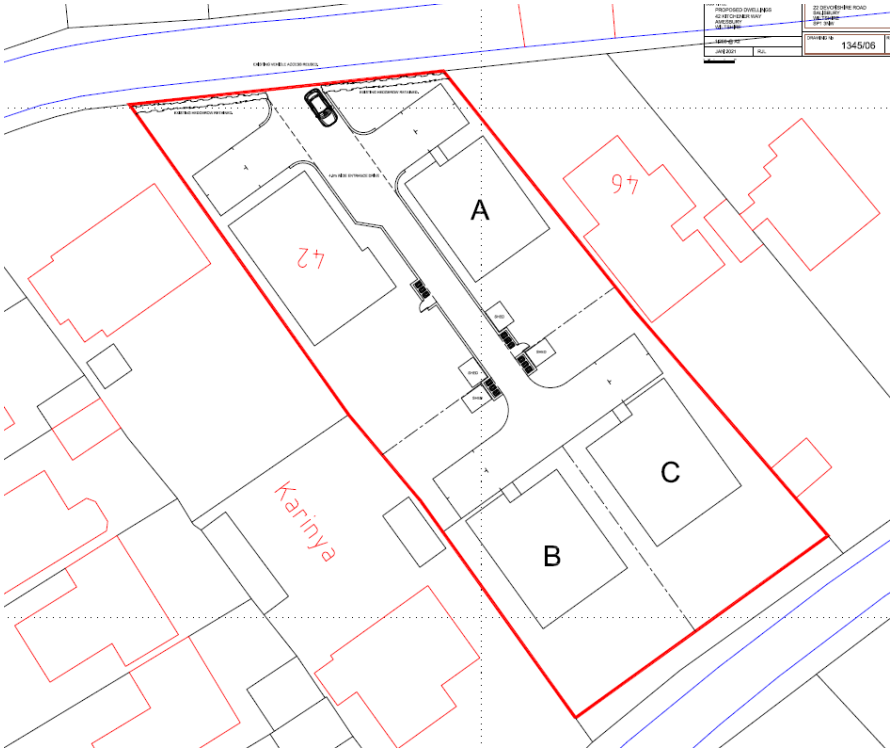


Figure 11 - Proposed Site Plan for Appeal Ref 3298946

3.46 The same arguments could be applied to this scheme; however, the impact would be even less given that this appeal relates to just one dwelling.

3.47 After all, an Inspector examined a proposal for the erection of a single dwellinghouse to the rear of existing properties in Wiltshire at appeal and commented:

"The parking spaces for the proposed dwelling would be sited adjacent to the rear garden boundary with no. 11. Although I note from the application drawings that sufficient space has been retained to incorporate planting alongside the rear boundary with no.11. This could be suitably secured by a planning condition on any grant of permission. Meanwhile, the proposed access drive would lead off the main highway and be routed between the flank walls of both no. 11 and 13. The access drive would be sited particularly close to the side elevation of no. 13, which contains windows at both ground and first floor level that face onto the proposed driveway.

Both the proposed access drive and parking spaces would therefore share a close relationship with the adjacent dwellings. However, it is not unusual for a driveway to a single dwelling to pass close to a neighbouring dwelling or its garden in suburban locations. The proposal would result in some additional brief noise associated with vehicle movements and also a possible fleeting disturbance from headlights at night. However, given the scale of the development, and the likely associated level of vehicle movements, the overall level of noise and disturbance is likely to be somewhat limited in nature.

Consequently, I do not consider the proposal would result in significant noise or disturbance that would unacceptably harm the living conditions of neighbouring occupiers at nos. 11 and 13. I therefore find, in respect of safeguarding the living conditions of neighbouring residents, the proposal accords with Policy CP57 of the Core Strategy." *(Appeal Decision* Appeal Ref: APP/Y3940/W/22/3303889, Appendix D)

3.48 The same arguments can be applied to this scheme.

3.49 Accordingly, as confirmed by Inspectors, the movements associated with a modest three-bedroom dwelling is not considered to cause any undue harm to existing occupiers. As highlighted above, there are already vehicles driving and parking adjacent to these existing windows. Furthermore, bins would only be moved around twice weekly to bring them to and from the collection point and that this would be unlikely to be during the night-time when people are sleeping, which would cause the greatest level

of noise disturbance. The fact that the driveway is tarmac also reduces any noise disturbance and improves upon the existing gravel arrangement with a consolidated material.

3.50 With regards to the impact on No. 64, the parking area is positioned away from this dwelling, where the drive would be screened by both the existing fence and shed that exists. As per the site plan, the garden of the proposed dwelling predominantly abuts this neighbour rather than the driveway. Therefore, reducing the impact on their outdoor amenity space and living conditions. However, in any case, as outlined above by Inspectors, the proposal would only result in some additional brief noise associated with vehicle movements and also a possible fleeting disturbance from headlights at night.



Figure 12: Relationship with No. 64

3.51 For the above reasons, the proposal is therefore considered to be acceptable in light of Core Policy 57 and its impacts on existing and future occupiers.

RIVER AVON SPECIAL AREA OF CONSERVATION (SAC) CATCHMENT AREA

3.52 As highlighted in the case officer report, the appeal proposal falls within the catchment of the River Avon SAC and has the potential to cause adverse effects alone or in combination with other developments through the discharge of phosphorus in wastewater.

3.53 Following a Cabinet: 6 February 2024 Revised Nutrient Neutrality Strategy, the Council has revised its approach for developments requiring nutrient credits in the Hampshire Avon. A Council-led scheme of phosphorus credits is therefore available for planned development at a fixed cost per kilogram of phosphorus, provided supply of mitigation is available.

3.54 Had the appeal proposal been found acceptable, the development could have achieved phosphorus neutrality and mitigated its impact on the River Avon through the Council-led scheme and the purchasing of credits. Indeed, the development is planned development since it complies with Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy.

3.55 Accordingly, this appeal is accompanied by the River Avon SAC: nutrient neutrality calculator for the Council's ecologist to approve. The mitigation fee is payable on the commencement of development and can be secured through a section 106 agreement or through a unilateral undertaking.

3.56 For the above reasons, subject to securing suitable mitigation, the development would overcome the reason for refusal relating to the River Avon and so would be in accordance 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.

4. PLANNING BALANCE AND CONCLUSIONS

4.1 The application subject of this appeal sought full permission for the proposed erection of 1 dwelling (Use Class C3) and associated works. The proposed dwelling would be sited to the rear of No. 66 (a 6 bed HMO) and No. 64 (a single storey dwelling), where there is an existing large plot that has been already separated from the frontage buildings.

4.2 The appeal proposal was refused planning permission on the grounds that the new dwelling would harm the character and appearance of the area and would cause unacceptable living conditions for existing occupiers. Moreover, the impact on the River Avon was a further reason for refusal since mitigation could not be secured through the planning application process.

4.3 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. To provide maximum clarity about design expectations at an early stage, the LPA should prepare design guides or codes consistent with the principles set out in the National Design Guide and which reflect local character and design preferences (paragraph 133).

4.4 Development that is not well designed should be refused, especially where it fails to reflect local design policies and significant weight should be given to development which reflects local design policies and guidance on design, taking into account design guides and codes (paragraph 139a of the NPPF).

4.5 In this respect, the development was refused because the development did not accord with the character and appearance of the area and would represent a cramped and contrived arrangement.

4.6 However, this Statement has shown that the proposal accords with the character of the area, which is defined by a staggered building line and various building heights (as confirmed by other Inspectors at appeal) and the development fully accords with the provisions within the Design Guide:

1. Due to its low profile and position, the dwelling will ‘subtly blend in’ in accordance with section 3.3
2. The proposal ensures that the garden sizes and lengths are suitable in accordance with section 9.2
3. Minimum back-to-back distances have been exceeded in accordance with paragraph 9.2.5

4.7 This Statement has demonstrated that the proposal would not harm the living conditions of existing occupiers through the new driveway, with several appeals confirming that the comings and goings from one new dwelling would not produce harmful levels of noise and disturbance.

4.8 The proposal therefore fully accords with the policies contained within the Wiltshire Core Strategy and the design expectations within the Wiltshire Design Guide.

4.9 The appeal proposal is a sustainable form of development and although the Council can provide at least 4 years' worth of housing, this is not a cap, and the Government still encourages the effective use of land to boost the supply of housing. There are therefore several benefits of the proposal including:

- Paragraph 70 of the NPPF further highlights that Local Planning Authorities should "*support the development of windfall sites through their policies and decisions*". The Housing Land Supply Statement (May 2023) highlights that there is a deliverable supply of 9,849 between 2017-2022. Of this, 1,219 will be from windfall sites, equating to **12.4% of deliverable sites across Wiltshire.** The provision of a new dwelling in this location would therefore be a benefit to the housing supply of the area and small windfall sites should not be discounted.

- A bungalow provides a social benefit since single storey dwellings are particularly suitable and popular with older people. Wiltshire Council's SHMA (2017) outlines how, *"Britain's population is ageing, and people can expect to live longer healthier lives than previous generations. The older population is forecast to grow to 21.6m by 2037 for the over 60s, and from 1.4m (2012) to 3.6m by 2033 for the over 85s. Given this context, PPG recognises the importance of providing housing for older people".* Although the proposal is not a form of specialist accommodation, as a single storey home, the development will be particularly attractive for older people who may wish to remain in general housing rather than move to specialist accommodation or case. Indeed, CP 46 of the WCS states, inter alia, that developers must demonstrate how proposals respond to the needs of an ageing population.

- The occupiers of the proposed property would help support and sustain local services and facilities. Future occupiers are also likely to participate in activities and events within the local community, which would also provide a social benefit.

- In economic terms, the proposal would contribute through the Community Infrastructure Levy, providing a benefit during the construction phase to local construction workers. Wiltshire Council would also gain directly in Council Tax and New Homes Bonus payments.

- In environmental terms, the proposed dwelling would be located in a sustainable location, within Salisbury. The site is also served by nearby public transport opportunities, which itself would reduce the need for private transportation for the future occupiers of the dwellings. The nearest bus stop is within short walking distance from the site on Herbert Road providing regular 1RED services towards Salisbury District Hospital.

- The site is also within close proximity to numerous services, including a Junior School, recreation ground, sport and social club, hospital, chapel, church, pubs, post office and business park.

4.10 The proposal would provide a benefit related to all three dimensions of sustainable development, as encouraged in the NPPF and therefore, we commend the proposal to you.


A

Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/09400

Decision Date: 22 January 2024

Applicant:	Square One Developments Ltd c/o Agent Atlas Planning Group, Bodenham House Barn, Bodenham, Salisbury SP5 4EN
Particulars of Development:	Subdivision of plot, erection of 1 new dwelling, together with hard and soft landscaping. (resubmission of PL/2023/02913)
At:	Land to the rear of 64 & 66, Queen Alexandra Road, Salisbury, SP2 9LA

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (2)

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.

Informatives:

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.

Parvis Khansari **- Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).

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.

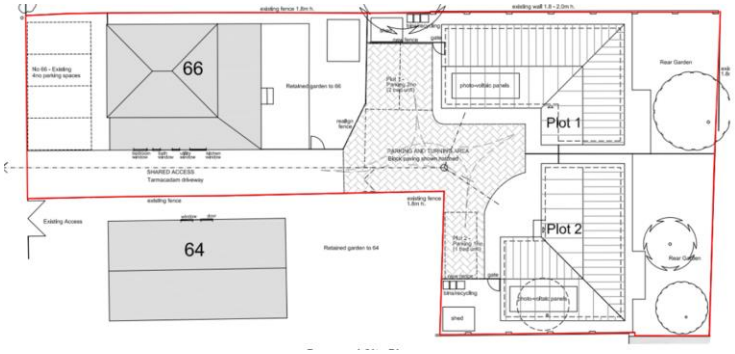
This application is a resubmission of refused application PL/2023/02913 which was for the Subdivision of plot, erection of 2 new dwellings, together with hard and soft landscaping". The Officer report for PL/2023/02913 is included at Appendix A. There was a single reason for refusal, as follows:

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.

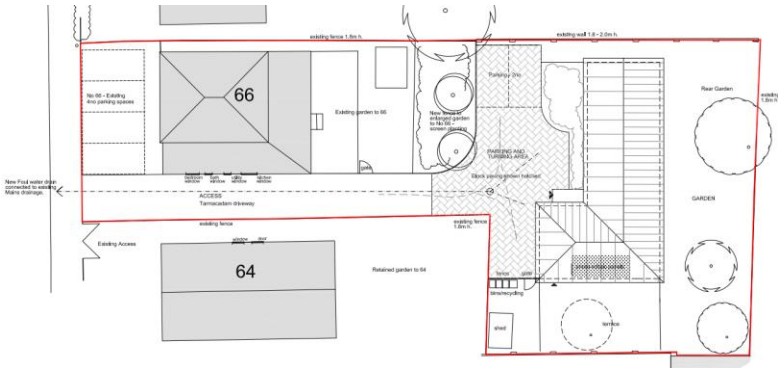
The current authorised use of the site is as the rear gardens of two existing residential properties, although it has been partitioned off by timber fencing and is not currently used as such. The proposed development would comprise a new detached single storey property situated to the rear of Nos. 64 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:

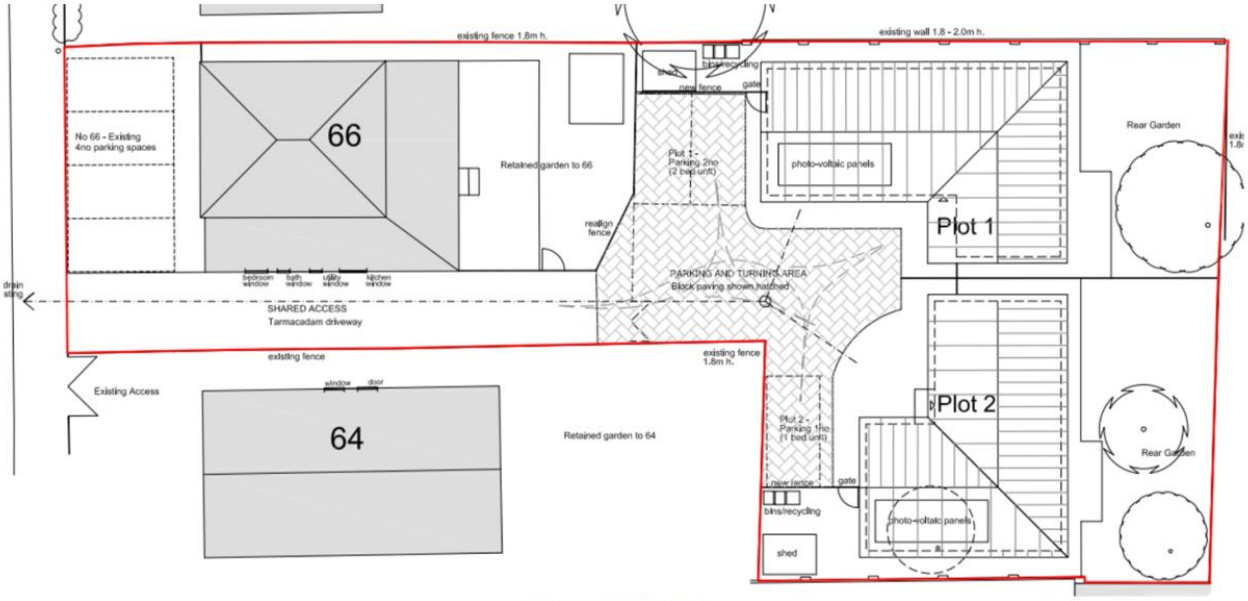
i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained 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.

B

The Planning Inspectorate

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Your Ref:
Our Ref: APP/Y3940/W/16/3163112

Wiltshire Council
Development Services
The Council House
Bourne Hill
Salisbury
SP1 3UZ

16 February 2017

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Landmark Estates (GBR) Limited
Site Address: Land at 92a, Queen Alexandra Road, SALISBURY, SP2 9LB

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,

Pauline Dun
Pauline Dun

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 30 January 2017

by Veronica Bond LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2017

Appeal Ref: APP/Y3940/W/16/3163112
92A Queen Alexandra Road, Salisbury SP2 9LB

- 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 Landmark Estates (GBR) Limited against the decision of Wiltshire Council.
- The application Ref 16/06703/FUL, dated 8 July 2016, was refused by notice dated 16 September 2016.
- The development proposed is demolition of existing dwelling and the erection of five dwellings with associated access, parking and landscaping.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
    - the effect of the proposal on the character and appearance of the area;
    - the effect on the living conditions of neighbouring occupants, with particular regard to outlook and overshadowing;
    - whether adequate living conditions would be afforded to the occupants of Unit 3 in respect of noise and disturbance; and
    - whether the proposal would provide adequate parking arrangements.

Reasons

Character and appearance

3. The appeal site currently comprises the plot of a single detached property. This dwelling is taller than the adjacent properties at 9 and 11 Wellington Way. However, properties in the immediate area do not appear to rigidly adhere to the same eaves and ridge height, with the staggered building line of nearby dwellings giving a further impression of variation.

4. The proposed development would demolish the existing house and see five new dwellings constructed on the site. The three dwellings at the front of the site would be positioned slightly forward of Nos 9 and 11 and close to the boundary with No 9. The discrepancy in height between No 9 and the three front dwellings would not though be visually jarring in the context of varying property styles and designs and staggered building line of Wellington Way properties close to the appeal site.

5. Although there would be three parking spaces on the site frontage, there would remain some room for a degree of soft landscaping, consistent with similar arrangements seen nearby.

6. I conclude then on the first main issue that the proposal would not harm the character and appearance of the area. It would not conflict in this regard with Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015) (CS) which seeks high quality design and the enhancement of local distinctiveness. It would accord with Objective 16 of the Council's Design Guide – Creating Places (adopted 2006) which seeks to avoid poor designs which take little or no account of their local settings. There would be no conflict either the aims of the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) relating to good design.

Living conditions – neighbours

7. Properties in the immediate area are generally positioned with their rear gardens end to end, ensuring a reasonably open outlook for occupants. The proposed dwellings would alter this pattern meaning that the built form of the proposed properties would be at the end of the relatively short rear gardens of 21, 23, and 29 Roberts Way. The result would be of an enclosing effect, significantly impeding the outlook from rear habitable rooms and the private garden areas of these properties. The effect would be magnified for the occupants of Nos 21 and 23 which have been extended to the rear and would have the full height gable end of Unit 3 in very close proximity.

8. Properties at 9 Wellington Way and 92 Queen Alexandra Road have side windows on the boundary with the appeal site which would be very close to Units 1 and 4 respectively. Although there would be some loss of outlook from the side windows to No 92, these would not though be directly opposite the side wall of Unit 4. Windows to No 9 would appear to be to non-habitable rooms and on this basis, any loss of outlook from these windows would not be materially harmful.

9. As to overshadowing though, although I note comments in relation to orientation, given the close proximity of the side windows to No 92 and scale of the built form proposed, there would be some overshadowing of the side windows to this property. This would result in a gloomy and unpleasant living environment. Whilst the effect would be similar in respect of the side windows to No 9, on the basis that these windows are to non-habitable rooms, the effect would not be materially harmful.

10. In view of the separation distances involved and scale of the built form proposed, the use of landscaping and high boundary treatments would not overcome the overbearing impact on the outlook for the occupants of the properties as outlined. For the same reasons, the roof form proposed for Units 4 and 5 also would not be enough to prevent the harm identified. Whilst the separation distances might not conflict with any locally adopted standards, this does not preclude the finding of harm.

11. As outlined, I find in respect of the second main issue that the proposal would have a harmful effect on the living conditions of neighbouring occupants, with particular regard to outlook and overshadowing. It would conflict in this respect with Core Policy 57 of the CS which includes in its aims ensuring that development has regard to the impact on the amenities of existing occupants.

There would be conflict also in this regard with the aims of the Framework and the Guidance in seeking to ensure a good standard of amenity for occupants of land and buildings.

Living conditions – future occupants

12. The dwelling labelled as Unit 3 would be positioned adjacent to the access for the two rear properties – Units 4 and 5. Bearing in mind the limited numbers of cars which would use this access, any noise and disturbance which would result from use of this access would be at a reasonable level for a residential area. It would not be any different to similar arrangements seen in other residential areas and would not result in poor living conditions for the occupants of Unit 3.

13. I therefore find in respect of the third main issue that the proposal would provide adequate living conditions for the occupants of Unit 3 in respect of noise and disturbance. It would accord in this way with Core Policy 57 of the CS which includes in its aims ensuring appropriate levels of amenity within the development itself. There would be accordance also with the related aims contained within the Framework and the Guidance.

Parking

14. Core Policy 64 of the CS, together with Policy PS6 of the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) (CPS) provide for minimum residential parking standards. In respect of the appeal proposal, this would amount to a requirement for two spaces per dwelling, along with a visitor space shared between the five dwellings. As proposed, there would be a deficiency of some four parking spaces against this standard. Core Policy 64 indicates though circumstances in which reduced residential parking requirements will be considered – including where any parking overspill can be controlled.

15. The availability of on street parking spaces in the vicinity of the site is limited by the presence of vehicle crossovers. These do though mean that many houses have off street parking, thus reducing the demand for on street spaces. Further, there would appear to be a good deal of on street parking spaces available in that on street parking is generally otherwise unrestricted. As such, any parking overspill from the development would be appropriately controlled. Given that the surrounding immediate area appears to see relatively low levels of fairly slow moving traffic, any additional manoeuvring in the road from cars locating a parking space would be very unlikely to result in any highway safety harm.

16. I conclude then on the fourth main issue that the proposal would provide adequate parking arrangements. Whilst it would not meet with the required standards provided for by Core Policy 64 of the CS and Policy PS6 of the CPS, any overspill parking would be adequately controlled as required by Core Policy 64. There would also be no adverse highway safety effects and thus compliance with the underlying aims of these policies. There would be no conflict in this respect with either the Framework or the Planning Practice Guidance which include similar aims.

Other Matters

17. I acknowledge the planning history of the site including as regards a previous application and that there is no in principle objection to the proposed development. The proposal would provide additional units of residential accommodation in a relatively accessible location, and in line with a number of CS policies cited including as regards the housing requirement for the area. This would be in accordance also with the Framework's aims to significantly boost the supply of housing. This offers moderate weight in favour of the proposal.

Conclusion

18. The proposal would offer some moderate benefits as outlined and I found no harm in respect of the character and appearance of the area, regarding parking provision, or as to the living conditions of future occupants. These aspects do not though outweigh the development plan conflict and harm found as regards the living conditions of neighbouring occupants. Given the tri-partite definition of sustainable development in this Framework, the proposal would not therefore represent the sustainable development in respect of which the Framework creates presumption in favour. For the above reasons, I find that the appeal should fail.

Veronica Bond
INSPECTOR



The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/Y3940/W/22/3298946
42 Kitchener Road, Amesbury SP4 7AD

- 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 Osman Homes Limited against the decision of Wiltshire Council.
- The application Ref PL/2021/09272, dated 28 September 2021, was refused by notice dated 24 November 2021.
- The development proposed is Subdivision of plot, alterations to existing dwelling and the erection of 3 dwellings (Use Class C3) and associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed during my site visit that a dwelling has been constructed in a position within "Plot A". I understand the planning permission (reference 21/01745/FUL) has been granted for two new dwellings on the site together with alterations to No 42. I have no reason to consider that the development being carried out is not within the terms of the existing planning permission. I am however cognisant that the main parties agree that the new dwelling already approved within Plot A would lie in a position approximately 1 metre further southeast compared against the plans submitted in relation to this appeal.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the living conditions of neighbouring occupiers, with particular regard to the effect of Plot C upon the outlook of No 46, and the effect of Plot B upon the outlook of Karinya; and, (ii) the character and appearance of the surrounding area.

Reasons

Living conditions

4. The dwelling within Plot C would lie close to the shared boundary with No 46, adjacent to the rear garden areas of this property. No 46 also lies close to this boundary and there are windows, including patio windows, in its rear elevation as well as an external decking area. There is a high close board timber fence along the boundary between the two sites.

5. The rear garden of No 46 backs onto The Drove, and whilst there are two storey dwellings on the opposite side of The Drove, these sit at a lower level than No 46 and are set back. This, together with the presence of garden areas

either side of this property, means that the rear elevation and garden of No 46 are private and with a sense of spaciousness. The recently built dwelling at Plot A does not diminish these qualities.

6. The Plot C dwelling would be positioned close to the shared boundary with No 46. At its highest point it would be just under 7 metres. Whilst it would have a hipped gable roof, meaning that its highest point would not be close to the boundary, it would nonetheless be a conspicuous presence in rear views. Further, as the dwelling would extend along a large proportion of the shared boundary and be in close proximity to the rear of No 46, the proposal would be significant in terms of creating a dominant and obtrusive development. This would result in an undue sense of enclosure causing harm to the neighbouring occupiers living conditions. In coming to this view, I am mindful of the existing planning permission for a new dwelling at the rear of the appeal site which, although that would be a taller chalet bungalow, would be positioned more centrally within the site and further away from the site boundaries where the impact on neighbouring occupiers would not be so significant.

7. With regard to Plot B and the relationship of the proposal to Karinya, whilst the dwelling would lie close to the boundary, an access drive to a garage within the property of Karinya provides some separation and the proposed dwelling would lie roughly in line with its side end gable and to its northeast side. There are two windows in the side gable of Karinya, at ground floor level facing the appeal site, however, these appear to be dual aspect. In these circumstances, I find that as the Plot B dwelling would be closely aligned to the existing dwelling, replicating similar relationships between dwellings seen elsewhere in the local street scene, the new dwelling would not appear unduly overbearing to the occupiers of Karinya.

8. The proposed development would result in vehicles passing along a new access drive between No 42 and Plot A, with vehicles being parked close to the shared boundaries with No 46 and Karinya. However, given the small scale of the development, boundary treatments and relatively limited number of traffic movements associated with it, the proposal would be unlikely to cause unacceptable noise and disturbance to neighbouring occupants.

9. Therefore, I find the proposal would not result in unacceptable harm in terms of either noise and disturbance or the living conditions of Karinya. Nevertheless, I conclude that the proposal would have a harmful effect on the living conditions of the neighbouring occupiers of No 46 with particular regard to outlook. As such, with regard to this issue, there would be conflict with Policy 57 of the Wiltshire Core Strategy (WCS) which requires, amongst other things, that development is of a high standard of design, including having regard to the impact on the amenities of existing occupants. There would also be conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, requires the decision maker to ensure proposals create places that promote health and well-being, with a high standard of amenity for existing and future users.

Character and appearance

10. The site lies within a predominately residential area with some variety in plot configurations, layout and built form. Most properties are contained in reasonably sized plots which are accessed directly from the street. As Plots B and C would be accessed by the internal driveway the appeal scheme would

represent a departure from this, the principle of which has already been accepted by the extant approval for the site. Most generally the dwellings set within a townscape context where there is a wide variety of residential properties, including some detached chalet bungalows on Kitchener Road, and two storey houses such as those on The Drove. They would not appear unusual or out of place as part of the visible street scene of The Drove contributing to the range and diversity of properties in the area. Overall, the proposal would not appear as over-development, nor would it be overly prominent or incongruous in the existing street scene.

11. I conclude on this issue that the proposal would not have a harmful effect upon the character and appearance of the surrounding area. In this regard the proposal would not conflict with the provisions of Policy 57 of the WCS which, amongst other things, requires that developments should enhance local distinctiveness and take account of the characteristics of the site and the local context. Nor would it conflict with paragraph 130 of the Framework which, amongst other things, requires the decision maker to ensure that proposals will add to the overall quality of an area, be visually attractive as a result of good architecture, and maintain a strong sense of place.

Other Matters

12. On the evidence before me I am unable to rule out, in the first instance, likely significant effects on the integrity of the River Avon Special Area of Conservation as a result of increased phosphates through wastewater emanating from the proposal. In addition, the Council's Case Officer's Report refers to likely significant effects on Salisbury Plain Special Protection Area Site as a result of potential impact of recreational pressure on Stone Curlew in-combination with other plans and projects. Had I been minded to allow the appeal, it would have been necessary for me to consider these matters further within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons given above, I have not pursued these matters further.

13. A previous planning application at Bulford Road has been brought to my attention. The full details of the case are not before me, however, from the evidence available that case related to a proposal with a larger number of houses and the relationship with neighbours was evidently different. My attention has also been drawn to other appeal cases relating to new housing. All but one of those cases was not subject to the WSC policies. The exception to this relates to Winterbourne Dauntsey, Wiltshire which did not consider the impact of development upon outlook of neighbouring occupiers as a main issue.

14. In any case, the circumstances in each proposal are likely to be different, and the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. The relationship with neighbouring properties, its scale and the nature of the development currently under consideration are materially different to those cases. Therefore, these are matters to which I attach limited weight.

Planning balance

15. The Council accepts that it is not possible to demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework states that plans and

decisions should apply a presumption in favour of sustainable development and that for decision-taking this means that, where the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

16. The proposed development would be harmful to the living conditions of No 46 with particular regard to outlook, contrary to policy within the development plan. Given that Policy 57 is broadly consistent with the relevant provisions of the Framework this conflict is a matter of considerable weight in my decision.

17. Paragraph 60 of the Framework refers to boosting significantly the supply of housing. Two new dwellings have already been permitted at this site by the Council. In terms of this proposal, there would be a small social benefit in providing an extra housing unit on the site in a location with good access to facilities and services to serve the day to day needs of prospective residents. The proposal would also make a more efficient use of land. Occupiers would be likely to participate in the local community and use relevant services. Some economic advantages would arise from the construction and occupation of an additional dwelling. However, the provision of one additional unit within the site would make little meaningful difference to the supply of housing and these benefits would be limited.

18. The appellant refers to the benefit of supporting the housing needs of vulnerable and older people. However, even if the dwellings were to be occupied by vulnerable and older people this would not be controlled because the proposal is for unfettered open market dwellings. I therefore attach limited weight to this point.

19. Against these limited benefits, the proposed development would cause unacceptable harm to the living conditions of occupiers of No 46. Overall, I find that the adverse impacts of the proposed development relating to the living conditions of occupiers of No 46 would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR



The Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/Y3940/W/22/3303889
11 Quemerford, Wiltshire, Calne SN11 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Alistair Fenwick, Box Property Group Ltd, against Wiltshire Council.
- The application Ref PL/2022/03438, is dated 3 May 2022.
- The development proposed is described as 'The erection of a new dwellinghouse'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council did not issue a decision on the planning application, it has provided a statement setting out the reasons why it would have refused planning permission. This has informed the main issues of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on: a) the character and appearance of the area; and b) the living conditions of neighbouring occupiers of nos. 11 and 13 Quemerford, with respect to noise and disturbance.

Reasons

Character and Appearance

4. The appeal site predominantly forms part of the rear garden of no. 11 Quemerford, which comprises a large detached, two-storey dwelling set within a sizeable plot. The surrounding area has a suburban residential character.

5. The section of Quemerford in which the appeal site sits is predominantly characterised by traditional residential development that varies in its precise style and appearance. Nevertheless, properties along Quemerford maintain a clear linear arrangement and, for the most part, have a strong presence within the streetscene. Indeed, most buildings along the neighbouring section of Quemerford are set out on a consistent building line, fronting onto the main highway, behind front gardens with strong boundary treatments. This creates a consistent pattern and grain of development.

6. The proposed dwelling would be accessed from the main highway via a driveway that would run between no.11 and no. 13 Quemerford (nos. 11 and

13), with the proposed dwelling sitting behind no.11. As such, it would result in a backland form of development that would be in marked contrast with the prevailing pattern of development.

7. I recognise that the existing boundary frontage of no. 11 is to be retained. Additionally, the appearance of the proposed dwelling, in terms of its overall scale, architectural features and use of materials are sympathetic to the surrounding built form. However, the proposed dwelling's position and lack of street frontage would be out of character with the underlying form of neighbouring development. Furthermore, although located to the rear of no. 11 and only 1.5 storeys in height, the incongruous relationship that the proposed dwelling would share with neighbouring properties would still be appreciable from the public domain.

8. I observed that more recent housing development exists off Wessington Park largely to the rear of the appeal site, while there are also relatively modern housing estates located to the south, accessed via Trinity Park and Stockley Lane. The layout and built form in these areas diverge from that found along Quemerford, instead comprising of dwellings that are laid out in cul-de-sacs and closes with less defined building lines. However, the proposed development would primarily be viewed in its more immediate context on Quemerford.

9. The appellant highlights that the surrounding area already contains backland forms of development. Notably, a nearby development to the rear of no. 7 Quemerford (no. 7) has been identified. However, I have been provided with very little detail of the circumstances of that permission. In addition, from my observations on site, the development to the rear of no. 7, when viewed from public vantage points, did not obviously read as a backland dwelling. This was due to its design being more akin to a sizeable single storey extension to no. 7. Conversely, where views of the appeal scheme would be possible from the public realm, its relationship with the surrounding built form would more clearly appear as a separate, incongruous, backland dwelling.

10. Additional examples of backland developments in the wider area have also been brought to my attention by the appellant. Again, I have little information before me as to the circumstances of these developments. However, from the evidence before me and my observations on site, these were located some distance from the appeal site. As such, while there are already existing backland developments nearby, I still did not find these to be particularly representative of the predominant layout and character of the area in which the proposal would sit. Consequently, the presence of these other examples does not lead me to a different view in this case.

11. Whilst I agree that the site is in a sustainable location for residential development, the proposed layout would nonetheless be uncharacteristic of the surrounding pattern of development.

12. Overall, I find that the proposed development would be at odds with the prevailing layout of neighbouring built form. It would therefore have a harmful effect on the character and appearance of the area. As such, it would conflict with Policy CP57 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy). The policy establishes that, amongst other matters, new development must make efficient use of land whilst taking account of the characteristics of the site and its local context, to deliver development that

relates effectively to the immediate setting and to the wider character of the area.

13. The proposal would also conflict with Policy BE2 of the Calne Community Neighbourhood Plan (Made 2018) (Neighbourhood Plan). The policy provides amongst other matters, that all development must be designed to a high quality that reinforces local distinctiveness, including in relation to settlement patterns.

14. It would also not comply with the principles set out in Chapter 12 of the National Planning Policy Framework (the Framework) which states that development should be sympathetic to local character.

Living Conditions

15. Core Strategy Policy CP57, amongst other matters, also requires that new developments have regard to their compatibility with adjoining uses and to the impact on the amenities of existing occupants.

16. The Council is satisfied that the proposed development would not result in a harmful loss of privacy or overbearing impacts to neighbouring properties. From the evidence before me and my observations on site I have found no reasons to disagree. The Council's concern instead lies with the relationship that the access drive and parking arrangements for the proposed dwelling would share with both nos. 11 and 13.

17. The parking spaces for the proposed dwelling would be sited adjacent to the rear garden boundary with no. 11. Although I note from the application drawings that sufficient space has been retained to incorporate planting alongside the rear boundary with no.11. This could be suitably secured by a planning condition on any grant of permission. Meanwhile, the proposed access drive would lead off the main highway and be routed between the flank walls of both no. 11 and 13. The access drive would be sited particularly close to the side elevation of no. 13, which contains windows at both ground and first floor level that face onto the proposed driveway.

18. Both the proposed access drive and parking spaces would therefore share a close relationship with the adjacent dwellings. However, it is not unusual for a driveway to a single dwelling to pass close to a neighbouring dwelling or its garden in suburban locations. The proposal would result in some additional brief noise associated with vehicle movements and also possible fleeting disturbance from headlights at night. However, given the scale of the development, and the likely associated level of vehicle movements, the overall level of noise and disturbance is likely to be somewhat limited in nature.

19. Consequently, I do not consider the proposal would result in significant noise or disturbance that would unacceptably harm the living conditions of neighbouring occupiers at nos. 11 and 13. I therefore find, in respect of safeguarding the living conditions of neighbouring residents, the proposal accords with Policy CP57 of the Core Strategy.

Other Matters

20. The Grade II Listed Talbot Public House lies closely to the north-west of the appeal site. The public house is already bound on three sides by residential properties, while the A4 highway lies immediately to its south. The Council has

not raised concerns in relation to the effects of the proposed development on the Grade II listed building. Nevertheless, I have a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

21. Based on the evidence before me and my observations on site, the building is of 18th Century origin and has been constructed in coursed limestone rubble, brick gable stacks and a stone slate roof. It displays an attractive double frontage and has previously been extended to the rear, probably in the mid to late 19th Century. I deem that the significance of the listed building primarily lies in its age, architectural qualities, and historic interest as a public house on a main thoroughfare.

22. The overall scale of the proposed development, its use, and relationship with the listed building is such that I am satisfied that the development would preserve the setting of the listed building. It would have a neutral effect that would have no material impact on its setting and significance, nor lessen the ability to identify its historic nature.

23. I note the appellant's frustrations with the way the Council dealt with the application, particularly its lack of communication. However, this is a matter for the Council to address, and I have determined the appeal on its own merits.

Planning Balance

24. The Council acknowledge that it is unable to demonstrate a 5-year supply of housing sites. Paragraph 11(d)ii of the Framework therefore applies. This requires an assessment of the proposal against the policies of the Framework taken as a whole.

25. Whilst paragraph 60 of the Framework refers to significantly boosting the supply of housing the provision of one additional unit would make little meaningful difference. When judged against some of the core planning principles, the proposal would perform well in that it would provide a new dwelling, in a sustainable location and make efficient use of land. However, good design is also a key aspect of sustainable development.

26. The proposal would provide a small social benefit through the provision of a new dwelling. It would also provide economic benefits through the creation of employment during the construction process, and further spend of residents in the local economy. However, given the scale of the proposed development each of these associated benefits would be individually and cumulatively modest.

27. The appellant has also identified various other attributes associated with the proposed development. These include that it would comply with all national space standards, is designed to protect neighbouring amenity, would actively promote the use of alternative sustainable modes of transport, and is also policy compliant in terms of archaeology, heritage, drainage, and ecology matters. However, these are each to be expected of new development proposals. Accordingly, they are neutral matters in the planning balance as opposed to benefits.

28. Against the above, the harm to the character and appearance of the area identified would be significant. As a result, the environmental role of sustainable development would not be achieved. Notably, the Framework sets

an expectation that development should be well designed so that it is sympathetic to local character, including the surrounding built environment. Policies CP57 of the Core Strategy and BE2 of the Neighbourhood Plan are therefore consistent with the Framework. Even taking account of the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be given significant weight in this instance.

29. Overall, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

30. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR