The Planning Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line:
Customer Services:
0303 444 5000

Email: east3@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

Your Ref: PL/2023/05635
Our Ref: APP/Y3940/W/23/3332113

09 August 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Chris Hale and Jane Curtis
Site Address: 178 & 179 High Street, Royal Wootton Bassett, Wiltshire, SN47BZ

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 sincerely,

Joe Snarr
Joe Snarr

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

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

The Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/Y3940/W/23/3332113
178 & 179 High Street, Royal Wootton Bassett, Wiltshire SN47BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Chris Hale and Jane Curtis against the decision of Wiltshire Council.
- The application Ref is PL/2023/05635.
- The development proposed is a new driveway entrance with associated landscape alterations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the wall to the front boundary of the appeal site had been removed and the new access created. Nevertheless, I have considered the proposal on the basis of the submitted plans.

3. A vehicle tracking drawing is submitted as part of the appeal. As the Council and interested parties have had the opportunity to comment on this information, no injustice would occur should I consider it. Therefore, in the interest of clarity, I have determined the appeal having regard to this plan.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, including whether it would preserve or enhance the character and appearance of the Royal Wootton Bassett Conservation Area and its effect on the non-designated heritage asset, and highway safety.

Reasons

Character and appearance

5. The appeal site is located within an area of mixed character with residential properties of various styles and commercial properties nearby, and a school immediately opposite the site. It comprises neighbouring dwellings that front High Street, 178 High Street (No 178), a detached dwelling and 179 High Street (179), a semi-detached dwelling which forms one half of a pair and is similar in appearance to others on this side of High Street.

6. The appeal scheme relates to the formation of a new shared access and driveway to the dwellings, which occupy a slightly elevated position in relation to the adjoining carriageway. The appellant's submissions indicate that to

undertake these works, the development includes the removal of the wall fronting the main road and earthworks to regrade the front gardens.

7. The site is located partly within the Royal Wootton Bassett Conservation Area (the CA), which, from my observations, gains its significance from the historic buildings of architectural interest that reflect the evolution of the area, and provide a sense of history, significance, and character.

8. The wall to the front boundary of the site, is identified as a non-designated heritage asset (NDHA) by the Council. It was associated with a former Baptist Chapel that previously occupied the site and included steps and pillars which provided access to the site. Notwithstanding the absence of the chapel itself, and even if it was initially retained solely as a retaining structure, the available evidence suggests that the wall was nevertheless of some historic significance as an interesting feature that contributed to the understanding of the evolution and character of the area. As such, the boundary wall made a positive contribution to the character and appearance of the CA, in addition to being of significance as a NDHA.

9. The development has led to the complete loss of the NDHA and therefore its significance. Moreover, the demolition of the wall, which made a positive contribution to the CA, has eroded the historic significance of the CA.

10. While a retaining wall of some age runs alongside the highway further along the High Street, where the land rises, boundary treatments in the vicinity of the site are varied in nature, including low walls and fences set back from the road with an intervening grass verge, as well as railings, fences, and walls positioned closer to the highway.

11. The frontage development in the vicinity of the site is punctuated by several vehicular access points to driveways and parking areas. The access for which planning permission is sought is similar in width to the access to the school opposite and so, it does not appear entirely unusual in the site context. However, given the residential nature of its use, the access and parking area would appear unduly large and obvious within the street scene, particularly when compared to driveways serving other nearby dwellings. While I acknowledge the proposed soft landscaping of the site, and the use of materials like those used at neighbouring properties, this would fail to integrate the development sensitively with its surroundings. Consequently, the development would not preserve nor enhance the character and appearance of this part of the CA.

12. The proposal has only a localised effect on the CA and therefore causes less than substantial harm to the heritage asset within the terms of paragraph 208 of the Planning Policy Framework (the Framework). In such circumstances, the Framework, requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In relation to non-designated heritage assets, it sets out that a balanced judgement will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset.

13. The appellant highlights benefits that would arise from the scheme, including the provision of an improved means of access to No 178, and off-road parking spaces for both properties. While it would prevent indiscriminate parking within the public highway and would be of greater convenience for the occupiers of

the property, there is no substantive evidence to demonstrate that the existing access or parking arrangements in the area give rise to harm to highway safety, I therefore attach this limited weight.

14. The new driveway would facilitate the provision of electric vehicle points to serve the dwellings, which would promote the use of renewable energy and associated environmental benefits. However, any benefits in that regard would be limited given the scale of the proposal.

15. New planting of the rockery and landscaped bank would offer benefits in terms of biodiversity, however in the absence of any detailed analysis of biodiversity net gain, I attribute this benefit limited weight. The appellant contends that the removal of the wall would break down a barrier to create a welcoming space. However, given the limited height of the wall, and that any benefit in that regard would be limited to the occupiers of Nos 178 and 179, this would not represent a public benefit.

16. The appellants contend that the wall in its current condition, is somewhat unsafe and is at risk of collapse. Nonetheless, there is no compelling evidence, in the form of a structural survey, to suggest that the existing structure of danger to the public or justify its removal on these grounds.

17. As set out in the Framework, great weight should be given to the conservation of a heritage asset. As such, I attach considerable weight to the identified harm to the CA and the loss of the NDHA. The public benefits of the development would be modest and would not outweigh this harm. Furthermore, the very limited benefits in this case would not outweigh the complete loss of the NDHA.

18. For the foregoing reasons I therefore find the development harms the character and appearance of the area and fails to preserve or enhance the character and appearance of the CA, including the loss of the NDHA. It therefore conflicts with the combined aims of Core Policies 57 and 58 of the Wiltshire Core Strategy adopted January 2015 (CS) which require development to be of a high standard of design and, among other things, to respond to the value of the historic environment, and protect, conserve and where possible enhance the historic environment. It also fails to accord with Policy 7 of the Royal Wootton Bassett Neighbourhood Development Plan made April 2018 (NP), which requires development to respect local character and conserve or enhance heritage assets in a manner appropriate to their significance, and the aims of the Framework that seek to achieve well designed places, including development that is sympathetic to local character and history, and the conservation of heritage assets.

19. Policy NE14 of the North Wiltshire Local Plan adopted June 2006, referred to in the Council's first refusal reason, seeks the preservation of trees, hedges, lakes/ponds or other important landscape or ecological features, and does not appear to be relevant.

Highway safety

20. The Highway Authority indicate that a 2.4m x 43m visibility splay would be required for the access onto High Street, which has a 30mph speed limit. The submitted 'Proposed new access and driveway – proposed site lines' drawing dated 10.7.2023 clearly shows the required visibility splay, which the appellant

indicates would be kept clear of any obstructions in accordance with a suitable planning condition, should permission be granted.

21. The Council has raised concern that the visibility splay may not be achievable, but I saw on my site visit there was no clear impediment to the provision of the required splays. Moreover, I have no detailed evidence to demonstrate that the minimum required distance that a driver can see in either direction along the main road could not be achieved.

22. A vehicle tracking drawing dated 10.7.2023 submitted as part of the appeal shows that there would be adequate space within the site for a vehicle to manoeuvre to leave in a forward gear, provided the front part of the driveway remains clear of parked vehicles. This could be secured by a suitable planning condition.

23. In light of the above considerations, I therefore conclude that the proposal does not have a harmful effect on highway safety. In that regard it would accord with Core Policy 62 of the CS which requires development to provide appropriate mitigating measures to offset any adverse impacts on the transport network, Policy 12 of the NP which sets out that development should not harm highway safety, and advice in the Framework that development should only be refused if there would be an unacceptable impact on highway safety.

Other Matters

24. Whether or not planning permission would be required is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the Act). It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Moreover, a planning application was made, and I have determined the appeal accordingly, having regard to the development plan.

25. My attention is drawn by the appellant to planning permission granted by the Council[1] for the demolition of existing double-storey rear extensions, erection of new double storey rear extension. However, it is not clear in that case whether permission was sought for the removal of the wall, given that the existing and proposed site plans show it unchanged. Moreover, while I note that in relation to this application the Council considered that a new outbuilding and landscape works would add interest to the land, I have determined the appeal on its own merits based on the evidence before me.

26. The validation of the planning application by the Council without the request for a heritage statement, is not a determining factor in the appeal.

27. Furthermore, the absence of objection by the Town Council and members of the public would not itself render the scheme acceptable.

Conclusion

28. I have found that the new access does not have an adverse effect in terms of highway safety. However, set against this, the development causes harm to the character and appearance of the area and results in the loss of a NDHA and fails to preserve the character and appearance of the CA. It therefore does not accord with the development plan when read as a whole. Material

[1] ref: PL/2022/03432

considerations have not been shown to be of sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

E Worley

INSPECTOR