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Planning Appeals
Wiltshire Council
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Your Ref: PL/2023/11012
Our Ref: APP/Y3940/W/24/3347288

02 October 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Manor House Developments Ltd
Site Address: Land Adjacent to Kiln Close, Whaddon , Wiltshire, SP5 3HE

I enclose for your information a copy of the appellant's final comments on the above appeal(s). Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely,

Mike Lloyd
Mike Lloyd

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Mike Lloyd

West2@planninginspectorate.gov.uk

By email only

1st October 2024

Dear Mike,

Appeal Ref: APP/Y3940/W/24/3347288: Land Adjacent to Kiln Close, SP5 3HE

A Statement of Case was submitted by the Appellant when the appeal was lodged. It is not our intention to re-cover the topics identified in the Statement of Case but to simply respond to any new or revised arguments put forward in the LPA Statement of Case. As such, this should not be read as an independent document, but rather an addendum to our previously submitted full Statement of Case.

The LPA believes that the appeal proposal is not acceptable because it would have a detrimental effect to the residential amenities of the existing neighbouring properties within Southampton Road and Kiln Close; to wildlife habitats through the removal of vegetation that has already taken place and; the removal of the embankment to facilitate the siting of the dwellinghouses.

The LPA highlight a current application that has been submitted to Wiltshire Council for three dwellings on the site. However, this was submitted so that the appellant could proceed as quickly as possible with the development of this site and given that each application must be determined on its own merits, the proposals for three dwellings on this site are not considered particularly relevant to the determination of this appeal.

Accordingly, taking each of the above arguments in turn, our response is as follows:

Residential Amenity

Without any further clarification or explanation within their Statement of Case, the LPA state that the proposal would have a detrimental effect to the residential amenities of those living along Southampton Road and Kiln Close.

Figure 3 within the Appellant's Statement of Case shows the proposed dwellings in relation to existing properties. The figure below again shows that there is sufficient distance between the proposed units and surrounding dwellings. The dwellings have been designed sympathetically to avoid any

overlooking windows and are positioned at an angle to avoid any overbearing impacts. As such, the proposal would not be overbearing or cause any outlook or overlooking concerns.



Figure 1: Character of the area

The Wiltshire Design Guide (WDG) provides guidance and advice for developers to ensure that existing amenity is preserved. The WDG states that "*where new development is proposed adjacent to and overlooking an existing private amenity space, the traditional 'back-to-back' separation of minimum 20m should be respected."*

The orientation of the proposed units ensures that the dwellings are not directly facing towards those properties along Southampton Road or Kiln Close. Moreover, the heights of the dwellings at 1.5 storey are not significant and do not contain any habitable windows on the side elevations. Therefore, notwithstanding that the separation of 20m has been met and exceeded due to the length of the gardens of those along Southampton Road and of those properties along Kiln Close, there would not be any opportunities for overlooking to existing private amenity space.

Adding to this, as highlighted within Figure 8 of the appellant's Statement of Case, the outlook from existing properties would not be detrimentally impacted by the proposed dwellings, given the intervening vegetation proposed and distances involved.



Figure 8: Proposed Development showing sight lines from Southampton Road

Those properties along Southampton Road and Kiln Close are positioned within the village, surrounded by other residential development. Accordingly, the introduction of four new dwellings within the settlement boundary would not be out of place. As such, there is no reason to believe that the proposed dwellings would unacceptably harm the living conditions of existing occupiers.

Wildlife Habitats

Again, without any further clarification, the LPA state that the proposal would have a detrimental effect to wildlife habitats through the removal of vegetation that has already taken place. However, the removal of the existing vegetation is considered irrelevant to the outcome of this appeal. The removal of the trees was legally allowed through a felling licence. The site was not subject to a Tree Preservation Order and therefore, whilst the removal of the vegetation may be regrettable, the LPA has no control over this and the loss is not a planning consideration.

As highlighted in paragraph 2.47 of the appellant's Statement of Case, in June 2023, a Felling Licence under the Forestry Commission was approved to a Mr Matthew Dewey (**Appendix B**). No conditions, such as restocking or replanting, were attached to the Licence and the site was cleared. The woodland was therefore legally felled under the relevant legislation.

Removal of the embankment

Thirdly, the LPA state the proposal would have a detrimental effect through the removal of the embankment. The LPA has not substantiated how the removal of the embankment would have such an effect. Indeed, this concern does not form part of the decision notice and reason for refusal and there is no mention of any harm within the Officer Report or any consultee comment.

Moreover, the LPA has not objected to the removal of the embankment for the scheme of three dwellings, which the Officer has highlighted to the Inspector in their Statement of Case, demonstrating what is 'good design' and what overcomes their previous refusal.

Accordingly, there is no reason to suggest that the removal of the embankment would cause such harm to warrant refusal of the application. Indeed, if the Officers held such concerns, this would have constituted a reason for refusal.

Conclusion

The LPA argue that the appeal proposal fails to achieve an acceptable design and that the harm derived from the development would not outweigh the associated benefits in terms of housing supply and the economy from construction and occupation. In this respect, it is important to highlight that Wiltshire's housing land supply is only 3.85 years, as confirmed in a recent appeal within Wiltshire dated 30th August 2024. The housing land supply has also been confirmed by Wiltshire Council at their Planning Agents Forum.

The Planning Inspectorate

Appeal Decision

Inquiry held on 9 to 12 and 16 to 18 July 2024

Site visit made on 18 July 2024

by O S Woodwards MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/Y3940/W/24/3340811
Land off Storridge Road, Westbury, BA13 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Gladman Developments Ltd against the decision of Wiltshire Council.
- The application Ref is PL/2022/09842.
- The development proposed is the demolition of number 13 and 14 Storridge Road and the erection of up to 200 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system and vehicular access point.

111. Site 21 – This site has a resolution to grant full planning permission, dating from August 2022. The delay in securing permission is related to nutrient neutrality. Because of the delays, further information and amendments to the proposal are required. Material in this regard has been submitted. There remain unresolved objections but the principles of the proposal have been agreed. Full permission is therefore likely to be forthcoming in a relatively timely manner. The housebuilder is the same as for the adjacent Phase 1 of the same scheme. This constitutes clear evidence that the dwellings will come forward within the five years and should therefore remain in the supply.

Calculation and conclusion

112. The Council's position is that it can demonstrate a 4.2 year supply of housing land, through 8,193 homes versus the target of 9,760. As set out above, based on the evidence before me, I deduct 477 dwellings from the windfall allowance and a further 187 homes from the disputed supply sites. This results in a supply of 7,529 homes, which equates to 3.85 years.

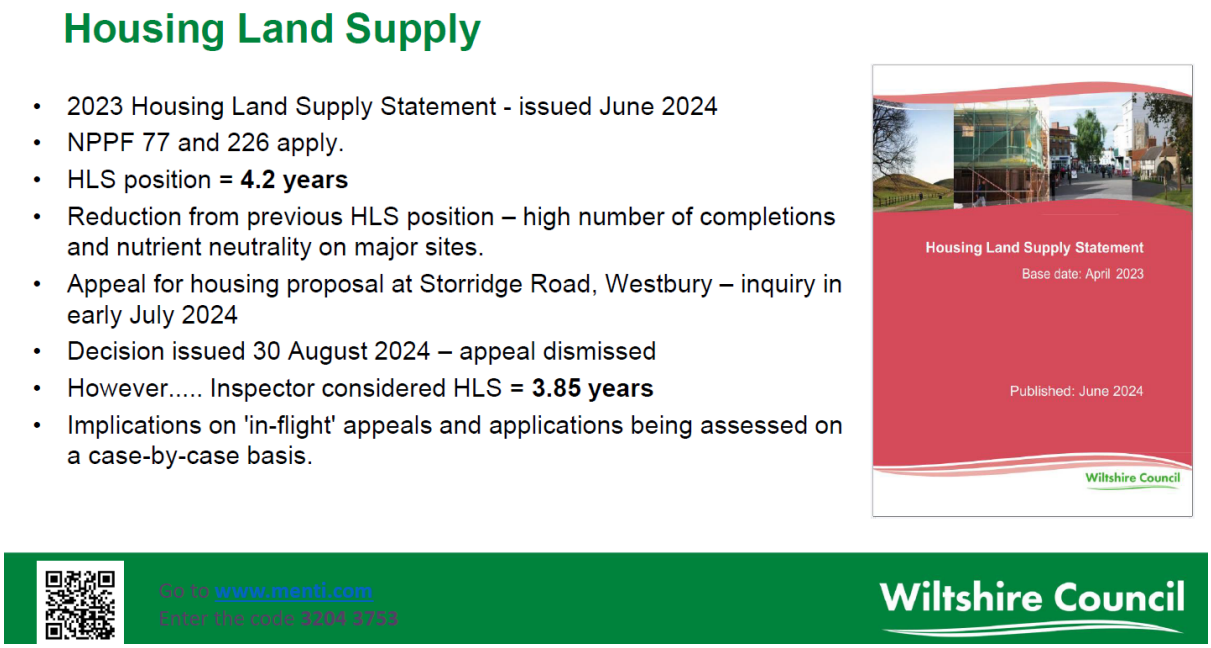

Figure 2: Slide from Planning Agents Forum

The titled balance is therefore engaged, meaning that planning permission should be granted unless any harm demonstrably and considerably outweighs the benefit of the proposal. As set out in the appellant's Statement of Case and the above, it is our position that there would be no harm would arise from the development that would outweigh the provision of four dwellings in Wiltshire.

Indeed, the new homes would be delivered on a small site, which paragraph 70 of the NPPF identifies as one which could make an important contribution to meeting the housing requirement of an area, and which can often be built out relatively quickly. Being located within the existing village, the site is also in a sustainable location, where the Wiltshire Core Strategy seeks to direct new housing, and as highlighted by the Officer, the development would deliver economic benefits from construction and expenditure from future residents.

Therefore, we commend the proposal to you.

Other Representations

Several interested parties have written in to comment and object this appeal, many of which are particularly perturbed to the fact that the vegetation has been removed, along with their verdant view. However, views are not a planning consideration, and the appeal site was not covered by any ecological designation or tree preservation order. Being in private ownership, the preservation of the

previous vegetation was not guaranteed, and the trees have been felled legally and in accordance with the licence.

Outlook is of course a planning consideration and for the reasons set out in the appellant's Statement of Case and this response, it is believed that the outlook from those properties along Southampton Road would not be unduly impacted. New vegetation is proposed, and this can be secured through a landscaping condition.

Other comments surround highways. However, the local highways authority has examined the road and have raised no objections. Likewise, the application was accompanied by a contamination report, where the LPA was satisfied that there would be no impact.

As outlined above, the proposal is positioned in a sustainable location and would provide much needed housing in Wiltshire. Therefore, we commend the proposal to you.

Yours sincerely

Rebecca Davis

Rebecca Davis MRTPI

Associate

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