The Planning Inspectorate

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Your Ref: PL/2023/08748
Our Ref: APP/Y3940/W/24/3343805
Further appeal references at foot of letter

14 October 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeals by Mr Russell Malem
Site Address: 40 Marlborough Road, Wootton Bassett, Wootton bassett, SN4 7SA

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,

Heather Langridge
Heather Langridge

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

Linked cases: APP/Y3940/W/24/3343806

The Planning Inspectorate

Appeal Decisions

Site visit made on 25 September 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal A Ref: APP/Y3940/W/24/3343805
40 Marlborough Road, Royal Wootton Bassett SN4 7SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Russell Malem against the decision of Wiltshire Council.
- The application reference is PL/2023/08748.
- The development proposed is to remove garage and erect a dwelling.

Appeal B Ref: APP/Y3940/W/24/3343806
40 Marlborough Road, Royal Wootton Bassett SN4 7SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Russell Malem against the decision of Wiltshire Council.
- The application reference is PL/2023/08747.
- The development proposed is described as an "annex for the enjoyment of friends and family."

Decision

1. Appeal A: the appeal is dismissed.

2. Appeal B: the appeal is dismissed.

Procedural Matters

3. As set out above, there are two appeals on the same site, one seeking to erect a dwelling, and the other for what is described as an annex building. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issues for these cases are:

   - For both appeals, the effect of the proposals upon the character and appearance of the area; and

   - With regard to appeal A, whether the site would be in a suitable location for residential development.

Reasons

Character and Appearance

5. The appeal property is a detached dwelling within a row of houses and bungalows that are positioned to one side of Marlborough Road. These dwellings are of a variety of styles and forms, and are set back from the highway behind similar sized front gardens. Fields and paddocks surround this row, separating it from the disparate, loose scatter of other residential properties and business premises that are in the area.

6. Like many of the other houses in the row, 40 Marlborough Road (No 40) is two storey and has a generous front garden that provides parking and turning space. This house is positioned to one side of its plot with a detached garage between it and a private access lane to the eastern boundary. Beyond this lane is another detached dwelling, also positioned within generous gardens, including a similar sized front garden as those nearby.

7. The row of dwellings of which the appeal property forms part makes a distinct residential group set apart from the town of Royal Wootton Bassett. The presence of fields and paddocks between the row and the town emphasise the sporadic, clustered nature of this group of dwellings. Although the dwellings in the row are of a variety of styles, forms and materials, their positioning away from the road behind similar sized, generous, front gardens gives an open, verdant setting to these homes, and this setting is a distinct feature of the group. The broadly consistent positioning of the dwellings in relation to the highway creates a strongly defined linear row, within which no one dwelling dominates.

8. The proposed dwelling would be positioned to one side of No 40, set back from it behind a shared driveway and parking area. It would be of a similar height to nearby houses within the row, but despite this it would appear incongruously cramped within its plot. Not only would it be very close to the eastern boundary of the site, but it would also be very close to the existing dwelling. This positioning, along with the strongly narrow, vertical form of the dwelling would result in it appearing conspicuously constrained within its plot. Whilst there are other homes that are close to their boundaries, none are as close to either the property boundary or to each other as that proposed. In addition, the other homes also have broader front elevations, unlike the tall, narrow nature of the appeal scheme. As such none of the other houses within the row appears cramped within its plot, and consequently that proposed would thereby appear unacceptably incongruous.

9. Furthermore, this incongruity would be harmfully exaggerated by the position of the dwelling back away from the front elevation of No 40. Rather than maintain the linear continuity of the row in relation to the highway, the dwelling would be positioned further back from this line, thereby exaggerating its disruptive appearance. Even the use of similar materials to the host property would fail to mitigate the discordant positioning and form of the dwelling. Given these differences and that the dwelling would be close to the end of the group, the harmful impact of the scheme would be apparent from long distances away, particularly when approaching from the east.

10. Turning now to the annex, despite the generous size of the plot, the presence of a tall, large, detached building to one side of the front garden would

harmfully erode the open setting of No 40 and also the continuity of the linear openness that exists between the houses and the road. The position and large size of the annex would make it appear discordantly prominent, not just because of its close proximity to the highway, but because there are no other such large buildings in the nearby front gardens. Moreover, the substantial size and height of the annex would fail to have either a modest subservience or legible ancillary relationship to the host building, thereby further exaggerating its harmful impact.

11. The annex would be unacceptably disruptive to the character and appearance of the area in its own right, but as considered by the Council, when taken together with the proposed dwelling, the cumulative result would be a site dominated by large buildings. The annex would result in the unacceptable loss of the open nature of the front of the site, and this would disrupt the linear cohesion of the row. Even when taken individually both schemes would result in a spread of development across a large part of the site, and this spread would be intrusively conspicuous particularly when compared to the nearby properties. Despite the appellant considering the dwelling to be infill, for the reasons identified above neither the house nor the annex would respond to its context.

12. Both schemes would unacceptably harm the character and appearance of the area, and the suggested conditions would not mitigate the harms that arise. The proposals would thereby fail to accord with the requirements of Core Policy 57 of the Wiltshire Core Strategy (2015) (CS), which amongst other things requires development to enhance local distinctiveness and respond positively to the existing pattern of development, as well as integrating into its setting, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Location

13. CS Core Policies 1 and 2 define the settlement hierarchy and development strategy. Residential development is directed to sustainable locations, with a presumption in favour of principal settlements, market towns, local service centres and large villages. CS Core Policy 19 explains how this is to be achieved in the Royal Wootton Bassett and Cricklade community area.

14. There is no disagreement between the main parties that the appeal site is within the countryside. The property is part of a small, concentrated cluster of development within the countryside, and this row is not within any of the settlements identified in the above referenced policies. The nearest settlement is some way to the north, with the row and thereby the appeal site being set apart from it by fields and paddocks. CS Core Policy 2 explains that development will not be permitted outside defined limits of development, and although there can be some exceptions to this, neither of the main parties have referred to any of these exceptions being relevant in this case.

15. The Framework makes it clear that in rural areas housing developments should be responsive to local circumstances and reflect local needs, being located so as to enhance or maintain the vitality of rural communities. Although the appellant considers the dwelling would be infill development, I have found that it would unacceptably harm the character and appearance of the area. The row is distinctly and physically separate from the nearby town and from any other settlement, and no evidence has been provided to demonstrate that the

proposal would enhance or even maintain the vitality of any nearby rural community. Furthermore, given the distance of the row from the town and that the road has no footway, future occupiers of the proposed dwelling would be dependent upon private vehicles to access services and facilities. Such reliance would not be the sustainable development sought by the above referenced policies nor by the Framework.

16. The appellant considers the provision of residential mobile homes to the rear of Carlotta demonstrates that dwellings can be approved in this countryside location. However, these homes provide for the needs of specific groups, and given this they do not form a binding precedent for allowing the appeal.

17. For these reasons, the dwelling would not be in a suitable location for residential development, and the conditions suggested by the parties would not overcome the substantial harm arising from the proposal. The scheme would conflict with the provisions of the above referenced CS policies and with those of the Framework.

18. The Council have referred to CS Core Policy 31 in refusing the scheme. However, this policy provides the spatial strategy for the Warminster community area rather than for the Royal Wootton Bassett area, and as such has no bearing upon my consideration of the appeal.

Planning Balance

19. The Council have an emerging local plan that has reached Regulation 19 of the Town and Country Planning (Local Plans) (England) Regulations 2012, and are able to demonstrate more than a four-year supply of deliverable housing sites. The appellant has provided no evidence to the contrary, albeit considering the provision of an additional dwelling on a brownfield site would be the sustainable development sought by both national and local policy. There would be benefits arising from the provision of an additional home, including short term employment benefits accruing from the construction of the dwelling, and modest economic benefits arising from local taxes.

20. Notwithstanding these benefits, significant environmental harms to the character and appearance of the area would arise, and the modest benefits arising from an additional dwelling would not outweigh these harms. As both the Framework and the above referenced CS policies require sustainable development that would enhance local distinctiveness and responds to its setting, neither of the appeal schemes would accord with these objectives.

Conclusion

21. Both schemes would unacceptably harm the character and appearance of the area, and the dwelling would not be in a suitable location for residential development. The schemes would conflict with the development plan when taken as a whole, and the benefits arising from the proposals would not outweigh these conflicts. Thus, for the reasons given above and having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR