



Chartered Town Planners
Royal Town Planning Institute

ATLAS

PLANNING GROUP

STATEMENT OF CASE

PL/2026/00630

Land The Former Durrington Library

75 Bulford Road

Durrington

SP4 8EU

July 2026

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Appendix A – Appeal Decision at 90 & 92 Bulford Road (Reference: APP/Y3940/W/21/3280173)

EXECUTIVE SUMMARY

- 1.1 This appeal has been submitted against Wiltshire Council against the refusal for the erection of two 1.5-storey dwellings on land at Bulford Road, Durrington under planning application PL/2026/00630.
- 1.2 The proposal represents a sustainable form of development, utilising previously developed land to provide two new dwellings within the settlement boundary.
- 1.3 Whilst the Council accept that the design of the proposal is high quality in isolation, this Statement also demonstrates that the proposal represents a high-quality form of development that responds positively to the wider character and appearance of the surrounding area. The design reflects the established architectural characteristics of Bulford Road, including the use of brick as a primary material, pitched roofs, dormer features and varied residential forms. The character of the area is not defined by a uniform building style or consistent scale; rather, it is characterised by a varied mix of dwelling types, roof forms, ridge heights and building arrangements.
- 1.4 The Council identifies the immediate neighbouring properties as a distinct 'microcosm' of lower-profile development. However, this approach does not accurately reflect the wider character of Bulford Road where there a number of single storey dwellings positioned against 2 storey development. The street scene includes varied building heights and visible gable elevations. The appeal proposal would therefore represent an appropriate and compatible addition to the established residential context rather than an incongruous form of development.
- 1.5 The proposal would also not result in unacceptable harm to the residential amenity of its neighbour, No. 73 Bulford Road. The Council does not identify any unacceptable loss of privacy, daylight or sunlight. Given that the appeal site lies to the north of No. 73, the proposal would not result in material overshadowing onto the front garden and would ensure that the outdoor amenity space of its occupiers is useable.
- 1.6 Moreover, whilst the proposed dwelling would alter the outlook experienced from parts of No. 73, the development would not create an overbearing or oppressive relationship. The side elevation would be viewed obliquely rather than directly in front of the neighbouring property, and the proposed building would not terminate views or enclose the outlook from No. 73. The

occupiers would continue to experience open views in other directions, with the proposed dwelling forming only one element within the wider residential setting.

- 1.7 Overall, the appeal proposal provides two well-designed, sustainable family homes that respond positively to their context, make efficient use of previously developed land and would not result in unacceptable harm to the character of the area or the living conditions of neighbouring occupiers.
- 1.8 The Council cannot demonstrate a five-year housing land supply, and this Statement demonstrates that there would be no harm that would demonstrably outweigh the benefits of two new dwellings in a sustainable location.

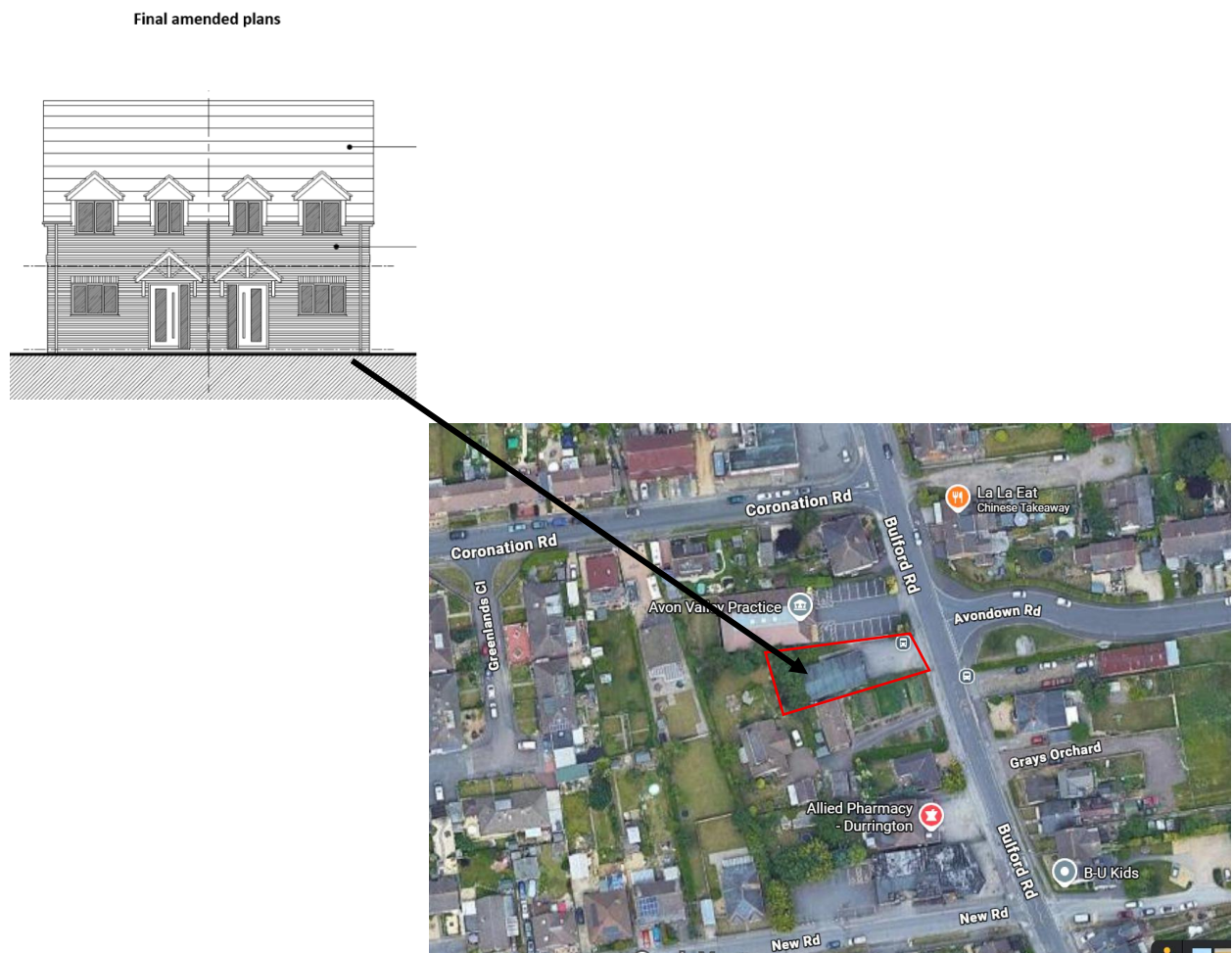


Figure 1: Site Context and Proposed Elevation

INTRODUCTION

- 2.1 This Statement of Case has been prepared by Atlas Planning Group on behalf of the Appellant, Mr Hillier, to accompany an appeal submission following Wiltshire Council's refusal of application PL/2026/00630 on 25th June 2026.
- 2.2 The appeal site is located within the Market Town of Durrington, along Bulford Road, a highly sustainable location within Wiltshire.

THE PROPOSAL

- 3.1 The application sought planning permission for the demolition of the existing porta cabin building and the construction of a pair of semi-detached dwellings, landscaping and associated works. The proposal was designed taking into consideration the context of the site and surrounding nearby relevant planning history and dwellings.
- 3.2 The application was refused under delegated powers, with the Decision Notice stating two reasons for refusal:

01. The proposed development, by virtue of its two storey design, height, scale, bulk and massing would result in a large, visually intrusive and incongruous form of development that fails to respect the prevailing character of the immediate locality, which is defined by modest, set-back and predominantly single-storey built form within this part of Bulford Road.

The proposal would appear overly prominent within the street scene, particularly due to the visibility of its substantial side gable elevations, and would fail to integrate satisfactorily with its surroundings or contribute positively to local distinctiveness.

The development therefore fails to achieve a high standard of design and does not contribute positively to local character or create a strong sense of place, as it does not draw upon or complement the established context of the application site and its immediate surroundings; contrary to Core Policy 57 (criteria i, iii and ix) of the Wiltshire Core Strategy and paragraphs 131 and 135 (a, b and c) of the National Planning Policy Framework.

02. *The proposed development, by virtue of its height, bulk, massing and proximity to the shared boundary, would introduce a dominant and overbearing built form when viewed from the front garden and principal outlook of No. 73 Bulford Road.*

This would result in a harmful overbearing and unneighbourly impact on outlook and the amenity currently enjoyed by the occupiers of that property, materially diminishing the quality of their living environment.

The proposal is therefore contrary to Core Policy 57 (criterion vii) of the Wiltshire

GROUNDS OF THE APPEAL

4.1 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”

4.2 Therefore, the starting point for the determination must be the policies of the adopted development plan, which consists of the Wiltshire Core Strategy (2015) and saved policies from the former Salisbury District Local Plan. This Statement will set out the reasons why the relevant policies of this plan should now be considered out of date due to other material considerations, namely housing land supply.

4.3 The reasons for refusal can be summarised as follows:

- Design and scale of the proposals
- Impact on amenities

4.4 This Statement of Case will examine each refusal reason in detail.

DESIGN AND SCALE OF THE PROPOSAL

- 5.1 The first reason for refusal relates to the design, scale and massing of the two dwellings in relation to the surrounding character of the area, in particular their relationship with the street scene along Bulford Road.
- 5.2 The appellant contends that the proposed development is of a high-quality design and would effectively integrate with the established street scene, in accordance with Policy CP57 of the Wiltshire Core Strategy.

DESIGN

- 5.3 As set out within the application documents (specifically the Planning Statement) the design of the proposal was significantly different to a previous refusal at the site (PL/2025/03532). The design is a betterment over the previous refusal – a notion confirmed by the Council.
- 5.4 Indeed, the proposed dwelling has been designed with the local vernacular in mind, being brick built with pitched roof and dormer windows, reflecting other styles along Bulford Road, as shown below:



Final amended plans



Figure 2: Proposed Elevations and surrounding buildings along Bulford Road

- 5.5 Core Policy 57 requires a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. The policy does not require new development to replicate neighbouring buildings. Rather, development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.
- 5.6 Likewise, paragraph 135 of the NPPF seeks well-designed places that are sympathetic to local character while not discouraging innovation or preventing appropriate change. The National Design Guide explains that well-designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents. This includes, amongst other things, the composition of street scenes, individual buildings, as well as height, scale, massing and relationships between buildings.
- 5.7 The Officer Report has confirmed that the design of the dwellings is acceptable in isolation. The Officer's Report acknowledges that the proposal improves upon the previously refused scheme by replacing the four flats previously proposed with a pair of family dwellings, removes the earlier flat roof, introduces a more traditional built form and significantly improves the external appearance of the development.
- 5.8 However, the main point of contention is whether the proposal would be sympathetic to local character.
- 5.9 The appeal site is positioned along Bulford Road, Durrington. The character of the area has been described by Inspectors at recent appeals.
- 5.10 In Appeal Ref: APP/Y3940/W/21/3280173 at 90 & 92 Bulford Road (almost opposite this appeal site), the Inspector stated that the character of the area is *“predominantly residential, although there are retail/commercial units within proximity to the appeal site. There is a range of dwelling types along Bulford Road, including one and two storey properties. Architectural styles also vary and there are examples of hipped and gable roofs. Materials generally consist of brick or render.”* (Appendix A)
- 5.11 In terms of scale:
- “the roofscape in the area is varied with examples of gable, hipped and flat roofs in close proximity to each other. Further, ridge heights also vary, with examples of two-storey and one-storey dwellings standing next to one another.”*

5.12 The varied character of Bulford Road is evident in the photographs below, demonstrating a mix of single and two storey dwellings, plus different roof forms and architecture.



Figure 3: Character of Bulford Road

5.13 Clearly, the proposed design reflects the positive architectural characteristics along Bulford Road and would be an acceptable form of development in accordance with both local and national planning policy requiring good design.

5.14 The Officer's Report asserts that the gable elevations would be clearly visible when approaching from either direction which would result in a significant harmful visual impact. Whilst it is noted that the gable elevations would be visible when approaching the application site, this arrangement is not unusual along Bulford Road.

5.15 As can be seen in Figure 4 below when approaching the site from the south, large two storey gable elevations are already present on both sides of the road. Therefore, the addition of a 1.5 storey gable elevation that is set back further from the roadside would not appear out of context for the area in this regard.



Figure 4: View looking north from Bulford Road

5.16 In fact, Bulford Road is intersected by numerous side roads, junctions and accesses, including residential streets serving adjoining estates. These regular breaks within the built frontage create frequent opportunities for oblique and long-distance views along the street. Consequently, the side elevations and gable ends of many existing dwellings are readily visible from the public realm and form an established characteristic of the streetscape, as shown below:



Final amended plans

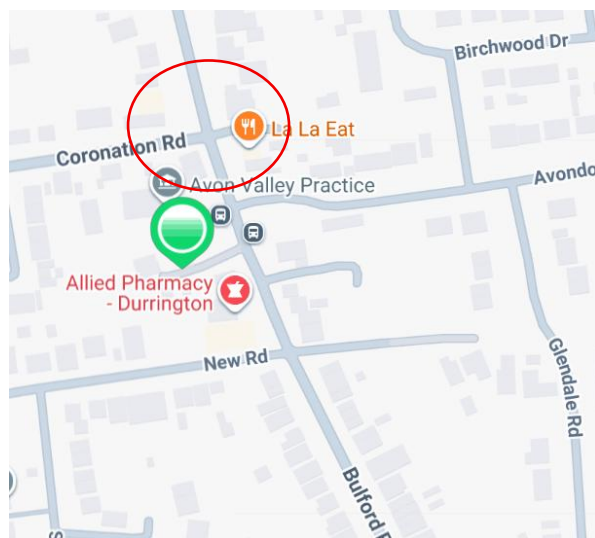
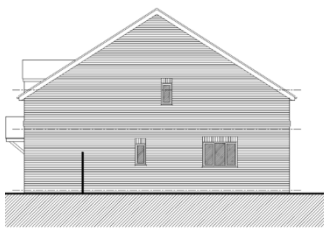


Figure 5: Gable ends along Bulford Road



Final amended plans

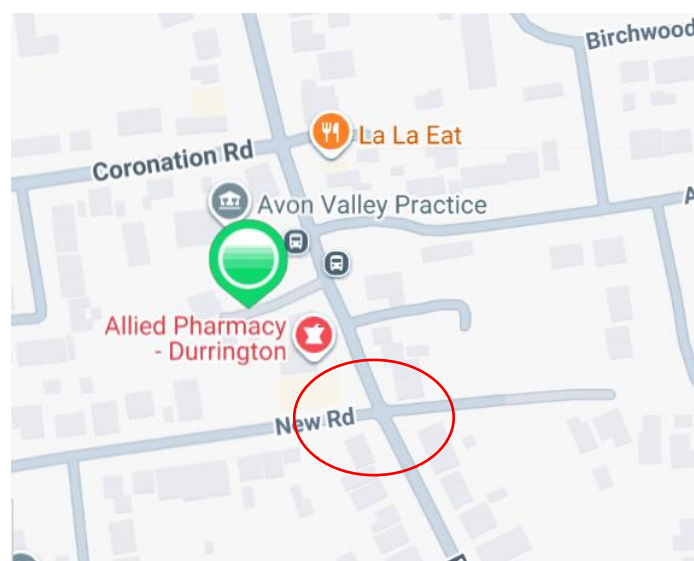


Figure 6: Gable ends along Bulford Road



Final amended plans

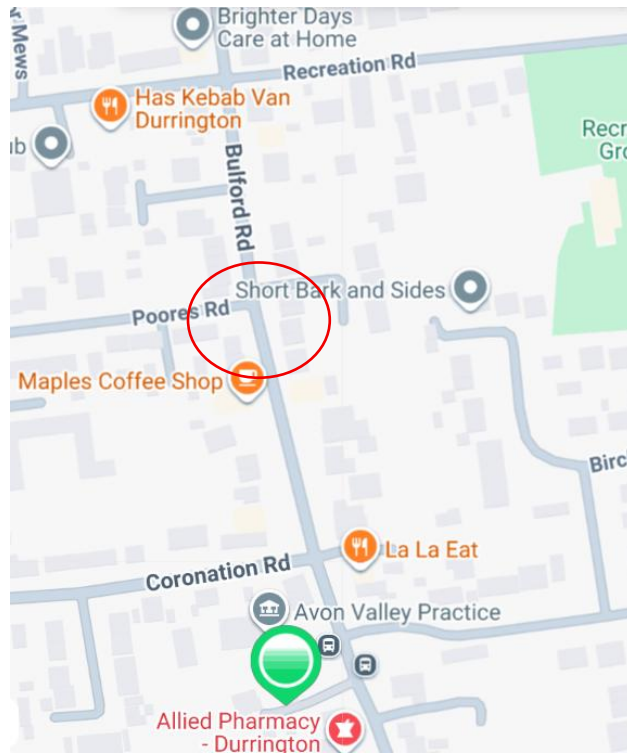
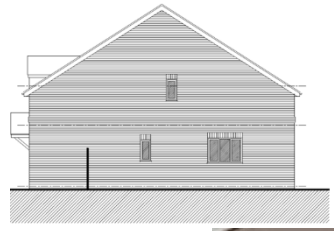


Figure 7: Gable ends along Bulford Road

5.17 As shown above, the repeated occurrence of visible gable ends contributes to the varied townscape and reflects the pattern of development created by intersecting roads and staggered building lines. The appeal proposal would not therefore introduce an unfamiliar or incongruous feature into the street scene. Rather, its side elevation would be experienced in the same way as numerous existing dwellings along Bulford Road whose gables are visible due to the alignment of side roads and the varied disposition of buildings.

5.18 Consequently, given the variety of building types and scale, the proposed 1.5storey dwellings would not be an incongruous feature within the street. Therefore, the appeal proposal accords with Core Policy 57 and the NPPF.

SCALE

5.19 During the course of the application, various amendments were made to the plans since the Planning Officer requested a reduction from a two storey dwelling to either 1.5 or a single storey dwelling. In response to this, the latest set of plans were provided which reduced the proposal to two 1.5 storey dwellings which represented a 1.42m drop in the ridge height and a 1.15m reduction in the eaves height from what was originally proposed, as well as the removal of the large windows on the first floor rear elevation. The below figures show a side by comparison between the originally proposed plans and the final amended set.

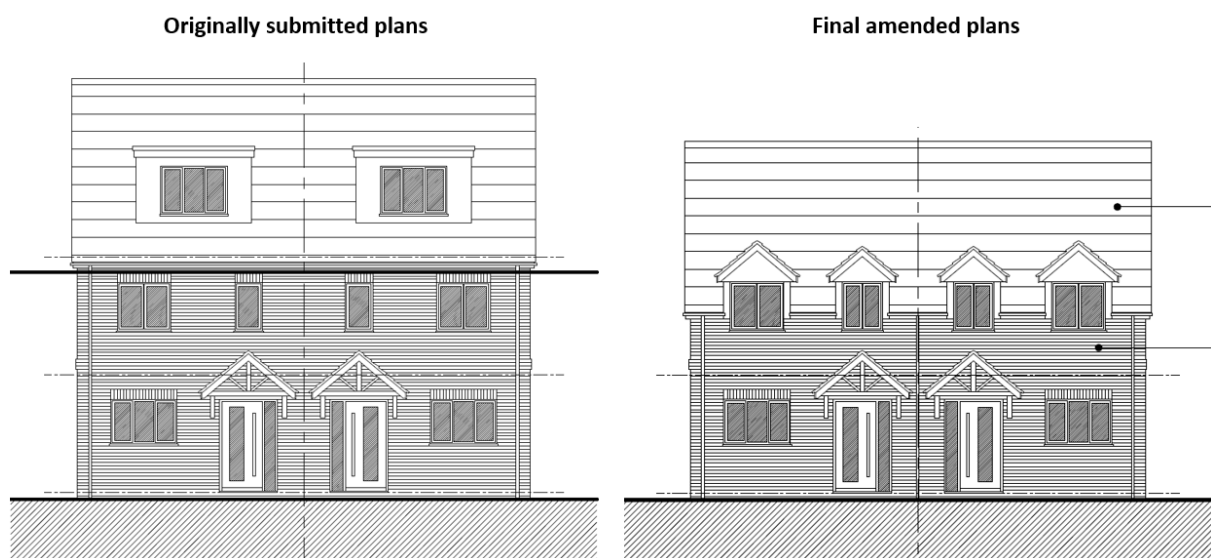


Figure 1: Originally submitted alongside final amended West elevations

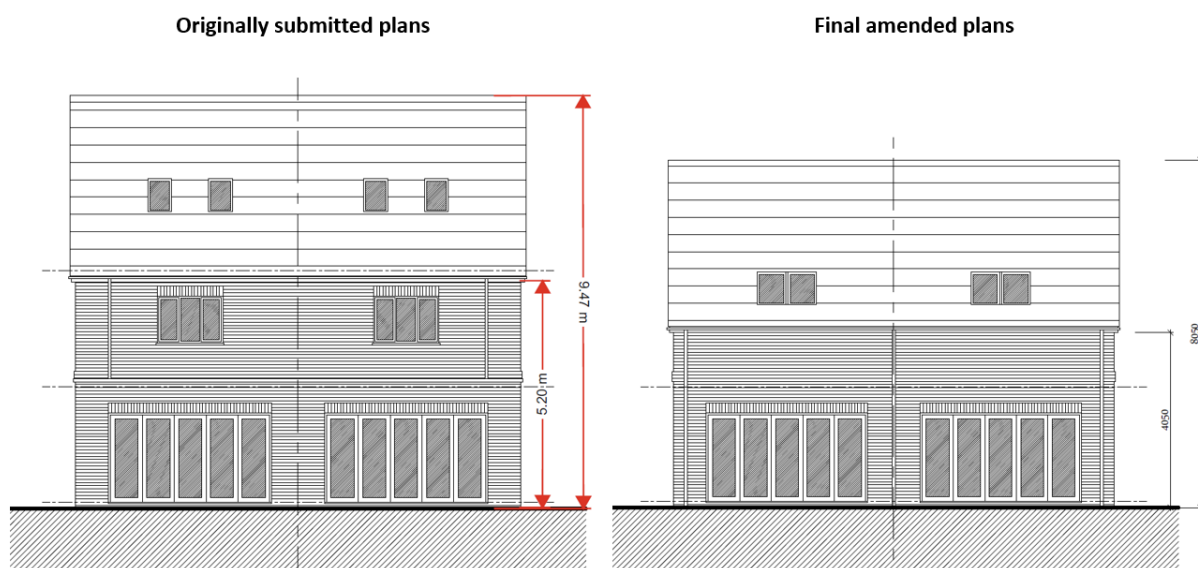


Figure 2: Originally submitted alongside final amended West elevations

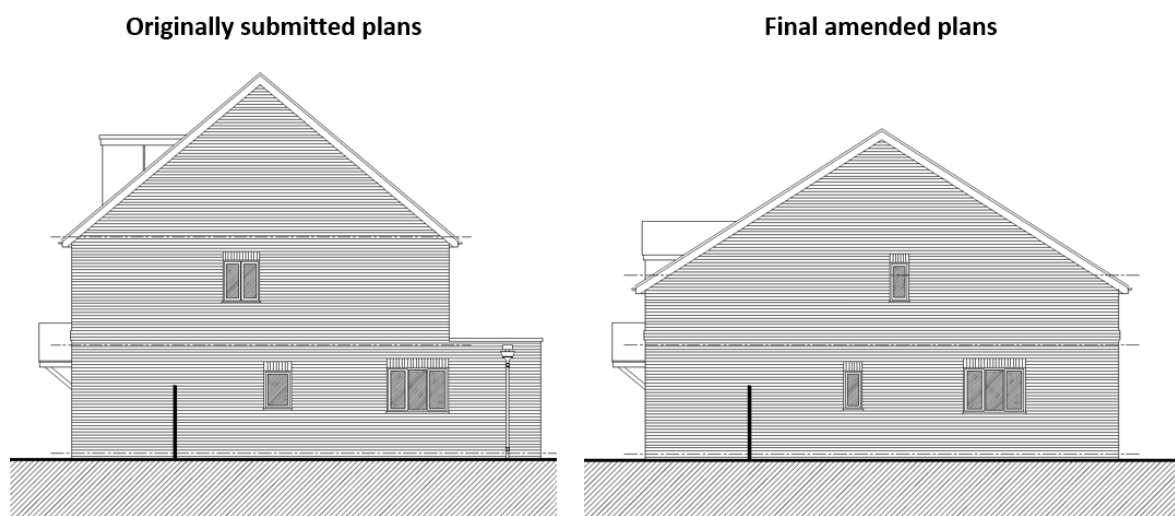


Figure 3: Originally submitted alongside final amended North elevations

5.20 Whilst the Officer acknowledges that two-storey development exists throughout Bulford Road, the refusal relies heavily upon the argument that the appeal site and its four immediate neighbours form a distinct "*microcosm*" characterised by low-profile development. Therefore, the proposed development is unacceptable since its height and design contrasts with its immediate single storey neighbours.

5.21 The Officer Report explains;

‘the application site and its four immediate neighbours form a distinct ‘microcosm’, characterised by buildings that are set back from the main road, with low profiles and limited built form.

Officers consider that the erection of a two-storey building on the application site would continue to result in harmful massing impacts on the street scene, particularly in relation to the adjoining buildings. The overall scale, bulk and visual weight of the proposal would represent an abrupt and excessive departure from the more modest form of neighbouring development.’

5.22 However, as highlighted in the appeal above, the Inspectorate commented that “*ridge heights vary, [along Bulford Road] **with examples of two-storey and one-storey dwellings standing next to one another.***” Therefore, the presence of a two-storey dwelling adjacent to the appeal site’s single storey neighbours would not be uncommon and the appeal scheme should be found acceptable.

5.23 Indeed, neither Core Policy 57, paragraph 135 of the NPPF nor the National Design Guide advocate assessing character by reference only to the immediately adjoining buildings whilst disregarding the wider street scene.

5.24 In fact, the National Design Guide (2021) defines a street scene as the following:

*‘The appearance of all of the elements of a street, including the carriageway, pavement, street furniture, planting, and the buildings or structures along its edges, particularly **the composition of buildings on each side of the street.*** (Pg 16).’

5.25 Given the above definition it would be incorrect to assess the proposed dwellings within a ‘microcosm’ of just the adjacent four dwellings. As stated within the Design Guides definition, a street scene should be made up from all the elements along the street and not just the buildings immediately adjacent.

5.26 Notwithstanding this, as shown in the image below, the appeal site is read in connection with other two storey dwellings and not just its direct neighbours.



Figure 8: The appeal site is read in connection with other two storey dwellings

- 5.27 Properties located only a short distance from the appeal site, including Nos. 67 and 79 Bulford Road, are full two-storey dwellings and contribute equally to the established character of the street. Similarly, development on the opposite side of Bulford Road demonstrates a varied roofscape, differing ridge heights and a mixture of building forms. The proposal would therefore sit comfortably within this established pattern of varied residential development.
- 5.28 Moreover, whilst the proposed dwellings would be slightly taller than Nos. 71 and 73, both the appeal development's ridge and eaves height would still remain well below that of the nearest two storey buildings. This is clear when viewing the wider street scene elevation which was submitted during the application at the request of the Case Officer.

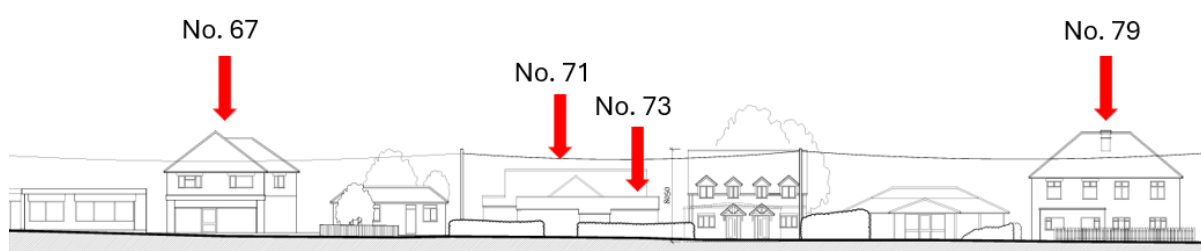


Figure 9: Proposed street scene

- 5.29 The National Design Guide's definition notes a street scene should include the composition of buildings on both sides of the street. Approximately 50m southeast of the appeal site on the opposite side of Bulford Road an appeal was granted in 2022 (reference APP/Y3940/W/21/3280173) for the *'Demolition of 2 dwellings and the erection of a building containing 6 dwellings (4 x 2-bed & 2 x 1-bed), along with the provision of associated parking and hard and soft landscaping.'*

- 5.30 This application involved the demolition of 2 single storey dwellings and the erection of a building that housed 6 flats across 3 stories. The application was originally refused by Wiltshire Council on the grounds the proposed building would constitute overdevelopment and appear out of character with the surrounding built form due to its scale. However, within the appeal decision the inspector stated;

'The Council has suggested that the height of the proposed building and closer proximity to the front boundary than the adjacent properties would result in the proposed development forming the most prominent building in the streetscene. However, it can be seen from the submitted plans that the building line is staggered each side of the appeal site, and the proposed building would sit comfortably within the stagger. The marginal taller ridge height than the neighbouring properties would not, in my view, result in an overly prominent building. The Council has also compared the appeal scheme to the roof height of 40 & 42 Bulford Road. However, these are a significant distance from the appeal site.' (Appendix A)

- 5.31 This appeal decision shows that the character along this section of Bulford Road is not defined by a consistent building height and that it is not uncommon to see buildings that are larger than the building immediately next to them.
- 5.32 The Officer requested that the appeal scheme reflect the ridge height of No. 71 when revising the designs. However, No. 71 Bulford Road is set well back from the highway (50m) and doesn't form a discernible part of the street scene. Its ridge height cannot reasonably be regarded as establishing a definitive design parameter for redevelopment of the appeal site. The more relevant comparison is with the wider pattern of development visible from Bulford Road, where buildings of differing heights and forms exist alongside one another without detracting from the character of the area.



Figure 10 - No.71 when viewed from the pavement outside the appeal site



Figure 11: Examples of two-storey dwellings alongside single storey dwellings along Bulford Road

5.33 Given the above, it would be improper to argue that the immediately adjacent single storey dwellings are representative of the wider character and appearance of the area. The figure below shows also the number of two storey dwellings along Bulford Road. As such the proposed dwellings would be in keeping with the existing character of the area and would therefore not result in harmful massing impacts to the street scene.



Figure 12 - Two Storey and Single Storey development along Bulford Road (Appeal site marked with a star)

SUMMARY

- 5.34 The appeal proposal replaces a vacant temporary building with a well-designed pair of energy-efficient family homes that have been substantially amended to address the concerns raised during the application process.
- 5.35 Whilst the proposal introduces a larger building than the existing, planning policy does not require replacement development to replicate the scale of the existing structure. Rather, development should respond positively to its context. Having regard to the varied character of Bulford Road, the diversity of building forms, ridge heights and architectural styles present within the wider streetscape, together with the significant amendments secured during the application process, it is considered that that the proposal would integrate successfully into its surroundings and would not appear visually intrusive or incongruous.
- 5.36 Accordingly, the appeal proposal is considered to accord with the requirements of CP57, in respects of the development's likely impact upon the character and appearance of the surrounding area.

IMPACT ON AMENITIES

5.37 The second reason for refusal relates to the impacts on the neighbouring amenities particularly the outlook from No.73 Bulford Road and its garden.

5.38 The Council's reason for refusal is based on the conclusion that, although the revised proposal reduces the overall depth of the building and improves the relationship with the rear garden of No. 73, the introduction of a side gable would increase the perceived scale, bulk and massing when viewed from the front garden and principal outlook of the neighbouring property. It is therefore alleged that the revised proposal would result in a greater overall impact than the previously refused scheme.

5.39 The Officer comments:

'As illustrated by the overlay image, whilst the current proposal has reduced the overall depth of the building compared to the previously refused scheme, it would still introduce a substantial side gable measuring approximately 11.4m in length and 8.1m in height, immediately adjacent to the open but private amenity space enjoyed by No 73.'

...

'Although officers acknowledge that there would be some improvement in the relationship with No. 73's rear garden, the revised proposal would increase the perceived scale, bulk and massing when viewed from the front garden and principal outlook of No. 73, resulting in a greater overall impact than the previous scheme.'

5.40 The revised proposal was specifically designed to respond to the concerns identified in the previous refusal by reducing the overall depth of the building and increasing the separation from the neighbouring rear garden. The Council acknowledges that these amendments improve the relationship with the rear garden of No. 73 and this is significant as the rear garden is the principal area of private outdoor amenity associated with a dwelling and the area where the highest degree of residential amenity would normally be expected.

5.41 The Council instead places considerable emphasis on the effect of the revised side gable upon the front garden of No. 73. The Appellant does not dispute that the front garden forms part of the dwelling's residential curtilage and is actively used by the occupier for gardening and

growing vegetables. Nor is it disputed that the occupier derives residential enjoyment from this space.

- 5.42 However, the front garden occupies a position immediately adjacent to the public highway and as acknowledged by the Council, is already subject to passive views from pedestrians and passing traffic. Whilst the boundary hedge provides a degree of screening and privacy, the character of the space differs fundamentally from that of a secluded rear garden. Consequently, whilst the front garden provides a reasonable degree of privacy through boundary planting, its location adjacent to the public highway means that it does not provide the same level of visual seclusion or expectation of openness as would ordinarily be associated with a principal rear garden.



Figure 13: Context of No. 73's front garden

- 5.43 Despite this, the appeal proposal would not adversely affect the useability nor the enjoyment of this space. Indeed, the appeal site lies immediately to the north of No. 73 and so, as the sun follows a southerly path throughout the day, the proposed development would not result in any material loss of direct sunlight or overshadowing to either the dwelling or the front garden of No. 73. Any shadow cast by the proposed building would fall predominantly to the north, away from the neighbouring property. The existing front garden would therefore remain a bright and useable space.
- 5.44 In addition, whilst the proposal would alter part of the existing outlook from the garden, this area would continue to enjoy an open aspect across the highway, with views extending beyond the proposed dwelling to the wider streetscene and open sky. The visual experience would therefore remain that of a typical front garden in an urban area.
- 5.45 Accordingly, the proposal would not materially diminish the reasonable enjoyment or usability of the front garden. Indeed, it would continue to benefit from adequate sunlight, daylight, privacy and an open aspect. Viewed as a whole and in the context of the private unaffected rear garden, the proposal would not result in unacceptable harm to the outdoor residential amenity of No. 73.
- 5.46 Moreover, in respect of the outlook from the windows of No. 73, it should be noted that the proposed development would be positioned to the side of the neighbouring dwelling, rather than directly in front of it. Accordingly, the proposed side gable would be viewed at an oblique angle.
- 5.47 There is a clear distinction between a change in outlook and an unacceptable loss of outlook. There is no planning right to retain an uninterrupted view, and the visibility of additional built form does not, in itself, amount to unacceptable planning harm. The relevant consideration is whether the proposal creates an imposing outlook or an oppressive sense of enclosure.
- 5.48 When considered in its proper context, the proposal would not enclose the neighbouring dwelling or its front garden. It would not interrupt outward views in other directions, nor would it present as a dominant feature directly facing the principal elevation. The proposal therefore changes the outlook experienced from No. 73 but does not materially diminish its quality to a degree that would justify refusal on residential amenity grounds.

- 5.49 The fact that the proposed side elevation would project beyond part of the front building line of No. 73 should not, in itself, be regarded as harmful. The occupiers of No. 73 would continue to experience open views across the street and towards the east and south, with the proposed dwelling forming only one element within the wider residential townscape.
- 5.50 Moreover, the pattern of development along Bulford Road is not defined by a rigid or continuous building line, with several dwellings stepping forwards and backwards in relation to one another. Consequently, views towards neighbouring side elevations at the front are a characteristic of the existing streetscene rather than an unusual or anomalous relationship. The proposal would therefore reflect an established pattern of development within the locality.
- 5.51 Accordingly, the proposal would not result in an unacceptable loss of outlook or harm to the residential amenities of No.73 Bulford Road. The revised design represents an appropriate response to the previous refusal by reducing the depth of development and improving the relationship with the neighbouring property.



Figure 14: Stepped building line showing dwellings in front of others

PLANNING BALANCE AND CONCLUSIONS

- 6.1 This Statement of Case has been prepared by Atlas Planning Group on behalf of the Appellants to accompany an appeal submission following Wiltshire Council's refusal of application PL/2026/00630 on 25th June 2026.
- 6.2 This Statement of Case has outlined how the appeal proposal has been carefully considered and amended following the previous refusal, resulting in a development that represents a substantial improvement in terms of design, scale and relationship with neighbouring properties.
- 6.3 In relation to the character and appearance of the area, the proposal would provide a high-quality pair of 1.5-storey dwellings that respond positively to the established context of Bulford Road. The surrounding area is characterised by a varied residential form, with a mixture of single and two-storey dwellings, different roof forms, varying ridge heights and a range of architectural styles. The proposal does not seek to replicate any individual neighbouring property but instead responds appropriately to the wider streetscene, consistent with Core Policy 57 of the Wiltshire Core Strategy, paragraph 135 of the National Planning Policy Framework and the principles of the National Design Guide.
- 6.4 In respect of neighbouring amenity, the Council acknowledges that the revised proposal improves the relationship with the rear garden of No. 73 Bulford Road. The remaining concern relates primarily to the visual effect of the side gable when viewed from the front garden and outlook of the neighbouring property.
- 6.5 However, the proposed dwelling would be positioned to the north and to the side of No. 73, meaning that the side elevation would be experienced at an oblique angle rather than directly facing the neighbouring property. The proposal would not terminate views, create a continuous enclosing feature or result in an oppressive sense of enclosure. The occupiers of No. 73 would retain open aspects in other directions, and the front garden would continue to benefit from sunlight, privacy and reasonable enjoyment as part of the residential curtilage.
- 6.6 The planning system does not seek to prevent all change to a neighbour's outlook, nor does it provide a right to retain an uninterrupted view. The relevant consideration is whether the proposal would result in demonstrable harm to residential amenity. In this case, the evidence

demonstrates that the development would alter the outlook experienced from No. 73 but would not diminish it to a degree that would justify refusal.

- 6.7 The appeal proposal therefore represents an appropriate and sustainable form of development which makes efficient use of land, provides additional family housing, responds positively to local character and avoids unacceptable impacts on neighbouring amenity.

5 YEAR HOUSING LAND SUPPLY

- 6.8 After all, the Council's published Housing Land Supply Statement (June 2026) confirms that Wiltshire can currently demonstrate only **2.8 years** of deliverable housing land against the requirements of the NPPF. The Council describes this as a substantial shortfall within its own Officer Report.
- 6.9 The Officer therefore correctly concludes that paragraph 11(d) of the National Planning Policy Framework is engaged and that the presumption in favour of sustainable development applies. Furthermore, the Officer accepts that the application site lies within the settlement boundary of Durrington, a Market Town, where the principle of residential development is supported by the adopted spatial strategy.
- 6.10 Paragraph 11(d) of the Framework establishes that planning permission should be granted unless either:
- 1 the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - 2 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination
- 6.11 Neither circumstance applies in the present case. The appeal site is not subject to any national policy designation identified in footnote 7 of the Framework, and the Council has accepted that the proposal is acceptable in principle.

BENEFITS OF THE PROPOSAL

6.12 The Officer's Report identifies a number of significant benefits arising from the proposal, including:

- delivery of two new family dwellings;
- redevelopment of previously developed land;
- contribution towards the Council's acute housing land supply shortfall;
- economic benefits during construction and occupation;
- biodiversity enhancements;
- redevelopment of a vacant and underutilised site.

6.13 Importantly, the Officer attributes significant weight to the delivery of new housing because of the Council's inability to demonstrate a five-year supply of deliverable sites. Moderate weight is also attributed to biodiversity enhancement, together with further positive weight arising from economic activity and regeneration benefits.

6.14 These are substantial public benefits which weigh strongly in favour of the proposal and are entirely consistent with the Government's objective of significantly boosting the supply of homes.

ASSESSMENT OF HARM

6.15 The Officer accepts that the proposal represents a significant improvement over the previously refused scheme, acknowledges that the architectural design is acceptable in isolation, accepts that overlooking has been resolved, and accepts that the relationship with neighbouring properties has materially improved.

6.16 However, the Council identifies two remaining areas of concern: the effect of the proposal on the character and appearance of the area, and its alleged overbearing impact upon No. 73 Bulford Road.

6.17 This Statement of Case has highlighted that the proposed development fully accords with the provisions of both local and national planning policy with regards to design and character of the area and would have limited effects on neighbouring amenity.

THE PLANNING BALANCE

- 6.18 Whilst the Officer correctly concludes that the tilted balance is engaged, insufficient weight has been afforded to the substantial benefits arising from the proposal.
- 6.19 The appeal proposal represents the redevelopment of a vacant brownfield site within the settlement boundary of a sustainable Market Town. It delivers two energy-efficient family homes in a location with convenient access to local services, public transport and community facilities. It makes a positive contribution towards addressing the Council's acknowledged housing land supply shortfall at a time when national policy requires significant weight to be attached to the delivery of additional homes.
- 6.20 Against these benefits, the Council relies upon two matters of planning judgement relating to design and outlook. This Statement of Case has shown that neither issue gives rise to harm of such magnitude that it can reasonably be described as significantly and demonstrably outweighing the clear public benefits of the proposal.
- 6.21 The identified harms are limited, localised and largely subjective, whereas the public benefits are tangible, policy-supported and expressly acknowledged within the Officer's own assessment.
- 6.22 Having regard to paragraph 11(d) of the National Planning Policy Framework, the planning balance falls firmly in favour of granting planning permission. The appeal proposal represents sustainable development and there are no clear reasons why planning permission should be refused.
- 6.23 For the reasons set out within this Statement of Case, the Inspector is respectfully requested to allow the appeal and grant planning permission.

**Appendix A – Appeal Decision at 90 & 92 Bulford Road (Reference:
APP/Y3940/W/21/3280173)**

Appeal Decision

Site visit made on 21 December 2021

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 JANUARY 2022

Appeal Ref: APP/Y3940/W/21/3280173

90 & 92 Bulford Road, Durrington, Salisbury, SP4 8DH

- 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 Saxon Gate Homes Ltd against the decision of Wiltshire Council.
 - The application Ref 21/01208/FUL, dated 28 January 2021, was refused by notice dated 29 June 2021.
 - The development proposed is demolition of 2 dwellings and the erection of a building containing 6 dwellings (4 x 2-bed & 2 x 1-bed), along with the provision of associated parking and hard and soft landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of 2 dwellings and the erection of a building containing 6 dwellings (4 x 2-bed & 2 x 1-bed), along with the provision of associated parking and hard and soft landscaping at 90 & 92 Bulford Road, Durrington, Salisbury, SP4 8DH in accordance with the terms of the application Ref 21/01208/FUL, dated 28 January 2021, subject to the planning conditions in the attached schedule.

Preliminary Matters

2. The Council's hearing statement suggests possible improvements or alternatives schemes for the appeal site. However, I am mindful that I must consider the merits of the case based on the scheme for which planning permission has been sought and I have determined the appeal on this basis.
3. Following the exchange of evidence, the appellant provided details of a planning permission¹ that was granted for a development opposite the appeal site. The Council were given the opportunity to comment on the new evidence and therefore has not been prejudiced.

Main Issues

4. The main issues of the appeal are the effect of the proposal on the character and appearance of the area and whether the scheme would provide for suitable living conditions for future occupants, with regard to on-site amenity space.

Reasons

Character and appearance

5. The appeal site is located on Bulford Road and has been cleared following the demolition of two bungalows. I observed that the surrounding area is

¹ PL/2021/07939.

predominantly residential, although there are retail/commercial units within proximity to the appeal site. There is a range of dwelling types along Bulford Road, including one and two storey properties. Architectural styles also vary and there are examples of hipped and gable roofs. Materials generally consist of brick or render.

6. The scheme would result in the construction of 6 flats that when viewed from Bulford Road would appear similar in scale and proportions to other blocks of terrace dwellings in the vicinity.
7. The rear of the building would accommodate 8 parking spaces, cycle and bin storage and some amenity space. Whilst I accept that other properties in the area generally have more open space to their rear, due to many of the properties being terraced the rear space is not overly evident within the street scene. This is particularly true to the south of the appeal site, where there are only small gaps between each block of terraced properties and the street scene has a somewhat enclosed feel given the terraced properties are located close to the road.
8. Further, the rear space behind the proposed building would back onto the gardens of the relatively new terraced properties behind the appeal site. This would provide further relief between built structures. I consider the level of spacing would be in keeping with the character and appearance of the area. Given the above, I consider that the scheme would integrate with its surroundings and would not appear to have an overly cramped layout.
9. The roofline of the proposed building would sit higher than the neighbouring properties to the south (Nos 84, 86 & 88). However, it can be seen from the elevation plans that this is only slight. It was clear on my site visit that the roofscape in the area is varied with examples of gable, hipped and flat roofs in close proximity to each other. Further, ridge heights also vary, with examples of two-storey and one-storey dwellings standing next to one another. Given this variation, I am not of the view that the slightly higher ridge height of the proposed building would result in any harm to the character and appearance of the area.
10. The Council has suggested that the height of the proposed building and closer proximity to the front boundary than the adjacent properties would result in the proposed development forming the most prominent building in the streetscene. However, it can be seen from the submitted plans that the building line is staggered each side of the appeal site, and the proposed building would sit comfortably within the stagger. The marginal taller ridge height than the neighbouring properties would not, in my view, result in an overly prominent building. The Council has also compared the appeal scheme to the roof height of 40 & 42 Bulford Road. However, these are a significant distance from the appeal site.
11. Having regard to all of the above, I consider that the proposal would not cause harm to the character and appearance of the area and therefore complies with Core Policy 57 of the Wiltshire Core Strategy (the CS), 2015.

Living conditions

12. The proposed flats at ground floor level would benefit from their own private amenity space. The other 4 flats (2x 2 bed and 2x 1 bed) would share a

communal area which is limited in size at 35 square metres. Core Policy 57 of the CS (vii) seeks to ensure that appropriate levels of amenity are achievable within the development itself. I am mindful that the two 2 bed flats could accommodate families with children who would likely have an expectation of a reasonable level of outdoor amenity space. On this basis and having regard to the National Planning Policy Frameworks (NPPF) strong message in terms of delivering good design, I am not of the view that the communal amenity area is sufficient to serve the four flats. Further, the appeal site is currently vacant, following the demolition of two bungalows who themselves benefited from outdoor amenity space and is not constrained by existing buildings or any other obstacles that could make the provision of outdoor amenity space difficult. The scheme therefore runs contrary to Core Policy 57 of the CS.

13. The appellant has provided details of another development opposite the appeal site where permission has been granted for flats without any outdoor amenity space. However, that scheme involves the upward extension of an existing building. The circumstances in that case are therefore clearly different to this appeal scheme.
14. Notwithstanding the above, I am mindful that the NPPF encourages a range of dwellings to meet peoples needs and there may be some potential occupants who might not desire outdoor amenity space. The proposed flats would be market dwellings and therefore the limited level of outdoor amenity space would be evident to any potential purchasers. Given this and that the scheme provides suitable living conditions in all other regards, I am of the view that the identified conflict with Policy 57 of the CS affords a moderate level of weight against the scheme in the planning balance.

Other matters

15. The scheme would result in an increase in vehicle movements associated with the 6 new flats. However, this would not be significant, and I note that the highway authority has not raised an objection to the scheme. As a result of my own observations on the site visit, I see no reason to disagree with the highway authority and consider that there would be no unacceptable harm to highway or pedestrian safety.
16. There has been a suggestion that there could be a covenant on the appeal site restricting development to two dwellings. However, this is not a planning matter for me to consider as part of this appeal.

Planning Balance, Conclusion and Planning Conditions

17. The Council accept that it cannot demonstrate a five-year housing land supply. The tilted balance is therefore engaged. I have found that there would be some harm in terms of the limited communal outdoor amenity space and therefore conflict with Policy 57 of the CS, which carries a moderate level of weight against the scheme.
18. On the other hand, the scheme would contribute 6 new dwellings (a net gain of 4 following the demolition of the bungalows) towards the Council's housing land supply shortfall. Whilst a modest contribution, I consider that it attracts moderate weight. There would also be some minor economic benefits in favour of the scheme that should be afforded limited weight. On balance, the identified harm does not significantly and demonstrably outweigh the benefits

of the scheme and therefore the NPPF sets out that approval should be granted. Given this and having regard to all other matters raised, I conclude that the appeal is allowed, as material considerations indicate that a decision should be made other than in accordance with the development plan.

19. As a result, there is a need to consider what planning conditions are necessary. As well as the standard time limit condition (1), a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2). Condition (3) is needed in the interests of highway safety.

Jonathan Manning

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site & Streetscene Plan (1265/01 Rev D); Proposed Floor Plans (1265/02 Rev A); and Proposed Elevations (1265/03 Rev A).
- 3) No part of the development hereby permitted shall be occupied until the parking spaces have been completed in accordance with the details shown on the approved plan 'Proposed Site & Streetscene Plan' (1265/01 Rev D). The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.