

By Email only: [west3@planninginspectorate.gov.uk](mailto:west3@planninginspectorate.gov.uk)

14<sup>th</sup> September 2026

Dear Sir/Madam,

**APPEAL REFERENCE 6013838: Durrington Library, 75 Bulford Road, Durrington, Salisbury, SP4 8EU**

### ***Introduction***

1.1 This document is submitted on behalf of the Appellant in response to Wiltshire Council's Statement of Case in relation to the appeal against the Council's refusal of planning application PL/2026/00630 for the demolition of the existing porta cabin building and the construction of a pair of semi-detached dwellings, landscaping and associated works.

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

### ***Use of Artificial Intelligence (AI)***

1.3 At paragraph 1.4, the Council highlights that AI tools have been used to assist in drafting its SoC. Whilst there is no objection to the appropriate use of AI, such use should be undertaken transparently and in accordance with relevant guidance.

1.4 The Planning Inspectorate's guidance, '*Use of Artificial Intelligence (AI) as Part of Any Appeal, Application or Examination Being Dealt with by the Planning Inspectorate*', states that there is no requirement to inform the Inspector of the use of routine tools such as spellchecking, grammar suggestions, formatting tools, or accessibility functions.

1.5 In this context, it is unclear why the Council has specifically highlighted that AI was used only for editorial support and did not replace professional planning judgement. If the use of AI was

genuinely limited to editorial functions, there would appear to be no requirement to disclose its use. The decision to do so therefore raises questions as to whether AI played a more substantive role in the preparation of the document. Indeed, having run the document through AI checking tools, our suspicion that AI has played a much more significant role than has been disclosed has been reinforced.

- 1.6 Furthermore, the Council has not identified which AI tool or tools were used, nor explained the extent of their use. This lack of detail makes it difficult to assess whether the guidance has been fully complied with and whether the Council's statement regarding the limited role of AI can be verified. In the interests of transparency for all parties, the LPA should reveal exactly what role AI has played in accordance with the Planning Inspectorate's guidance, or their Statement of Case be disregarded.

### ***Impact on Character of the Area***

#### **Design**

- 1.7 The Council's position is that the appeal building, together with Nos. 71 and 73 Bulford Road form a *"recognisable local townscape context"* that differs from other sections of Bulford Road. Consequently, the Council's reasoning is that the wider character of Bulford Road should be discounted because it is only appropriate to assess the immediate context as this is where *"the development would be experienced"*.

- 1.8 The Council explain that *"these buildings share common characteristics, namely substantial setbacks from the highway, modest scale, lowprofile built form and a relatively open spatial arrangement. Collectively, along with No 69 to the south, these buildings create a recognisable local townscape context that differs from other sections of Bulford Road."*

- 1.9 It is the Appellant's assertion that the Council's assessment interprets the site's context too narrowly and prescriptively. Although the immediate surroundings are relevant, the area's character cannot be determined solely by viewing a small cluster of neighbouring buildings in isolation (namely three building). The Council's approach gives disproportionate weight to the characteristics of a small number of properties rather than the character actually experienced within the public realm.

1.10 In any case, the appeal proposal does reflect these ‘defining’ characteristics, being set back from the highway and of a modest scale (when compared to the surrounding two storey buildings) and comprising a relatively open spatial arrangement in this urban environment. Therefore, the proposed development respects the character and appearance of the area, as prescribed by the Council, along with the streetscene along Bulford Road.

1.11 The Appellant's SoC highlights the National Design Guide's (2021) definition of a street scene, which states:

*“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.**”* (p.16)

1.12 The definition does not suggest that buildings should be viewed in isolation or that the character of a street should be reduced to a small number of properties immediately surrounding a development site.

1.13 This is particularly important because the “*local cluster*” the Council refers to does not possess any architectural merit which would justify treating them as the defining character of this section of Bulford Road. Nos 71 and 73 are dwellings comprising typical mid-late 20<sup>th</sup> century architecture, which, individually and collectively, do not represent a distinctive or particularly high-quality form of development. Apart from being set back from the highway and of a similar construction, the Council has not identified any specific qualities which would justify giving their characteristics greater weight than the wider street scene.



Figure 1: No 71 Bulford Road and No. 73 behind

1.14 The reliance on No. 71 Bulford Road is particularly concerning since this dwelling is positioned behind No. 73 and is not readily visible from the public realm. It therefore makes little, if any, contribution to the character of the street scene experienced by pedestrians or road users. It is difficult to understand how a building which is substantially screened from public view can reasonably be relied upon as a component of a “*recognisable local townscape context*” against which the appeal proposal should be assessed.

1.15 As shown in images within the Appellant’s SoC and below, the street scene as experienced from the public realm extends beyond these properties. In particular, the two-storey dwellings opposite the appeal site and those further along Bulford Road form the appeal site’s setting. These buildings cannot reasonably be disregarded simply because they fall outside the Council’s preferred “*immediate context*”. Their presence is directly relevant to the scale, form and visual character against which the appeal proposal would be experienced.



Figure 2: Streetscene as viewed by users of the highway

1.16 The Council has not also identified any clear physical or visual transition which establishes the former library, health centre and Nos. 69–73 as a separate character area. There is no identified change in street width, building grain, architecture, landscape or other townscape feature which would cause this section of Bulford Road to be perceived as a distinct enclave. The proposed “*local cluster*” is not an identifiable character area within the street.

1.17 The established variation in building height, form, setback and relationship to the highway is particularly important given the presence of two-storey development opposite and further along the street. Moreover, the findings of the Inspector in appeal APP/Y3940/W/21/3280173 should be highlighted regarding the relationship between two-storey buildings and single-storey dwellings within this part of Bulford Road.

1.18 The Council has therefore not demonstrated that the appeal site sits within a distinct or particularly sensitive townscape context which justifies the artificially narrow assessment it proposes.

1.19 In contrast, for the reasons set out within the Appellant's SoC, the proposed development respects the character of the area in all aspects of design, siting and scale.

#### Scale

1.20 With regards to scale, the Council states that *"the existence of larger buildings elsewhere within the street does not automatically render a taller building acceptable on this site. The question before the Inspector is whether the proposal responds positively to its immediate surroundings"*.

1.21 The Appellant agrees that the acceptability of development is not determined solely by the existence of larger buildings elsewhere within a street. However, the Council's own test does not support its conclusion. After all, the immediate surroundings of the appeal site contain two-storey dwellings, including those opposite the site and within the surrounding section of Bulford Road. Two-storey development is therefore an established component of the character of the area.

1.22 The Council's assessment appears to selectively define what constitutes the site's immediate surroundings. Whilst asserting that the proposal should be assessed against its immediate context, it concurrently excludes nearby two-storey dwellings that are plainly visible and experienced within the same street scene. No robust justification is provided for disregarding these buildings, particularly given that the National Design Guide refers to the composition of buildings on each side of the street rather than a limited selection of neighbouring properties.

1.23 The Council considers that *"the use of the [Appellant's] term "1.5-storey" understates the scale and visual presence of the proposal and does not materially alter its assessment of the development's impact on character, appearance and residential amenity."*

1.24 The Appellant considers that the Council has placed an undue emphasis on terminology rather than the form and appearance of the proposed development. Whether described as a "1.5-storey dwelling" or a "two-storey dwelling", the proposal's physical characteristics remain unchanged.

1.25 Even if the Inspector accepts the Council's description of the proposal as a two-storey dwelling, this does not materially strengthen the Council's case. As highlighted above and in the submitted SoC, full two-storey dwellings already form part of the character of Bulford Road, including properties opposite the appeal site and within the immediate surrounding area. The existence of such development demonstrates that two-storey built form is an established and accepted component of the local street scene.

1.26 Notwithstanding this, the proposal is not, in any event, a conventional full two-storey building. The upper floor accommodation is contained within the roof space and incorporates dormer windows to reduce the bulk and massing of the development when compared to a typical two-storey dwelling.

1.27 The Appellant's SoC and accompanying Planning Statement has outlined that its height, scale, massing and appearance would not result in any harm to the character of the area. Despite the presence of existing two-storey dwellings within the immediate vicinity, the Council has not demonstrated why the proposed building would appear incongruous or out of keeping within the wider street scene.

1.28 The Council's focus on terminology therefore does not support or advance its arguments regarding impact on the character and appearance.



*Figure 3: Proposed Elevation showing dormers in the roof*

### ***Appeal Precedent***

- 1.29 The Council argue that limited weight should be afforded to the appeal at nos. 90/92 Bulford Road (Appeal Decision APP/Y3940/W/21/3280173) because the approved development was situated within a more urban frontage characterised by prominent two-storey built form and buildings located closer to the highway.
- 1.30 The Council recognise that the appeal site is only 40metres from that approved under APP/Y3940/W/21/3280173. However, alleges that it is positioned in a totally different townscape and so should be given limited weight.
- 1.31 The Council's attempt to distinguish APP/Y3940/W/21/3280173 from the appeal site is not substantiated. The approved development at Nos. 90 and 92 Bulford Road lies directly opposite the appeal site. Given their close proximity and position on opposing sides of the same street, it is difficult to understand how one site can reasonably be described as forming part of a "*more urban frontage characterised by prominent two-storey built form*" whilst the other is said to occupy a fundamentally different townscape context.



Figure 4: Relationship between two sites

1.32 From Bulford Road, both sides of the street are experienced together. Its character therefore reflects the combined development on either side of the highway, rather than isolated building groups. The Council's analysis artificially separates two visually and spatially connected areas that form part of the same continuous street scene.

1.33 Indeed, the Inspector in APP/Y3940/W/21/3280173 assessed development that would be viewed directly alongside the appeal site and its surroundings. The Council has identified no clear physical, visual or spatial feature that would lead an observer to regard the two locations as separate character areas. Without such a distinction, its attempt to minimise the relevance of the previous appeal decision carries little weight.

### ***Residential Amenity***

1.34 As highlighted in the submitted SoC, the Appellant acknowledges that the proposed development would alter part of the existing outlook from No. 73 and its front garden. However, unlike the Council, whose position is that the relationship would create an unacceptably overbearing and oppressive presence, the Appellant believes that the proposal would preserve the useability of this garden and the amenities of this neighbour. Indeed, the fact that additional built form would be visible does not, in itself, demonstrate that the amenity of the neighbouring occupiers would be harmed.

1.35 Within their SoC, the Council places considerable emphasis upon the dimensions of the proposed side gable, referring to its approximate length of 11.4 metres and height of 8.1 metres. However, regard must also be had to the position of the building relative to No. 73, the angle from which it would be experienced, the extent of enclosure created and the amount of outlook and openness that would remain.

1.36 In this case, the proposed side gable would be positioned to the side of No. 73 rather than directly in front. It would therefore be experienced at an oblique angle rather than as a directly facing two-storey elevation. The proposal would not surround or enclose the neighbouring dwelling or its garden and would not prevent outlook in other directions.

1.37 The Council explicitly accepts that outlook would remain available in other directions. The front garden would continue to benefit from an open aspect across the highway and towards the wider streetscene and open sky. The proposed dwellings would therefore form only part of the

outlook rather than creating a wholly enclosed or oppressive environment.

- 1.38 The Council's characterisation of the side gable as an *“abrupt and dominant built feature”* is therefore disputed. The fact that the building would represent a change from the existing open outlook does not, without more, demonstrate that it would be oppressive or overbearing.
- 1.39 The Council also *“disagrees with the appellant's suggestion that limited weight should be afforded to the impact upon the front garden because it fronts a public road”* stating that the relevant question is *“whether it functions as a genuinely used private amenity area.”*
- 1.40 As highlighted in the SoC, the Appellant does not dispute that the garden is used by the occupier for recreation and food cultivation and that it therefore contributes to the residential amenity of No. 73.
- 1.41 However, the garden is located immediately adjacent to the public highway and remains visually and functionally associated with the road and footway. Whilst the boundary treatment provides a degree of privacy, the nature of this space is materially different from the more secluded rear garden, which the Council has agreed will not be harmed by the proposal. If there is a relevant question to this appeal, it is not whether the garden has amenity value, but whether that amenity would be materially diminished by the appeal proposal.
- 1.42 The Council highlights an interaction between the occupier and a person waiting at the nearby bus stop to argue that the existing occupier uses this garden as their amenity space. However, if anything, the observation supports the Appellant's position that the front garden has a materially different relationship with the public realm from the rear garden. It does not establish that the garden is a highly secluded private amenity area.
- 1.43 The ability of the occupier to converse with a person waiting at a public bus stop is, in itself, evidence of the direct relationship between the garden and the public highway. The person at the bus stop was not within the private curtilage of No. 73 but was occupying a publicly accessible location immediately adjacent to the garden. The fact that an ordinary interaction could take place between the occupier and a member of the public demonstrates that the garden is capable of being experienced in conjunction with the public realm.

1.44 In any event, whether the front garden is properly characterised as a private amenity space does not determine whether the proposal would result in unacceptable harm. In this respect, the Appellant has highlighted that there would be no unacceptable loss of sunlight or daylight, no overlooking or unacceptable loss of privacy, and no enclosure of the garden as a whole. The garden would remain capable of being used for recreation and cultivation and would retain an open aspect across the highway and wider streetscene.

1.45 Consequently, contrary to the Council's assertions, the Appellant does not suggest that the front garden should be disregarded. Rather, its particular characteristics should be taken into account when assessing the degree of harm. The garden has amenity value, but it is not a secluded rear garden, and the proposal would not materially impair its ability to function as an area of residential amenity.

### ***Planning Balance***

1.46 The Council's position is that the impact on the character of the area and amenity is substantial and would not outweigh the benefits of two new dwellings in a sustainable location.

1.47 The NPPF (2026) states at policy S4: 1. *"Development proposals within settlements should be approved unless the benefits of doing so would **be substantially outweighed by any adverse effects**, when assessed against the national decision-making policies in this Framework."*

1.48 The Appellant's SoC highlights the benefits of the proposal including:

- Delivery of two new family dwellings at a time of acute housing land supply shortfall (just 2.8 years in Wiltshire). In accordance with NPPF HO7, this should be afforded **substantial weight**.
- Redevelopment of vacant and underutilised previously developed land, which should, in accordance with NPPF L2 1(a), be afforded **substantial weight**.
- economic benefits during construction and occupation, which should be afforded **moderate weight**.
- biodiversity enhancements, which should be afforded **moderate weight**.

1.49 Against these benefits, the Appellant considers the Council has not demonstrated substantial harm to the character and appearance of the area. After all, its assessment relies heavily upon a narrowly defined “local townscape context” comprising a small number of properties, whilst seeking to discount the two-storey dwellings opposite and further along Bulford Road. However, those buildings form part of the same street scene and are plainly part of the context within which the appeal proposal would actually be experienced. The repeated reference to “*the development would be experienced*” does not alter that reality.

1.50 The Council’s reliance upon terms such as “*local townscape context*”, does not, without a clear evidential assessment, establish that such harm would occur. This is particularly relevant given the Council’s disclosure that AI was used in preparing its Statement of Case. As highlighted, the Appellant does not object to the appropriate use of AI as a drafting or editorial tool; however, the resulting assessment must remain objective, site-specific and demonstrably based upon professional planning judgement. Where repeated conclusions are not supported by a clear explanation of how the evidence leads to them, they should be afforded limited weight.

1.51 The planning balance should therefore be based upon the actual effects of the proposal rather than the Council’s artificially narrow definition of its context or repeated characterisation of those effects. On that basis, any adverse effects regarding the character of the area are limited and would not **substantially outweigh** the clear benefits arising from the provision of two homes, the reuse of previously developed land, the contribution to housing supply and the other identified benefits.

1.52 The Appellant has also demonstrated that the proposal would preserve the amenity of existing and future occupiers. It would not result in unacceptable overlooking, loss of privacy, loss of sunlight or daylight, or an oppressive enclosure of No. 73.

### **Conclusion**

1.53 For the reasons set out in the Appellant’s Statement of Case and these Final Comments, the Council has not demonstrated that the proposal would give rise to the degree of harm alleged. The assessment of both character and appearance and residential amenity places disproportionate weight upon a narrowly defined context and upon a change in outlook, whilst insufficient weight is given to the wider street scene, the actual relationship of the proposal to No. 73 and the continued functionality of the neighbouring garden.

1.54 Accordingly, the Appellant respectfully requests that the Inspector allows the appeal and grants planning permission, subject to appropriate conditions.

Yours sincerely

A black rectangular box redacting the signature of Dan Roycroft.

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