



The Planning Inspectorate

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Your Ref: PL/2021/08660
Our Ref: APP/Y3940/D/22/3302039

Planning Appeals
Wiltshire Council
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

20 April 2023

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Steve Burnet
Site Address: 3 The Butts, Lydiard Millicent, SWINDON, Wiltshire, SN5 3LR

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.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Bridget Holden

Bridget Holden

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Appeal Decision

Site visit made on 24 February 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/Y3940/D/22/3302039

3 The Butts, Lydiard Millicent, SWINDON SN5 3LR

- 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 Steve Burnet against the decision of Wiltshire Council.
 - The application Ref: PL/2021/08660 dated 30 August 2021 was refused by notice dated 12 June 2022.
 - The development proposed is Proposed Annex.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form simply describes the proposed development as an 'annex' and the Council's decision notice as 'proposed annex over existing garage'. There is nothing before me to further clarify the intended use of the development which could, by this description, be as habitable accommodation additional to that found in the host dwelling and I have determined this application on that basis.
3. I have used the name that appears on the application form and the appeal form which differs from that on the Council's decision letter.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the character and appearance of the Lydiard Millicent Conservation Area (Conservation Area) and
 - living conditions for users of the development

Reasons

Character and appearance

5. The appeal site is an existing garage structure within the curtilage of 3 The Butts, Lydiard Millicent (No.3), which is a small settlement in the Wiltshire countryside characterised, in regard to the Conservation Area, by loosely arranged groups of largely¹ traditional dwellings and an open rural setting. The building which is the subject of this appeal is a double garage in generally poor

¹ There are more recent developments including a school in the vicinity.

condition. Although separated from the host dwelling by The Butts, a rural lane, the appeal site is defined on its northern side by a ditch and hedgerow.

6. Although it is possible that the existing garage has been previously altered or rebuilt in the past, its appearance suggests a construction which has no traditional elements or origins. There are some signs of structural movement in the walls and the roofing material is a corrugated sheet material. Overall I consider the garage is a minor detractor from the character and appearance of the Conservation Area such that an appropriately designed replacement could preserve or enhance the character and appearance.
7. The proposal would raise the height of the existing building in order to provide accommodation in the roof space, accessed by an external staircase. The character of No.3 and neighbouring properties, are, by their appearance, form, and materials used, readily understood as dwellings, in some cases with ancillary structures, that sit within a well-defined curtilage. Such development patterns provide a settled appreciation of a historic settlement pattern that contributes positively to the character of the Conservation Area.
8. Notwithstanding the submitted plans and declaration as to the legal relationship between No.3 and the garage, whilst the subject building can be understood as a garage, an ancillary building to a residential use, due to its prominent location outwith the defined curtilage of the host dwelling, it appears incongruous in the street scene. What is proposed would increase this incongruity through significant additional height and a built form unrelieved by openings or other architectural consideration. The positioning of doors and their height relative to the proposed eaves height would increase the sense of the building being an ill-considered insertion in a prominent street-side location. The access stairs are located discretely such that the resulting development would appear as a poorly proportioned garage structure rather than a garage with additional accommodation above. Even if the proposal were provided with fenestration this would not, in my opinion, mitigate the effect of its bulk and mass in this prominent location.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-takers to have regard to the effect of development upon the conservation areas and the desirability that such development should 'preserve or enhance' character and appearance, a matter to which the Courts have attached considerable importance and weight. Notwithstanding its current neglected state and non-traditional use of materials, the building as proposed would by virtue of its disproportionate height and poor architectural treatment, fail to preserve or enhance the character and appearance of the Conservation Area. This would amount to less than substantial harm in which regard the appellant has advanced no outweighing considerations of public interest. To that harm is added the conflict with Policies 57 and 58 of the Wiltshire Core Strategy 2015 (WCS) which seek to ensure high quality design, retain local distinctiveness and protect the historic environment.

Living Conditions

10. The submitted plans do not indicate how the accommodation provided might be used other than by the description on the application form as an 'annex'. In such circumstances use as sleeping or other general living accommodation

cannot be ruled out in the way a description of use as a store or other wholly ancillary use might be limited by condition. On that basis the appeal falls to be determined as to the potential for use of the additional space as living accommodation. The space proposed would provide a poor-quality environment for any user, notwithstanding the room would be additional to that of the main dwelling. I consider the lack of access to daylight or usual ventilation arrangements from windows or rooflights for such accommodation would conflict with Policy 57 of the WCS where that policy seeks to ensure appropriate levels of amenity are provided within development.

Conclusion

11. I have identified that, notwithstanding the poor quality and condition of the existing building, the proposal would neither preserve or enhance the character and appearance of the Conservation Area and this would conflict with policies 57 and 58 of the WLP. I have also concluded that the accommodation for which permission is sought would not provide satisfactory living accommodation in conflict with Policy 57 of the WLP. These conflicts are not outweighed by other considerations and, therefore, for the reasons given and taking all matters raised into account I conclude the proposal conflicts with the Development Plan as a whole, such that the appeal cannot succeed.

Andrew Boughton

INSPECTOR