

Appeal Decision

Site visit made on 21 March 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th April 2017.

Appeal Ref: APP/R3325/W/16/3165154
Sundown, Sunny Hill, Cole, Bruton BA10 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Barrett against the decision of South Somerset District Council.
 - The application Ref 16/03426/OUT, dated 5 August 2016, was refused by notice dated 14 October 2016.
 - The development proposed is described as: "Erection of single storey dwelling and formation of access."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved. Consequently, I have treated the proposed site plan and block plan, Ref 6574-10, as illustrative.

Main Issue

3. The main issue is whether the proposal would be a suitable form of development in this location, having regard to the character and appearance of the area.

Reasons

4. The site is outside of the development area as defined by the Local Plan¹. The settlement strategy for the district, as set out in Policies SS1 and SS2 of the Local Plan seeks to direct development to the most sustainable locations in the district, based on a settlement hierarchy and key sustainability criteria. The Council has acknowledged that it is unable to demonstrate a five-year supply of deliverable housing sites and consequently, the relevant housing supply policies SS1 and SS2 are not considered up-to-date. I have therefore determined the appeal in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework) and Policy SD1 of the Local Plan.
5. The site is within an area of residential development and is located towards the edge of the settlement. The surrounding development consists of predominantly detached and semi-detached houses set within relatively spacious plots. There are views across the gardens and along the roads to the

¹ South Somerset Local Plan 2006-2028 (adopted March 2015)

open countryside beyond the village. The landscaping within the gardens, combined with the hedgerows and banks adjoining the rural roads, makes a positive contribution to the appearance of the area. Overall, I disagree with the appellant's analysis that the area is suburban. I find it to be semi-rural in character and appearance.

6. The appeal site comprises part of the garden of a single storey detached house, located on the corner of Sunny Hill and Mill Lane. The illustrative site plan depicts a modest sized bungalow and a new vehicular access onto Mill Lane, which would be constructed by the partial removal of the boundary hedge and bank.
7. The existing garden of Sundown is relatively long, which reflects the spacious layout of the surrounding development. However, the plot narrows due to the curvature of the road. Consequently, the depth of the appeal site is restricted. The effect of this is that any new bungalow would be sited centrally within the plot and its outdoor amenity space, particularly at the rear, would be limited. A bungalow, even of modest proportions as illustrated, would dominate the plot resulting in a development with a cramped appearance.
8. Moreover, the bungalow would be prominent, due to the land levels. The alteration to the boundary hedge and bank would increase its prominence in the street scene. Although the development could be considered to be infill, the size of the plot would be small in comparison to other nearby plots. During my site visit I saw the more recent development, east of Mill Lane, which is less spacious in appearance. However, this does not reflect the predominant character of the area and does not justify further development of this type. Due to the size of the plot, the development would be smaller than the adjoining bungalows. It would not reflect the spacious and semi-rural character of the area, and would appear incongruous in this location.
9. I am aware that the decision to refuse the application was taken contrary to the advice of professional officers. However, I am satisfied that the Area Committee made its decision on the basis of the evidence available and the concerns expressed are valid.
10. Consequently, I find that the development would adversely affect the character and appearance of the area, contrary to Policy EQ2 of the Local Plan, which seeks to promote local distinctiveness and ensure that development preserves or enhances the character and appearance of the district.

Conclusion

11. The proposed development would be contrary to the specific terms of policies SS1 and SS2 of the Local Plan, including the fact that it would not meet an identified housing need as required by policy SS2. However, these policies are out-of-date and carry limited weight. Therefore, I am required to consider the proposal in the context of the presumption in favour of sustainable development.
12. I appreciate that the development would be well located in relation to access to services and the local transport network, and future occupants may make a positive contribution to the vitality of the settlement. The development would also make a minor contribution to the housing supply and there is likely to be some limited economic benefit during construction. However, I have found that

the development would have a harmful effect on the character and appearance of the area, as set out above.

13. I conclude that the harm would significantly and demonstrably outweigh the benefits of the proposal. It would therefore fail to meet the aims of Policy SD1 of the Local Plan and the principles of sustainable development as set out in the Framework. Consequently, the appeal is dismissed.

Debbie Moore

Inspector