



---

## Appeal Decision

Site visit made on 11 January 2018

**by Thomas Bristow BA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> February 2018**

---

### **Appeal Ref: APP/R3325/W/17/3181937 112 Combe Hill, Milborne Port DT9 5BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
  - The appeal is made by Mrs R Gibbs against the decision of South Somerset District Council.
  - The application Ref 17/00570/OUT, dated 4 February 2017, was refused by notice dated 26 May 2017.
  - The development proposed is described on the application form as a 'new single storey dwelling and garage to be constructed in garden'.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for a new single storey dwelling and garage in the garden of No 112 Combe Hill, Milborne Port DT9 5BG in accordance with the terms of the application Ref 17/00570/OUT, dated 4 February 2017, subject to the conditions below.

### **Preliminary matters**

2. The proposal is in outline with matters of access, appearance, landscaping, layout and scale reserved for future consideration (the 'reserved matters'). I have therefore treated the associated plans indicating the potential location and design of a dwelling within the appeal site as illustrative.
3. Revised plans related to vehicular access were submitted after the application was originally made. No party would be prejudiced by my considering them, however, as they primarily detail existing access arrangements, do not alter that the proposal is in outline, and as the appeal process will have afforded any interested party the opportunity to comment on them.
4. Notwithstanding the planning history here, each proposal must be determined on its particular merits in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the South Somerset Local Plan 2006-2028 (adopted 5 March 2015, the 'LP'). I have taken account of other relevant material considerations, including the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').

### **Main issues**

5. The main issues are the effect of the development proposed on (1) the character and appearance of the area, with particular regard to the prevailing pattern of development nearby, and (2) the living conditions of the occupants

of Nos 110 and 114 Combe Hill, with particular regard to noise and disturbance.

## **Reasons**

### Character and appearance

6. The appeal site is part of the spacious garden of No 112 Combe Hill, a modest bungalow appearing to be of roughly mid-century origin. Vehicular access to No 112 and to the appeal site is via a cut-through between the side elevations of Nos 110 and 114 Combe Hill. No 110 appeared to be of similar original age to No 112, with Nos 114 to 120 having been constructed more recently.
7. Combe Hill represents the north-westerly extremity of Milborne Port; a short ribbon of development extending into the rural environs of the village beyond Manor Road. Many dwellings here are arranged in linear fashion fronting the road, of single plot depth with fields behind. The appeal site falls to the rear of properties facing Combe Hill, which is not reflective of the typical pattern of development nearby.
8. However there is some variety in the arrangement of buildings in the area. No 112 is itself to the rear of properties facing Combe Hill. A substantial agricultural building is located behind Nos 110a and 108 which, similar to the appeal site, is accessed via a track which runs between the side elevations of those properties. An extensive farm complex is also readily apparent behind Sunnyhill House and another dwelling facing Combe Hill nearby.
9. Moreover, notwithstanding that the proposal is in outline, a dwelling within the appeal site is likely to be barely visible from along Combe Hill: the appeal site is largely obscured from view by Nos 110 and 114 given the relatively narrow access (approximately 3.05 metres in width). Certain approaches to planting or landscaping could further reduce visibility.
10. Whilst towards the crest of a slight hill, the surrounding topography is generally only gently undulating. Fields are demarcated by established hedgerows punctuated by occasional trees, as is the case around the appeal site. In this context, I observed that the appeal site is barely perceptible from more distant public vantage points in the area, including along the track behind Manor Road. A suitable approach to landscaping at reserved matters stage, which may include retaining or enhancing existing planting, could in my view be secured via appropriately worded conditions.
11. I also note that the surrounding area is subject to no protective designations related to landscape or historic character. SSDC furthermore have no inherent objection to the location of the proposal; their officer report associated with the application explains how LP policy SS5 'Delivering new housing growth' indicates that a 'permissive approach' should be taken to considering housing proposals adjacent to established rural centres such as Milborne Port.
12. For the above reasons, and subject to a sensitive approach to reserved matters applications, I conclude that the proposal would not adversely affect the character or appearance of the area: any effect on landscape character or locally distinctive patterns of development would be negligible. Accordingly the proposal accords with the relevant provisions of LP policy EQ2 'General

development' and paragraphs 17, 60 and 109 of the NPPF, which, in summary, seek to ensure that all development integrates appropriately with its surroundings.

#### Living conditions

13. LP policy EQ2 explains that development should protect the residential amenity of neighbouring properties. Similarly paragraphs 17 and 123 of the NPPF, amongst other things, establish that planning should secure good standards of amenity and avoid where noise resulting from development would entail significant adverse effects to individuals' quality of life.
14. I have taken careful account of the representations made by the residents of neighbouring properties. I acknowledge that access to the appeal site is relatively narrow, that it runs adjacent to the rear gardens of Nos 110 and 114, and that previously vehicular access to No 112 was elsewhere. I also accept that the proposal would inevitably result in increased vehicular use of the access, and that associated noise would be noticeable.
15. However the number of vehicular movements generated by one new dwelling would be relatively modest. Resulting noise and disturbance would also be occasional and intermittent. Vehicular movements resulting from a residential use are also likely to arise at reasonably social hours, whereas those in association with agriculture are commonly more variable and extend across a greater period of the day in response to the practical needs of farming (vehicular accesses to agricultural uses behind residential properties along Combe Hill are present nearby as set out above).
16. I also observed that relatively narrow cut-throughs between dwellings are not uncharacteristic here. This is, for example, the situation at Hill View and No 96 Coombe Hill, between which is a track to the rear of Manor Road which is used by a number of properties for access to parking. As the ribbon of properties northwards of Manor Road represents the extremity of Milborne Port where its built form extends into the surrounding countryside, the relative tranquillity of the area around Nos 110 and 114 would also in my view moderate occasional noise and disturbance resulting from the proposal with periods of calm.
17. I noted there are no windows in the side elevation of No 110 facing the access visible above fencing demarcating the garden of that property. Only one window is present at first floor level in the side elevation of No 114 facing the access. Given the attenuation that would be provided by solid walls with limited openings, any noise experienced from vehicular use of the access within those properties is likely to be moderated.
18. I therefore conclude that noise and disturbance associated with vehicular use arising from the dwelling proposed would not be intrusive, and that the proposal would not unacceptably affect the living conditions of the occupants of Nos 110 and 114. Consequently the proposal accords with the relevant provisions of LP policy EQ2 and of paragraphs 17 and 123 of the NPPF.

#### **Other matters**

19. I note the further concerns raised by neighbours, including in respect of the potential effects of the proposal on highway safety, in relation to privacy, and that allowing the appeal may set an unwelcome precedent by way of resulting

in pressure for similar development elsewhere that could, cumulatively, be detrimental to the character of the area.

20. Having viewed the site access, visibility from it, and as Coombe Hill adjacent is subject to a 30 mile-per-hour speed limit, I am not of the view that the additional vehicular use of the access resulting from the proposal would entail cause for concern in relation to highway safety or capacity. Given the spacious garden of No 112 and as the proposal is in outline, in my view a dwelling could be suitably located within the appeal site and designed so as to avoid undue effects in relation to the privacy of neighbours.
21. I have set out above how it is the particular location and surrounding context of the appeal site which render the proposal acceptable. As such allowing the appeal would not, in my view, set an adverse precedent. Moreover each proposal must be determined on its particular merits. No other relevant matters are therefore of such significance so as to alter my reasoning in respect of the main issues in this case. I would also note that SSDC do not make the case at appeal that the proposal would be unacceptable in respect of the concerns raised by nearby residents set out above.

### **Conditions**

22. It is necessary to impose conditions limiting the life of the planning permission, setting out requirements for the reserved matters in accordance with relevant legislation, and requiring compliance with the supporting location plan in the interests of certainty. In imposing conditions I have had regard to the tests within the NPPF, the PPG and relevant statute, and have amended the wording of certain conditions proposed by SSDC without altering their aim.

### **Conclusion**

23. For the above reasons, and having taken all other relevant matters into account, the development proposed complies with the development plan taken as a whole and with the approach in the NPPF. I therefore conclude that the appeal should be allowed subject to the conditions below.

*Thomas Bristow*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Details of the access, appearance, landscaping, layout and scale (the 'reserved matters') shall be submitted to, and approved in writing by, the local planning authority before any development takes place, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision, and the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

- 3) The development hereby permitted shall be carried out in accordance with the approved location plan entitled '112, Combe Hill, Milborne Port, Sherborne, DT9 5BG' dated 24 March 2017.