



Appeal Decision

Site visit made on 20 March 2018

by **S Rennie BA (Hons) BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 April 2018

Appeal Ref: APP/R3325/D/17/3192395

247 Larkhill Road, Yeovil, Somerset BA21 3LL

- 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 Miss Nina Ward against the decision of South Somerset District Council.
 - The application Ref 17/03830/FUL, dated 20 September 2017, was refused by notice dated 20 November 2017.
 - The development proposed is described as to trim hedgerow back to curbside and erect 6 foot (plus capping) fence.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a boundary fence at 247 Larkhill Road, Yeovil, Somerset BA21 3LL, in accordance with the terms of the application, Ref 17/03830/FUL, dated 20 September 2017, including the 1:200 Block Plan and 1:1250 Location Plan.

Procedural Matter

2. Whilst the description of development in the banner heading above is as per the planning application form, the act of development in this case is limited to the erection of a boundary fence, as described by the Council and the fence is already in place. I shall consider the appeal accordingly.

Main Issue

3. The main issue is the effect of the fence on the character and appearance of the area.

Reasons

4. The house is within a residential area, on the corner of Larkhill Road and Thorne Lane. The fence is positioned to the side boundary of the house with Thorne Lane and partially to the front boundary with Larkhill Road. Most properties in this immediate area do not have fences to enclose front gardens. However, some of the other corner plot properties have other forms of high enclosures, such as tall hedges or other vegetation. The high hedges to the side and front of No 247 also remain, but with the new fence immediately adjacent to the public footpath to the front of the hedges. The front garden was therefore already an enclosed space.

5. Moreover, whilst I acknowledge that high fence enclosures are not common in the area, in this particular case the house is on a corner plot adjacent to a busy junction, and so in a different situation to most other properties in the area. Furthermore, as the Council has acknowledged, this is not a formal open-plan estate and there is evidence of high hedges and other forms of enclosures within the wider area.
6. Within the context of the long residential streets of Thorne Lane and Larkhill Road, this fence is not of a length or height to be a dominant feature, especially as the fence is erected against the backdrop of a higher hedgerow. The style of the fence also fits well with the residential character of the area.
7. In view of the above, the fence as erected does not harm the character and appearance of the area and so it accords with Policy EQ2 of the South Somerset Local Plan 2006-2028 which, amongst other matters, seeks to reinforce local distinctiveness, respect local context and create quality places.

Other Matters

8. I have taken into account representations referring to setting a precedent for future similar developments. However, the decision in this case takes into account the specific circumstances of the site, such as the corner plot location and each case should be considered on its own merits.
9. I have also taken into account representations referring to highway safety concerns. However, as the fence is set back from the highway behind a grass verge, it does not obstruct highway user visibility. Also, the Council's highway consultant did not raise any highway safety concerns.

Conditions

10. I have taken the suggested conditions from the Council into account. However, as the development has been completed it is not possible or necessary to impose a three year time limit for the development to be started or to have a condition requiring it to be carried out in accordance with the approved plans. Also, the fence looks acceptable and so it is not necessary to seek that its appearance matches any aspect of the existing building.

Conclusion

11. For the reasons given, I conclude that the appeal should be allowed.

Steven Rennie

INSPECTOR



Appeal Decision

Site visit made on 28 March 2018

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2018

Appeal Ref: APP/R3325/W/17/3190554

125-129 Middle Street, Yeovil, Somerset BA20 1NA

- 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 Hasson Sabeh against the decision of South Somerset District Council.
 - The application Ref 17/03837/FUL, dated 12 September 2017, was refused by notice dated 27 October 2017.
 - The development proposed is to replace timber windows on first and second floor.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application form and the appeal form described the site address as 127 Middle Street, Yeovil. However, the decision notice of the Council and the appellant's appeal statement refer to the property as 125-129 Middle Street. As this was consistent with what I saw at my site visit, I have referred to it above.
3. The original application described the proposed works as to replace the timber windows on the first and second floor. The appellant's appeal statement and the Council have referred to the proposal being for the replacement of eleven windows and a door. The Council have considered the proposal on this basis, and so shall I.
4. Osborne House is a grade II listed building. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

5. The main issue is the effect of the replacement windows and door on the character and appearance of 125-129 Middle Street and the surrounding area, having particular regard to the desirability of preserving a listed building and its setting.

Reasons

6. The appeal building occupies a corner position formed by the junction of Middle Street with Wyndham Street. It is part of a long row of mostly historic buildings that gently step down the hillside towards the town centre. The

straight nature of Middle Street provides long views of the building, and this combined with its position on a staggered cross-roads, makes it prominent within the area.

7. The building has an elegant, well-composed form, and much of its rich and particularly fine architectural detailing and styling remains. This and the repeated rhythmical placement of several large windows upon the upper floors is a distinct feature of the building. The number of windows, their size and position, along with their sash style, all contribute towards the elegant prominence of the building. The windows and door above the main entrance are curved to reflect the corner position. As such Nos 125-129 makes an eye-catching and positive contribution to the area.
8. The upvc replacements would have a heavy and cumbersome appearance that would be at harmful odds with the refinement of the host building. Although the windows would replicate the glazing pattern of the timber windows, they would be casements with deep frames and glazing bars. Even with the reveal, the uniformity of the upvc and the thickness of the frames and glazing bars would be a harsh contrast with the fine detailing of the building. Furthermore, the new window and door above the main entrance would not be curved, giving an unacceptably flattened appearance to this focal corner.
9. I appreciate that the building is neither listed nor in a conservation area, and that there are many other historic buildings nearby that have upvc windows. Nevertheless Nos 125-129 is a fine building in a prominent position that makes an important contribution to the area, and the number, size and delicate style of its timber windows are distinct aspects of its appearance. When combined with its position the building is distinctly and eye-catchingly visible within the public realm, and as such the harsh juxtaposition of the proposed windows with the elegance of the building's form and detailing would be readily apparent.
10. This incongruity would harm the setting of Osborne House. Although the appeal property is set away from this listed building, when approaching the town centre it is one of several imposing historic buildings close to a road junction that are part of the setting of this house, reflecting the former importance of the road as a way into the town. Many of the nearby properties have upvc windows, but it is the elegance and corner position of the appeal building that makes it a positive contribution to the setting of Osborne House.
11. The National Planning Policy Framework (the Framework) requires that where a development proposal would be less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The replacement windows would result in less than substantial harm to the listed building due to their relatively small size compared to that of the setting of this house as a whole. I have taken into account the appellant's desire to improve heating efficiency, noise and safety. Whilst this would be of some public benefit, the effect would be modest and would not outweigh the harm to the setting of Osborne House.
12. The Framework advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposed windows and door would unacceptably harm the character and appearance of the appeal building and the contribution it makes to the area, including eroding the setting of a listed building. This would be contrary to the requirements of the Act and the

Framework, and also to those of Policies EQ2 and EQ3 of the South Somerset Local Plan (2015). These policies seek amongst other things high quality development, the conservation of heritage assets, and the reflection of local distinctiveness.

Conclusion

13. Thus for the reasons given above, and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR