



Appeal Decision

Site visit made on 22 May 2018

by **M Bale BA (hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2018

Appeal Ref: APP/R3325/W/18/3195312

Stancrest, Currywoods Way, Curry Rivel, Langport, Somerset TA10 0NT

- 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 D Davis against the decision of South Somerset District Council.
 - The application Ref 17/03388/FUL, dated 16 August 2017, was refused by notice dated 15 December 2017.
 - The development proposed is a new single storey dwelling on land associated with Stancrest including works to an existing access.
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Decision

1. The appeal is allowed and planning permission is granted for a new single storey dwelling on land associated with Stancrest including works to an existing access at Stancrest, Currywoods Way, Curry Rivel, Langport, Somerset TA10 0NT in accordance with the terms of the application, Ref 17/03388/FUL, dated 16 August 2017, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) living conditions of existing and future residents with particular regard to the standard of accommodation proposed for the new dwelling, and noise and disturbance to the occupiers of Stancrest from traffic accessing the site.

Reasons

Character and appearance

3. The site is in a location where there is a varied pattern of development. There is frontage development to Currywoods Way but the dwellings are of differing designs and occupy varied positions relative to their boundaries and the highway. Immediately adjoining the site is the cul-de-sac development of St. Andrew's Close, which similarly contains a variety of dwellings.
4. The site is small and triangular in shape. This means that the dwelling would be sited tight to its boundaries with 11 St. Andrew's Close and Currywoods Way. However, it would not fill the majority of the plot as it would allow space about the dwelling, including provision for a garden and parking, and there would still be open space between the dwelling and St. Andrew's Close when viewed from Currywoods Way.

5. Whilst there has been some suggestion in the representations that other recent developments have respected the building line, there is no strong pattern of development here and there is no substantive evidence before me demonstrating that harm would arise from the siting close to the road. In this regard, I saw that nearby Rose Cottage is close to the road, as is the garage for South View which, like the proposed dwelling, is positioned side on to the road. Therefore, the siting of the proposed dwelling need not be governed by the positions of existing dwellings.
6. For these reasons, the proposed dwelling would not cause harm to the character and appearance of the area. It would, therefore, accord with Policy EQ2 of the South Somerset Local Plan (2006-2028) (LP) which, amongst other things, seeks to create quality places that reinforce local distinctiveness and respect local context, and the National Planning Policy Framework (the Framework), which shares these aims.

Living conditions

7. I note that the rear garden would be triangular in shape, but there are examples of similar gardens in the locality and the proposed garden does not appear to me to be disproportionately small to the size of the one bedroomed property. I have not been directed to any particular policies that seek to regulate the sizes of dwellings or their gardens. The additional planting proposed to make the space private may enclose the area, slightly reducing the available space and limiting the outlook, but there is no substantive evidence before me to indicate that this would be harmful to the living conditions of future occupiers.
8. The proposed access arrangements would result in vehicles manoeuvring in close proximity to the windows of Stancrest. I note that the Council suggest that any resulting disturbance would not be a sufficient reason to refuse permission by itself. Indeed, as it would only serve one additional dwelling with a maximum of two parking spaces, the level of disturbance, even in hours of darkness, would not cause a significant effect such that it would harm the living conditions of the occupiers of Stancrest.
9. Whilst the dwelling would be close to the boundary with No. 11 St. Andrew's Close, the position of windows would mean that the rear of No.11 was not overlooked and the proposed height would not harm the outlook from this neighbouring dwelling. In this regard, I note that the Council concluded that the dwelling would not cause harm to the living conditions of neighbouring properties and with regard to the above, I have no reason to disagree.
10. To conclude on this issue, the proposal would not harm the living conditions of existing or future residents. It would not conflict with Policy EQ2 of the LP which seeks to secure high quality development and safe environments, nor the planning principles outlined in the Framework.

Other matters

11. Outside the site, Currywoods Way is narrow and it would not be possible to park here without causing obstruction to the highway. There would, however, be sufficient visibility and vehicles could enter and leave the site, as they can from the existing driveway. There would be space to manoeuvre within the site and, if necessary unload passengers before parking in the designated

spaces. I note that the 'layby' at the existing access would be removed, but it would be replaced with another wide access where vehicles could momentarily stop clear of the carriageway.

12. Whilst there could be an increase in on-street parking pressure, including on St. Andrew's Close, there is no substantive evidence before me that the surrounding streets could not accommodate this. I note that Currywoods Way is busy, serving commercial premises and a large number of dwellings, has no footways and has restricted visibility at its junction with the A378. However, the increase in traffic arising from the proposal would be small in terms of the overall traffic already using the road and junction. With regard to these factors and that there is no objection from the Local Highway Authority or the Council's Highway Consultant, no harm to highway safety would arise.
13. Whilst noting concerns about sewerage infrastructure and a loss of hedgerow, there is no substantive evidence before me that the proposal would lead to or exacerbate any existing capacity issues or cause harm to wildlife. Similarly, I have no substantive evidence that an additional one-bedroom dwelling would cause capacity problems at the school or healthcare facilities.
14. In carrying out the development, the developer would have to ensure that they complied with any regulations that may require suitable disabled access and that they did not cause damage to neighbouring property. I note that some concerns have been expressed around the Council's notification procedure and the Parish Council meeting, but these matters have little to do with the planning merits of this case.
15. Although it did not form a reason for refusal, the Council has indicated that the setting of the grade II listed Stanchester House would be affected. However, given the site's location amongst other development and the character of the boundary to the listed building on the opposite side of Currywoods Way, I do not concur with this view.

Conditions

16. A condition is required to seek approval of the external materials in the interests of the character and appearance of the area. Conditions are required to secure the laying out and future protection of the parking and turning areas and visibility splays, together with a scheme to prevent surface water discharge to the highway, in the interests of highway safety. Given the size of the site and its proximity to boundaries, permitted development (PD) rights for future extensions and new openings should be removed to protect living conditions and a plans condition is required in the interests of certainty.
17. I have made some revisions to the Council's suggested conditions to ensure compliance with the Framework and I have amalgamated the suggested conditions removing PD rights in the interests of clarity. There has been no reason put to me that external materials should be approved prior to the commencement of development, so I have amended the suggested timing. Whilst noting the Council's request, it is not my role to draw the appellant's attention to any other obligations that they may have.

Conclusion

18. My findings on the main issues indicate that the proposal complies with the development plan, including LP Policy SD1 that gives support to proposals that

comply with the development plan and the Framework considered as a whole. For the reasons given above I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: F1423/001b, F1423_100c and F1423_101.
- 3) No wall construction shall take place until samples of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details prior to the occupation of the dwelling and shall thereafter be retained as such.
- 4) The area allocated for parking and turning on the approved plan, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted and the existing property referred to as 'Stancrest'.
- 5) There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of the visibility splays indicated on drawing 'F1423_101'. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
- 6) The proposed access and turning space indicated on drawing 'F1423_101', shall be properly consolidated and surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such approved details shall be carried out prior to the occupation of the dwelling hereby approved and shall thereafter be retained as such.
- 7) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use and shall thereafter be maintained as such.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling, and no windows/dormer windows or other openings (including doors) other than those expressly authorised by this permission shall be constructed.