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## Appeal Decision

Site visit made on 4 November 2014

**by Nick Fagan BSc (Hons) DipTP MRTPI**

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

Decision date: 10 November 2014

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**Appeal Ref: APP/R3325/D/14/2224796**

**21 Mount Pleasant, Yeovil, Somerset BA21 4JL**

- 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 Barry Upshall against the decision of South Somerset District Council.
  - The application Ref 14/03111/FUL, dated 1 July 2014, was refused by notice dated 19 August 2014.
  - The development proposed is a front porch.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed porch on the character and appearance of the area.

### Reasons

3. The appeal property is a two-storey mid-terrace house situated in this hilly inner suburban part of the town characterised predominantly by Victorian/Edwardian terraced houses.
4. Some of the end-of-terrace houses on Mount Pleasant have similar front porches, notably those at Nos 27, 34 and 44, the latter property being directly opposite No 21. The pair of semi-detached houses at Nos 1 and 3 also has an original shared gabled front porch.
5. However, none of the mid-terraced houses on the street have a front porch. The houses on Mount Pleasant are set back a very short distance from the footway and the front porches on the above end-of-terrace houses are therefore relatively prominent.
6. The proposed porch would be much more prominent because of its forward projection from the uniform front building line of the terrace, which is only broken at present by the porch at No 27 at its eastern end. Its impact would be made worse by the fact that its return wall would directly abut the property's front window. It would consequently seriously harm the character and appearance of the existing terrace in the local street scene.
7. The appellant argues that there are other similar porches on Grass Royal and neighbouring roads. There is a porch on the end-of-terrace house at 9 Grass

Royal but its impact is no different to that of those on the above end-of-terrace houses on Mount Pleasant. Most of the other houses on Grass Royal are of more recent origin and are set back further from the street so the impact of any added front porches on the street scene is minimal.

8. The appellant has provided a photograph of a front porch on a mid-terrace house in a 'neighbouring road' that extends to the back edge of the footway. However, no address is provided for this example beyond the 'No 18' which can be seen on the photograph. I am not therefore aware of the location of that porch. It is not within sight of the appeal property and so I give it little weight in assessing the impact of the proposal on the immediate street scene.
9. For the above reasons I conclude that the proposed porch would seriously harm the character and appearance of the area.
10. Policies ST5 and ST6 of the adopted South Somerset Local Plan require new development to respect the form, character and setting of the locality. For the above reasons the proposal would fail to do so and it would therefore be contrary to these policies in the development plan, as well as to national policy guidance on the design of new development set out in the National Planning Policy Framework.
11. For the reasons given above I conclude that the appeal should be dismissed.

*Nick Fagan*

INSPECTOR



## Appeal Decision

Site visit made on 7 October 2014

by **J J Evans BA (Hons) MA MRTPI**

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

Decision date: 12 November 2014

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**Appeal Ref: APP/R3325/A/14/2223133**

**109 Seaton Road, Yeovil, Somerset BA20 2AP**

- 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 Mrs Jennifer Jones of Little Lights Childcare against the decision of South Somerset District Council.
  - The application Ref 14/01442/COU, dated 14 March 2014, was refused by notice dated 21 May 2014.
  - The development proposed is the change of use to residential and childminding.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The mixed use of the appeal property has been occurring for almost three years, albeit without planning permission. However, the planning application considered by the Council sought to increase the number of children looked after at the appeal property to a maximum of nine at any one time. For this number of children there would be a requirement for two staff to be present.
3. Pursuant to the Council's refusal of the planning application, in the appeal submission the appellant has requested the reduction of the number of children to seven, with one assistant. The proposed reduction in both numbers of children and staff would fundamentally alter the nature of the planning application. Whilst the Council's Environmental Protection Officer has raised no objection to the proposed change, the appeal scheme is a significant departure from the one the Council determined and consulted on. Notwithstanding the revised scheme submitted for the appeal, I have therefore considered it on the basis of the details determined by the Council, and not the amended scheme as submitted for the appeal.

### Main Issues

4. The main issues are, firstly, the effect of the proposed mixed use on the living conditions of nearby residents, with particular regard to noise and disturbance; and secondly, the effect of the proposed parking arrangements on highway safety.

## Reasons

### *Living Conditions*

5. The appeal property lies within a residential area comprising mostly terraced and semi-detached houses of similar ages and styles. The properties are closely spaced with narrow side access gaps between the houses. Seaton Road is a long, no-through road, with the houses set back behind front gardens, some of which provide parking spaces. Further parking occurs along the road. There are several footpaths linking the road to the surrounding area.
6. 109 Seaton Road is one half of a pair of two storey semi-detached houses. There is parking for three cars within the front garden of the house. Both No 109 and the adjoining property have two and single storey rear extensions. The deep and level rear garden of the appeal property is mostly laid to grass with a large patio adjacent to the house, and is of a similar size to that of the neighbouring gardens. Timber fences bound the sides, whilst to the rear is a mature hedge, beyond which is an area of open space. Access to this and the cyclepath that runs along the airfield is gained by the public footpath that runs along the eastern boundary of the appeal site.
7. The proposed change of use is already occurring, albeit with fewer numbers of children being looked after than the proposed nine. Whilst two of the children currently looked after are the appellant's own, there would nonetheless be nine children at the property at any time. In addition, there would be two staff members to look after the children. Whilst the hours of care required by the parents would vary, there would be several adults and children present on the site. There would be recurrent comings and goings to the property, including early in the morning. I appreciate some car sharing occurs. However, even if arrival and departure times were staggered, due to the number of children and staff on site there would be frequent and regular disturbance to the neighbouring properties in the area.
8. The road has no turning head and turning around has to be undertaken in the carriageway. The property lies close to the end of the road. The absence of a turning space either within the appeal site or the highway would involve vehicles having to undertake much manoeuvring to turn around. Cars parked on the road would add to the number and complexity of these manoeuvres. Whilst I note the appellant's contention that one of the parking spaces would be unoccupied for much of the time, this could not be guaranteed. The number and frequency of the vehicle movements would increase the noise and disturbance experienced by nearby residents.
9. The appellant has referred to the absence of complaints concerning the current business, and that the property benefits from good insulation, with the main play room being in the extension. Be that as it may, it was apparent from my visit to the house that the whole of the ground floor was used by the children. I also understand from the appellant that a further room upstairs is used to provide a sleep room. The front garden has been laid to hardstanding to provide for three car parking spaces, whilst the rear garden is used for outside activities. Outdoor play would be required for the children on a daily basis. Much of the property would therefore be used by the business. Despite the boundary treatments to the garden and the requirements for supervision, the

level of noise and disturbance would be in very close proximity to neighbouring properties.

10. Furthermore, it would be difficult to satisfactorily mitigate the noise the children could make when outside. I appreciate there is already noise from passing aircraft, but it is intermittent. Whilst I note the suggestion of a condition to limit the use of the garden to two hours a day, I do not consider this would be either enforceable or reasonable, particularly with the vagaries of the weather and the demands of the business.
11. I have also taken into consideration the appellant's request for a trial period of operating the business with nine children. However, the application was made for a permanent use of the site for the mixed uses, and as such I have considered the appeal on this basis.
12. I therefore find the proposed mixed use of the property would result in unacceptable levels of noise and disturbance to the occupiers of neighbouring properties. This would be contrary to the requirements of Policy ST6 of the South Somerset Local Plan (2006) (LP) that seeks, amongst other things, to protect the residential amenity of the occupiers of adjacent properties. Moreover it would not accord with the planning principle of the National Planning Policy Framework (the Framework) that seeks a good standard of amenity for all existing and future occupants of land and buildings.

#### *Highways Safety*

13. Like many of its neighbours, No 109 has parking provision within its front garden. The three spaces provide parking for the appellant and her family, her staff, and visitors to the house. The property is close to footpaths and cyclepaths that link to the surrounding area, and these would provide sustainable options for accessing the site other than using the private car.
14. The appellant has referred to the existing member of staff walking to work. However, this circumstance may change. Despite the sustainable location of the property and the intention of the appellant to promote cycling to the site, it would not be unreasonable to assume that many of the children would arrive and be collected by car. Furthermore, it is likely that parents would park as close to the property as possible when collecting or dropping off their children.
15. Seaton Road serves a number of residential properties. Whilst there is on road parking provision along much of its length, towards the end of the road it is restricted by the presence of parking within the front gardens of many of the houses. I accept that drop-off and collection times may be staggered and that parents could park outside the appeal property. However, this space would be limited. The number and frequency of trips would mean that parents would be likely to park in the road, close to the site. Moreover, the demand in the area for on street parking would increase in the evenings and early in the morning, which are likely to be busy times for the business. As such, I do not consider the proposed use of the property would provide sufficient off road car parking provision.
16. I note from the appellant that there are no specific parking standards for nurseries and that others are operating with fewer parking spaces than would be available on the appeal site. However, I do not have the full details of these businesses before me, and cannot make a comparison between them and the

proposed use. Moreover, each appeal has to be treated on its own individual merits in accordance with the requirements of the development plan and all other material considerations, as I have undertaken in this case.

17. In this particular instance, I find the proposed mixed use would not accord with the requirements of the Framework that requires the provision of appropriate levels of parking, which is consistent with the requirements of LP Policy TP6 and the Highways Development Control Standing Advice (2013).

**Other Matters**

18. The appellant's concerns regarding the Council's handling of the application relate to procedural matters and have had no bearing on my consideration of the planning merits of the case.

**Conclusion**

19. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 7 October 2014

by **J J Evans BA (Hons) MA MRTPI**

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

Decision date: 31 October 2014

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**Appeal Ref: APP/R3325/A/14/2223035**  
**94 - 98 Sherborne Road, Yeovil, Somerset**

- 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 Garry Britton of Chamba Developments against the decision of South Somerset District Council.
  - The application Ref 14/00688/FUL, dated 6 February 2014, was refused by notice dated 21 May 2014.
  - The development proposed is two new residential dwellings (3 bed) with associated parking.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are firstly, the effect of the proposed dwellings on highway safety; and secondly, the effect on the living conditions of the future occupiers of the proposed properties, with particular regard to daylight and outlook.

### Reasons

#### *Highway Safety*

3. The appeal site lies close to the centre of Yeovil, within an area comprising mostly residential properties, amongst which a few commercial premises are scattered. Like most of the other houses along the southern side of Sherborne Road, the rectangular shaped appeal site is elevated above the level of the highway. A narrow pavement runs along the front of the existing retaining wall to the site, with a private road, Hill View, bordering the eastern side. This road is mostly single width, and provides access to the houses in Penfield, Hill View and Hillside Terrace.
4. The appeal site benefits from extant planning permission for two semi-detached houses that use Hill View to access the main road. The appellant considers that the proposed scheme, with its access from Sherborne Road, would be preferable to the use of Hill View as the high wall of Cherry Tree Cottage severely restricts visibility. I agree that the use of this access onto Sherborne Road has restricted visibility when looking up the hill.
5. However, Sherborne Road is a wide and heavily trafficked main road. Double yellow lines run along much of its length, with two sets of traffic lights near the site. During my mid-morning site visit, it was apparent that the road is very

busy. At times, due to the nearby traffic lights, vehicles were queued in front of the appeal site.

6. The provision of the proposed access may well offer improved visibility when compared to that of Hill View, and I accept it would move vehicles away from the bend in Sherborne Road. However, even with the proposed pillared frontage to the houses, visibility would be restricted. The proposed side walls to the houses would in themselves impede visibility, including views of any vehicles leaving Hill View. The restricted visibility of the proposed access, the proximity of it to Hill View, combined with the nature of Sherborne Road and the amount of traffic using it, would not provide safe and suitable access to the site.
7. Furthermore, I share the Council's concerns as to the adequacy of the proposed turning space. Entering and leaving the site would be dependent on the turning space remaining unobstructed at all times. Due to the amount of space available manoeuvring into any of the proposed four parking spaces would require several movements. The temptation would be to reverse out onto Sherborne Road. As such I do not consider the parking and turning arrangements would provide safe vehicular movements into and out of the site.
8. The appellant has referred to the proposed scheme providing more parking than the existing permission for houses on the site, and that it would reduce on street parking demand. Be that as it may, there is no on street parking along Sherborne Road, and Hill View is a private road. I also note the appellant's contention that the use of Hill View would not comply with the requirements of the Council's Highways Development Control Standing Advice (2013) (SA). Nevertheless, it would concentrate vehicular movements into one location. Moreover, I do not have the full details of the permitted scheme before me. Each appeal has to be treated on its own individual merits in accordance with the requirements of the development plan and all other material considerations, as I have undertaken in this case.
9. I appreciate that the proposed access and parking provision would provide larger rear gardens for the future occupiers of the houses than with the permitted scheme, and give a separate access and egress to the site. However, for the reasons given above, I do not consider the proposal would provide safe and suitable access to the site as required by the National Planning Policy Framework (the Framework). Nor would it accord with the requirements of Policy ST5 of the South Somerset Local Plan (2006) (LP) and the SA that, amongst other things, require a satisfactory turning space and means of access.

#### *Living Conditions*

10. The ground floor of the proposed houses would provide an entrance hall, wet room and bedroom to each dwelling. Due to the slope of the land the windows to these bedrooms would overlook the proposed parking spaces. The windows would look out over the covered parking and turning areas. As such, levels of daylight to the bedrooms would be severely limited.
11. In addition the proposed car parking spaces would be directly in front of the bedroom windows. Any cars parked in these spaces would not only give a restricted and oppressive outlook to the future occupiers of these rooms, but would further limit the levels of natural light available to them. As such I do



not consider the proposed scheme would provide acceptable living conditions to the future occupiers of the houses with regard to outlook and daylight.

12. I note the appellant considers the appeal proposal would offer better accommodation than the permitted scheme, and that the proposed ground floor bedrooms could be for occasional or other uses. However, the appellant's suggestion of a condition to restrict the use of these rooms so that they would not be used as bedrooms would neither be reasonable nor enforceable. Nor would such a condition overcome the limited natural light levels to these rooms or the oppressive outlook.
13. The Council considers the proposal would be contrary to the requirements of LP Policy ST6. Caveat 6 of this policy refers to the protection of the residential amenity of the occupiers of adjacent properties. However, in this particular instance the harm of the proposal would be to the future occupiers of the proposed houses, not that of adjacent properties. Notwithstanding this, the proposal would not accord with the planning principle of the Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

#### **Conclusion**

14. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR